

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND PRECISE DEVELOPMENT PLAN, ZONE CHANGE FROM CG TO PD-R 24 AND AN AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD NEIGHBORHOOD PLAN FOR APPROXIMATELY 4.9 ACRES OF LAND GENERALLY LOCATED ON THE WESTERN SIDE OF SOUTH CENTRE CITY PARKWAY AND SOUTH OF BROTHERTON ROAD, ADDRESSED AS 2329 S. CENTRE CITY PARKWAY

Planning Case Nos.: PHG15-0031 and AZ15-0002

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. That on April 26, 2016, the Planning Commission recommended denial of the proposed Master and Precise Development Plan to develop 113 residential condominium units, Zone Change from CG (General Commercial) to PD-R 24 (Planned Development–Residential, up to 24 dwelling units per acre), and an Amendment to the South Escondido Boulevard Neighborhood Plan to allow a residential development without a mixed-use component on the approximately 4.9-acre subject site.

SECTION 3. As the final decision making body on this matter, the City Council has made findings in Resolutions 2016-66 and 2016-67, and determined to reverse the decision of the Planning Commission.

SECTION 4. That the City Council has reviewed and considered the Mitigated Negative Declaration (City File No. ENV15-0011) and Mitigation Monitoring Report 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.

SECTION 5. 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, and notwithstanding the Planning Commission determination, 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 6. That the Zone District Map of the City of Escondido is hereby amended by reclassifying the real property described and depicted on Exhibit "C" from CG to PD-R 24.

SECTION 7. That Section 6. Uses and Structures, of the South Escondido Boulevard Neighborhood Plan is hereby amended to include the following language:

- (f) *Residential development without a commercial component may be permitted on the 4.9-acre property located on the southwestern corner of Brotherton Road and S. Centre City Parkway (APNs 238-130-11, -26, -27, -35 and -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 shall be a*

maximum of 24 dwelling units per acre and the maximum height shall be three stories.

SECTION 8. 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 113 residential condominium units subject to the Conditions of Approval and Mitigation Monitoring Report attached as Exhibit "B," on approximately 4.9 acres of land located on the eastern side of South Centre City Parkway and southern side of Brotherton Road, addressed as 2329 S. Centre City Parkway, 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 9. 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 25th day of May, 2016 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, ABED

NOES : 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. 2016-05 passed at a regular meeting of the City Council of the City of Escondido held on the 25th day of May, 2016, after having been read at the regular meeting of said City Council held on the 11th day of May, 2016.


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

ORDINANCE NO. 2016-05

EXHIBIT "A"

FINDINGS OF FACT/FACTORS TO BE CONSIDERED PHG15-0031, AZ15-0002

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 uses along the South Escondido Boulevard Corridor Area 'B.' The site also is located within the South Escondido Boulevard Neighborhood Plan, which is an overlay zone 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. The proposed overall density of the project would be approximately 23 du/ac (113 residential units/4.9 acres) and would be in conformance with the density requirements of the South Escondido Boulevard Neighborhood Plan of 24 du/ac. The General Plan allows for both mixed-use and exclusively residential development within a target area of the South Escondido Boulevard Neighborhood Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). Mixed-Use development within the Target Area is required to provide a minimum density of 30 dwelling units per acre. While a density standard has not been adopted in the General Plan for exclusively residential development, it is expected the forthcoming update to the South Escondido Boulevard Neighborhood now underway will establish a lower density for exclusively residential development consistent with the current density provisions of the South Escondido Boulevard Neighborhood Plan.
2. The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The 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.
3. The design and improvement of the proposed planned development and subdivision is consistent with the General Plan and the South Escondido Boulevard Neighborhood Plan as noted above and detailed in the staff reports prepared for the project. The proposed multi-family type development is permitted in the Centre City Parkway/Brotherton Road Target Area and the development is consistent with the development standards established for the South Escondido Boulevard Neighborhood Plan, except where noted and analyzed in this staff report.
4. The approval of the proposed Master and Precise Development Plan would be based on sound principles of land use and is well-integrated with its surroundings near residentially and commercially developed properties because adequate parking, access, on-site circulation, utilities, as well as appropriate setbacks and perimeter landscaping would be provided (as detailed in the staff report and Final Mitigated Negative Declaration). The residential project also would not be out of character for the area which contains other multi-story residential developments. The design of the project would be in conformance with the South Escondido Design Guidelines because the project would provide residential units with varying number of rooms and sizes to accommodate a wide range of housing needs (with ownership opportunities). The project includes a variety of amenities such as individual balconies for selected units, enhanced walkways and paving, and active and passive recreation/landscape features. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
5. 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 the subject parcels are relatively flat and extensive grading is not proposed. 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 design of the project would be compatible with the variety of residential and commercial development surrounding the site and located along the commercial corridor.

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. 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 along a commercial corridor and not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features.

6. The overall design of the proposed planned development would produce an attractive residential development because the project contains a mix of townhome/condominium type units (with ownership opportunities) and landscape amenities that provide an appropriate transition between the adjacent residential and commercial land uses. Although the buildings would be larger and taller than adjacent one- and two-story residential structures, the overall mass and height of the three-story units and compatibility with the surrounding neighborhood has been addressed through the use of multiple smaller building groups rather than fewer but larger buildings; architectural style and building materials similar to adjacent single- and multi-family development; varied building setbacks around the perimeter of the site and larger setbacks adjacent to residential uses; varied wall planes and roof lines; and perimeter fencing/walls and landscaping to provide the appropriate transition between the adjacent land uses.
7. The uses proposed have a beneficial effect not obtainable under existing zoning regulations because the project proposes an exclusively residential development within the South Escondido Boulevard Neighborhood Plan that would be more compatible with the surrounding neighborhood than a typical commercial project or higher density mixed-use development. The project must be processed through the Planned Development process in accordance with the South Escondido Boulevard Neighborhood Plan (Ord. 92-01 and 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 on all four sides of the two project components to correspond to the variety of adjacent land uses. 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.
8. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in ENV15-0011) are that the Initial Study identified effects related to biological resources, geology/soils, noise, cultural and tribal cultural resources 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.

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 CG (General Commercial) to PD-R (Planned Development-Residential) because the General Plan allows for mixed-use and exclusively residential development within a target area of the South Escondido Boulevard Neighborhood Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). While mixed-use residential development within the Target Area is required to provide a minimum density of 30 dwelling units per acre, the project provides an overall density of 23 dwelling units per acre and there is no minimum density requirement for exclusively residential development. The proposed project would provide an appropriate transition from the lower density single-family residential development on the west, multi-family development on the southwest and adjacent commercial development to the north, south and east across Centre City Parkway. 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 Final Mitigated Negative Declaration (MND).
2. The property involved is suitable for the uses permitted by the proposed PD-R zone because the General Plan and Neighborhood Plan for the parcels currently allow for multi-story residential development. 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 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 because a mix of commercial, utility, multi- and single-family residential uses surround the project site. The proposed PD-R 24 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 as detailed in the sections above. 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, as detailed in the staff report and environmental analysis (ENV15-0011).
4. The proposed zone change would not conflict with any specific plans for the area because 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. The proposal to allow an exclusively residential project in this location would be appropriate because this type of development would serve as an appropriate transition between the mix of commercial, utility and commercial uses. An exclusively residential development at this location would provide an additional catalyst for future residential, mixed-use and commercial development to support the General Plan goals and vision along this corridor.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Del Prado North and South
SUB15-0022 and SUB15-0023, PHG15-0031

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. 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. 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.
7. All habitable buildings shall be noise-insulated to maintain interior noise levels not to exceed 45 dBA or less. An Acoustical Analysis (Interior Noise Assessment) 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.
8. 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.
9. Three (3) copies of the tentative map, reflecting any modifications 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.
10. Any parcels not associated with this Tentative Map shall be labeled "Not a Part."
11. Copies of the CC&Rs shall be submitted to the Engineering Division and Planning Division for review and approval prior to Final Map and grading plans for the project. 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 two 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.

12. 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, on-site vehicular maintenance and guest parking.
13. 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. 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.
14. A separate sign permit would be required for any project identification in conformance with the City's Sign Ordinance. Any additional signage not included as part of this Planned Development would be subject to the City's Sign Ordinance for multi-family residential projects. The final location and design/height of the monument signs shall ensure appropriate sight distance is maintained at intersections and driveways, and signs are placed outside of the right-of-way, to the satisfaction of the Engineering Division.
15. 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.
16. A minimum of 252 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. On-street parking spaces along Brotherton Road may be counted towards meeting the guest spaces for the project, to the satisfaction of the Director of Community Development.
17. All project generated noise shall conform with the City's Noise Ordinance (Ordinance 90-08).
18. Any decorative pavement, driveways and sidewalks shall be indicated on the grading, building and landscape plans, including appropriate notes regarding type and color of materials.
19. Balconies, patios and courtyards shall be kept in a neat and orderly manner. Items stored on balconies should be kept out of view or properly screened. Items shall not be hung over, across or on balconies or patios (such a towels, clothing, etc.). This condition shall be included in the CC&Rs.
20. All new utilities shall be underground.

21. Appropriate backup/kicker areas shall be provided at the terminus of drive isles. These area shall be identified on the grading and site plans.
22. 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.
23. The Master and Precise Development Plan approvals shall expire concurrently with the expiration of the companion tentative subdivision map(s), unless an extension of time is granted.
24. The project shall be in compliance with all of the following mitigation measures, as well as the Air Quality, Geology/Soils, Greenhouse Gas, and Hazards and Hazardous Materials Design Measures identified in the Final MND:

BIO-1 Avoidance of Nesting Raptors.

To prevent impacts to nesting raptors protected under the federal MBTA and CFG Code, the City shall enforce the following: 1. If construction occurs during the raptor nesting season (January 15 through July 31), and where any mature tree or structure capable of supporting a raptor nest occurs within 500 feet of proposed project construction activities, the project applicant shall retain a qualified biologist to conduct a pre-construction survey for nesting raptors prior to clearing, grading and/or construction activities. The survey shall be conducted within 72 hours prior to the start of construction. The project applicant shall not be responsible for physically surveying off-site habitat where access is not permitted; the qualified biologist shall visually inspect these off-site areas with the aid of binoculars or a spotting scope.

BIO 2.

If any nesting raptors are present on or within 500 feet of the proposed project construction area, the project applicant shall retain a qualified biologist to flag and demarcate the location of all nesting raptors and monitor construction activities. Active nests within off-site areas where access is not permitted shall not be flagged or demarcated. Temporary avoidance of active raptor nests, including the enforcement of an avoidance buffer of 500 feet, shall be required until the qualified biologist has verified that the young have fledged or the nest has otherwise become inactive. The avoidance buffer may be reduced at the discretion of the qualified biologist and with written consent from the USFWS and CDFW. If the qualified biologist determines that a narrower buffer is warranted, the qualified biologist shall provide USFWS and CDFW with a written explanation as to why. Based on the submitted explanation, USFWS and CDFW would determine whether to allow the narrower buffer. Avoidance buffers for active nests within off-site areas where existing developments already occur shall not be required.

CUL-1

The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols

and procedures between 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-2

Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

CUL-3

The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

CUL-4

During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

CUL-5

In the event that previously unidentified Tribal Cultural Resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

CUL-6

If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

CUL-7

The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant Tribal Cultural Resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the

amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

CUL-8

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

CUL-9

If the qualified archaeologist elects to collect any 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-10

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

GEO-1

Implementation of Geotechnical Recommendations. The site-specific Geotechnical Investigation includes a number of general and specific recommendations that shall be implemented in the design and construction of the proposed project to minimize (a) the potential for exposure to soils with corrosive properties and associated potential for deterioration and eventual failure of underground concrete and metal structures, and (b) the potential concern associated with expansive soils on site, as summarized herein. Corrosion recommendations that shall be implemented include, but are not limited to: (1) further testing by a firm that specializes in corrosion engineering to determine next steps associated with corrosive soils, if any. Expansive

soils recommendations that shall be implemented include, but are not limited to: (1) removal of unsuitable materials during site preparation and grading; (2) confirmation that fill material exhibits "very low" or "low" expansion potential (per CBC standards); and (3) testing of proposed fill materials for suitability (including expansion potential). Finally, site grading plans shall be reviewed by a qualified geotechnical consultant prior to final design submittal to determine if additional analysis and recommendations beyond those summarized above (and listed in full in the Geotechnical Investigation) are required. Any and all geotechnical recommendations shall be fully implemented in accordance with applicable industry/regulatory standards (e.g., the CBC requirements).

NOI-1

Interior Noise Attenuation. Interior noise levels for the proposed residences shall not exceed 45 CNEL. Once specific building plan information is available, additional exterior-to-interior noise analysis shall be conducted for the proposed residences that face Brotherton Road or S. Centre City Parkway where exterior noise levels are expected to exceed 60 CNEL to demonstrate that interior levels do not exceed 45 CNEL. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. The analysis shall also assume a "windows-closed" condition and that vehicles on Centre City Parkway are traveling at 50 mph. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms. Standard measures such as glazing with Sound Transmission Control (STC) ratings from a STC 22 to STC 60, as well as walls with appropriate STC ratings (34 to 60), should be considered. Appropriate means of air circulation and provision of fresh air would be provided to allow windows to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2001 California Building Code).

NOI-2

Vibration Attenuation. The construction contractor shall not operate a vibratory roller, or equipment with the potential to result in an equivalent level of vibration, that results in a level that exceeds 80 VdB at off-site residences or 83 VdB at the off-site KinderCare childcare center. Operation of a vibratory roller or equivalent shall be avoided within 75 feet of any off-site residence or 60 feet of the off-site childcare center.

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.
3. 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. The larger storm water feature located on Del Prado North shall include accent trees along the slope areas if the placement would not

conflict with the storm water design/function. The two larger storm water features on Del Prado South shall incorporate trees into the design where the placement does not conflict with any public utility easements/improvements.

4. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
5. 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.
6. 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.
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.

**ENGINEERING CONDITIONS OF APPROVAL
SUB 15-0022, Del Prado North**

GENERAL

1. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement Plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a landscape Architect. 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 performance, labor and material and guarantee and warrantee bonds for all public improvements and a grading bond for all grading, landscaping and private improvements (not including the buildings) prior to approval of the Grading/Private Improvement Plan, Final Map, and Improvement Plans. All improvements shall be completed prior to issuance of Occupancy Permit.
2. 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.
3. No construction permits will be issued prior to recordation of Final Map, unless Final Map review has been completed, 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.
4. 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.
5. 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.
6. The project owner shall submit to the Planning Department 3 copies of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be certified 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, 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:

<u>STREET</u>	<u>CLASSIFICATION</u>
S. Centre City Parkway	Local Collector
Brotherton Road	Unclassified Local Collector

3. The project owner shall be responsible for construction of frontage improvements along Brotherton Road to Local Collector Street standards with modified curb returns and signing and striping as indicated on the project Tentative Map and to the satisfaction of the City Engineer. Required improvements shall include upgrading or remove and reconstruction of existing roadway section to Local Collector standards.
4. The project owner shall be responsible for construction of frontage improvements along S. Centre City Parkway to Local Collector Street standards to provide for minimum 36 feet of roadway width (width could be reduced to 32 feet where existing power poles are in conflict with improvements). A curb shall be installed along the easterly edge of the roadway. Required improvements shall include upgrading or remove and reconstruction of existing roadway section to Local Collector standards. The project owner is required to stabilize all disturbed areas along the easterly side of S. Centre City Parkway to the requirements of the City Engineer.
5. The project owner shall be required to modify the existing intersections of Brotherton Road with Centre City Parkway and S. Center City Parkway with signing, striping and southwest corner surface improvements in accordance with the project Tentative Map and to the requirements of the City Engineer.
6. City standard Street Lights shall be installed at project entrance, intersection of Brotherton Road with S. Centre City Parkway and along project frontages in accordance with the City Design Standards.
7. The project owner's engineer shall prepare and submit for approval by the City Engineer a complete final signing and striping plan for intersections of Brotherton Road with Centre City Parkway and S. Centre City Parkway and along project's frontages on Brotherton Road and S. Centre City Parkway. Signing and striping design shall include a stop control for the east bound traffic on Brotherton Road at S. Centre City Parkway. The developer will be responsible for removal of all existing signing and striping, pavement rehabilitation to allow for new signing and striping and construction of all new signing and striping to the satisfaction of the City Engineer.
8. All onsite streets are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. A Homeowners Association will be responsible for the maintenance of all onsite streets.
9. The project owner shall be required to design an onsite signing and striping plan that includes signage and striping at the project access on Brotherton Road.

10. The project owner 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.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Division. 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 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.
3. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
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 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.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
7. Prior to approval of final plans, the project owner will be required to obtain permission from adjoining property owners for any off-site improvements, grading and slopes necessary to construct the project and/or the required improvements.

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 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. All onsite

cistern or other hydro-modification facilities for treatment facilities shall be located outside public easements.

2. All proposed onsite drainage system, storm water treatment and hydro-modification facilities and their drains shall be maintained by Home Owners' Association. Provisions stating this shall be included in the CC&Rs.
3. All frontages landscaping along Brotherton Road and S. Centre City Parkway shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.
4. The developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. This Agreement shall be referenced and included in the CC&Rs.

WATER SUPPLY

1. The project owner is required to design and construct water improvements for the project in accordance with City Design Standards and Standard Drawings and to the requirements of the Utilities Engineer.
2. All onsite public and private water facilities such as valves, meters, detector checks and fire hydrants shall be designed to be located as determined by the Fire Marshal and Utilities Engineer.

SEWER

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

CC&Rs

1. Copies of the CC&R's (along with the appropriate review fee) shall be submitted to the Engineering Division and Planning Department for approval prior to approval of the Final Map.
2. The project owner shall make provisions in the CC&Rs for maintenance by the homeowners' association of all, lightings, signing and striping, parkway landscaping and irrigation, walls, storm water treatment basins and facilities, sewer laterals, common open spaces, public utilities easement area and internal streets. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. CC&Rs shall make provisions for maintenance of frontage landscaping, irrigation, fencing, and retaining walls along project frontages on Brotherton Road and S. Centre City Parkway by the Homeowners' Association.

4. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan for the project.
5. The CC&Rs must state that the homeowners association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association when repair or replacement of private utilities is done.
6. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the Homeowners' Association is responsible for replacing the pavers and/or stamped concrete in kind if the City has to trench the street or within public utilities easements for repair or replacement of an existing utilities.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The project owner shall make all necessary dedications for public rights-of-way for public streets or public utilities and emergency access easements for the private streets according to the following street classifications.

<u>STREET</u>	<u>CLASSIFICATION</u>
S. Centre City Parkway	Local Collector
Brotherton Road	Unclassified Local Collector

All necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.

2. Necessary public utilities easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly to the requirements of the Utilities Engineer.
3. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map. Necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.
4. The project owner 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.
5. The project owner shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.

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 Final Subdivision Map. All development impact fees are paid at the time of Building Permit.
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 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 \$50,000.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along frontage of the fronting streets shall be relocated underground as required by the Subdivision Ordinance. 69 KV lines are exempt from undergrounding, however, all other SDG&E lines and other utility companies lines occupying the same poles will be subject to undergrounding.
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.

**ENGINEERING CONDITIONS OF APPROVAL
SUB 15-0023, Del Prado South**

GENERAL

- 1 Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement Plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a landscape Architect. 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 performance, labor and material and guarantee and warrantee bonds for all public improvements and a grading bond for all grading, landscaping and private improvements (not including the buildings) prior to approval of the Grading/Private Improvement Plan, Final Map, and Improvement Plans. All improvements shall be completed prior to issuance of Occupancy Permit.
- 2 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.
- 3 No construction permits will be issued prior to recordation of Final Map, unless Final Map review has been completed, 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.
- 4 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.
- 5 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.
- 6 The project owner shall submit to the Planning Division 3 copies of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be certified by the Planning Division verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for 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:

<u>STREET</u>	<u>CLASSIFICATION</u>
S. Centre City Parkway	Local Collector

The project owner shall be responsible for construction of frontage improvements along S. Centre City Parkway to Local Collector Street standards to provide for minimum 36 feet of roadway width (Width could be reduced to 32 where existing power poles are in conflict with improvements). A curb shall be installed along the easterly edge of the roadway. Required improvements shall include upgrading or remove and reconstruction of existing roadway section to Local Collector standards. The project owner is required to stabilize all disturbed areas along easterly side of S. Centre City Parkway to the requirements of City Engineer.

- 3 City standard Street Lights shall be installed at project entrance on S. Centre City Parkway and along the roadways in accordance with the City Design Standards.
- 4 The project owner's engineer shall prepare and submit for approval by the City Engineer a complete final signing and striping plan for Brotherton Road. The project owner will be responsible for refreshing the existing intersection striping at Citracado Parkway and S. Centre City Parkway, if required by the City Engineer based on intersection striping condition prior to project completion. The project owner will be responsible for removal of all existing signing and striping, pavement rehabilitation to allow for new signing and striping and construction of all new signing and striping to the satisfaction of the City Engineer.
- 5 All onsite streets are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. A Homeowners Association will be responsible for the maintenance of all onsite streets.
- 6 The project owner shall be required to design an onsite signing and striping plan that includes signage and striping at the project access on S. Centre City Parkway.
- 7 The project owner 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 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 Division. 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 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.
- 3 Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
- 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 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.
- 6 All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
- 7 Prior to approval of final plans, the project owner will be required to obtain permission from adjoining property owners for any off-site improvements, grading and slopes necessary to construct the project and/or the required improvements.

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 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. All onsite cistern or other hydro-modification facilities for treatment facilities shall be located outside public easements.
- 2 All proposed onsite drainage system, storm water treatment and hydro-modification facilities and their drains shall be maintained by homeowners' association. Provisions stating this shall be included in the CC&Rs.
- 3 All frontages landscaping along S. Centre City Parkway and Brotherton Road shall be maintained by homeowners association. Provisions stating this shall be included in the CC&Rs.

- 4 The developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. This Agreement shall be referenced and included in the CC&Rs.

WATER SUPPLY

- 1 The project owner is required to design and construct water improvements for the project in accordance with City Design Standards and Standard Drawings and to the requirements of the Utilities Engineer.
- 2 All onsite public and private water facilities such as valves, meters, detector checks and fire hydrants shall be designed to be located as determined by the Fire Marshal and Utilities Engineer.

SEWER

- 1 The project owner is required to design and construct an onsite public sewer system in accordance with the City of Escondido Design Standards and to the requirements of Utilities Engineer. Any changes to the proposed sewer system design due to conflict with other utilities shall, be approved by the Utilities Engineer prior to submittal of final plans for review and approval.
- 2 All sewer laterals within the project are private and shall be maintained by the homeowners association.

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 project owner shall make provisions in the CC&Rs for maintenance by the homeowners' association of all, lightings, signing and striping, parkway landscaping and irrigation, storm water treatment basins and facilities, sewer laterals, common open spaces, public utilities easement area and emergency access road and internal streets. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
- 3 CC&Rs shall make provisions for maintenance of frontage landscaping, irrigation, fencing, and retaining walls along project frontage on S. Centre City Parkway by the Homeowners' Association.
- 4 The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan for the project.

- 5 The CC&Rs must state that the homeowners association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association when repair or replacement of private utilities is done.
- 6 The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the Home Owners' Association is responsible for replacing the pavers and/or stamped concrete in kind if the City has to trench the street or within public utilities easements for repair or replacement of an existing utilities.

FINAL MAP - EASEMENTS AND DEDICATIONS

- 1 The project owner shall make all necessary dedications for public rights-of-way for public streets or public utilities and emergency access easements for the private streets according to the following street classifications.

<u>STREET</u>	<u>CLASSIFICATION</u>
S. Centre City Parkway	Local Collector

- 2 All necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.
- 3 Necessary public utilities easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly to the requirements of Utilities Engineer.
- 4 All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map. Necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.
- 5 The project owner 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.
- 6 The project owner shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.

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 Final Subdivision Map. All development impact fees are paid at the time of Building Permit.
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 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 \$50,000.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along frontage of the fronting streets shall be relocated underground as required by the Subdivision Ordinance. 69 KV lines are exempt from undergrounding, however, all other SDG&E lines and other utility companies lines occupying the same poles will be subject to undergrounding.
2. All new dry utilities to serve the project shall be constructed underground.
3. 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 Reporting Program

PROJECT NAME: Del Prado North and South
PROJECT DESCRIPTION: 113 Unit Condominium-Townhome Project
 Tentative Subdivision Maps, Master and Precise Development Plan

PROJECT LOCATION: 2329 S. Centre City Parkway (APNs 238-130-11, -26, -27 -35 and -36)
 (Note: address and APNs will change with Recordation of Maps and issuance of building permits)
CONTACT PERSON: Brian Nestoroff (Touchstone Communities)
PHONE NUMBER: (858) 248-4952

NEG. SEC. NO. ENV15-0011
ASSOC. CASE NOS.: SUB15-0022 and -23
 PHG15-0031
APPROVAL BODY/DATE: City Council
PROJECT MANAGER: Jay Paul, Assoc. Planner
 (760) 839-4537

Phase at which the Mitigation Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTATION	CERTIFIED INITIAL/DATE	COMMENTS
Biologv Prior to site grading/clearing	BIO-1 Avoidance of Nesting Raptors. To prevent impacts to nesting raptors protected under the federal MBTA and CFG Code, the City shall enforce the following: 1. If construction occurs during the raptor nesting season (January 15 through July 31), and where any mature tree or structure capable of supporting a raptor nest occurs within 500 feet of proposed project construction activities, the project applicant shall retain a qualified biologist to conduct a pre-construction survey for nesting raptors prior to clearing, grading and/or construction activities. The survey shall be conducted within 72 hours prior to the start of construction. The project applicant shall not be responsible for physically surveying off-site habitat where access is not permitted; the qualified biologist shall visually inspect these off-site areas with the aid of binoculars or a spotting scope.	Biology III. No. 1	Applicant/Developer Project Biologist Planning Div.		
Biologv Prior to grading/construction	BIO 2. If any nesting raptors are present on or within 500 feet of the proposed project construction area, the project applicant shall retain a qualified biologist to flag and demarcate the location of all nesting raptors and monitor construction activities. Active nests within off-site areas	Biology III. No. 2	Applicant/Developer Project Biologist Planning Div. Field Eng.		Ordinance No. <u>2016-05</u> Exhibit <u>B</u> Page <u>20</u> of <u>26</u>

	<p>where access is not permitted shall not be flagged or demarcated. Temporary avoidance of active raptor nests, including the enforcement of an avoidance buffer of 500 feet, shall be required until the qualified biologist has verified that the young have fledged or the nest has otherwise become inactive. The avoidance buffer may be reduced at the discretion of the qualified biologist and with written consent from the USFWS and CDFW. If the qualified biologist determines that a narrower buffer is warranted, the qualified biologist shall provide USFWS and CDFW with a written explanation as to why. Based on the submitted explanation, USFWS and CDFW would determine whether to allow the narrower buffer. Avoidance buffers for active nests within off-site areas where existing developments already occur shall not be required.</p>			
<p>Cultural Prior to approval of grading plans/permits</p>	<p>CUL-1 The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between 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>	<p>Cultural IV. No. 1</p> <p>Applicant/Developer Planning Div.</p>		
<p>Cultural Prior to approval of grading plans and issuance of grading permit</p>	<p>CUL-2 Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Cultural IV. No. 2</p> <p>Applicant/Developer Planning Div.</p>		<p>Ordinance No. <u>2016-05</u> Exhibit <u>B</u> Page <u>21</u> of <u>24</u></p>

<p>Cultural Prior to site grading/clearing</p>	<p>CUL-3 The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.</p>	<p>Cultural IV. No. 3</p>	<p>Applicant/Developer Project Archaeologist Monitor Planning Div.</p>		
<p>Cultural During site grading/clearing</p>	<p>CUL-4 During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>Cultural IV. No. 4</p>	<p>Applicant/Developer Project Archaeologist Monitor Planning Div. Field Eng.</p>		
<p>Cultural During site grading/clearing should resource be discovered</p>	<p>CUL-5 In the event that previously unidentified Tribal Cultural Resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	<p>Cultural IV. No. 5</p>	<p>Applicant/Developer Project Archaeologist Monitor Planning Div. Field Eng</p>		
<p>Cultural During site grading/clearing should resources be discovered</p>	<p>CUL-6 If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.</p>	<p>Cultural IV. No. 6</p>	<p>Applicant/Developer Project Archaeologist Monitor Planning Div.</p>		
<p>Cultural During site grading/clearing should resource be discovered</p>	<p>CUL-7 The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant Tribal Cultural Resources and/or unique archaeological resources have been</p>	<p>Cultural IV. No. 7</p>	<p>Applicant/Developer Project Archaeologist Monitor Planning Div.</p>		

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				<p>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.</p>
		<p>Applicant/Developer San Diego Co. Coroner's Office Project Archaeologist Monitor Planning Div.</p>	<p>Cultural IV. No. 8</p>	<p>CUL-8 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p>
		<p>Applicant/Developer Project Archaeologist Monitor</p>	<p>Cultural IV. No. 9</p>	<p>CUL-9 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</p>
				<p>Cultural During site grading/clearing should any remains be discovered</p>

	<p>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>Cultural Prior to release of grading bond</p>	<p>CUL-10 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources</p>	<p>Cultural IV. No. 10</p>	<p>Applicant/Developer Project Archaeologist Engineering Div./Field Engineering Planning Div.</p>	
<p>Geology and Soils Prior to approval of grading plans/permits. Incorporation of recommendations into plans.</p>	<p>GEO-1 Implementation of Geotechnical Recommendations. The site-specific Geotechnical Investigation includes a number of general and specific recommendations that shall be implemented in the design and construction of the proposed project to minimize (a) the potential for exposure to soils with corrosive properties and associated potential for deterioration and eventual failure of underground concrete and metal structures, and (b) the potential concern associated with expansive soils on site, as summarized herein. Corrosion recommendations that shall be implemented include, but are not limited to: (1) further testing by a firm that specializes in corrosion engineering to determine next steps associated with corrosive soils, if any. Expansive soils recommendations that shall be implemented include, but are not limited to: (1) removal of unsuitable materials during site preparation and grading; (2) confirmation that fill material exhibits "very low" or "low" expansion potential (per CBC standards); and (3) testing of proposed fill materials for suitability (including expansion potential). Finally, site grading plans shall be reviewed by a</p>	<p>Geology V. No. 1</p>	<p>Applicant/Developer Project Engineer Engineering Div. Planning Div.</p>	<p>Ordinance No. <u>2016-05</u> Exhibit <u>B</u> Page <u>24</u> of <u>26</u></p>

	<p>qualified geotechnical consultant prior to final design submittal to determine if additional analysis and recommendations beyond those summarized above (and listed in full in the Geotechnical Investigation) are required. Any and all geotechnical recommendations shall be fully implemented in accordance with applicable industry/regulatory standards (e.g., the CBC requirements).</p>			
<p>Noise Prior to issuance of building permit</p>	<p>NOI-1 Interior Noise Attenuation. Interior noise levels for the proposed residences shall not exceed 45 CNEL. Once specific building plan information is available, additional exterior-to-interior noise analysis shall be conducted for the proposed residences that face Brotherton Road or S. Centre City Parkway where exterior noise levels are expected to exceed 60 CNEL to demonstrate that interior levels do not exceed 45 CNEL. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. The analysis shall also assume a "windows-closed" condition and that vehicles on Centre City Parkway are traveling at 50 mph. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms. Standard measures such as glazing with Sound Transmission Control (STC) ratings from a STC 22 to STC 60, as well as walls with appropriate STC ratings (34 to 60), should be considered. Appropriate means of air circulation and provision of fresh air would be provided to allow windows to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2001 California Building Code).</p>	<p>Noise XI. No. 1</p>	<p>Applicant/Developer Project Architect Building Div. Planning Div.</p>	
<p>Noise Operational during grading/construction</p>	<p>NOI-2 Vibration Attenuation. The construction contractor shall not operate a vibratory roller, or equipment with the potential to result in an equivalent level of vibration, that results in a level that exceeds 80 VdB at off-site residences or 83 VdB at the off-site KinderCare childcare center. Operation of a vibratory roller or equivalent shall be avoided within 75 feet of any off-site residence or 60 feet of the off-site childcare center.</p>	<p>Noise IX. No. 2</p>	<p>Applicant/Developer Const. Contractor Field Engineering</p>	<p>Ordinance No. <u>2016-05</u> Exhibit <u>B</u> Page <u>25</u> of <u>26</u></p>

CODE COMPLIANCE

<p>Ongoing monitoring to ensure compliance with all mitigation measures, conditions of approval, operational requirements, standards, codes and regulations.</p>	<p>Project Applicant City of Escondido Planning Division Wildlife Agencies</p> <p>Public Works Dept. Code Enforcement Div. Police Dept.</p> <p>Building Dept. City Attorney Fire Dept.</p>
<p>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.</p>	<p>City of Escondido</p>

EXHIBIT "C"

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SUB15-0022, SUB15-0023
PHG15-0031, AZ15-0002
Property Description

Del Prado North:

Parcels 1 and 2 of Parcel Map No. 5265 in the City of Escondido, County of San Diego (APNs 238-130-26 and -27)

The northerly 150 feet of the westerly 95 feet of that portion of the north half of Lot 4, in Block 29 of Homeland Acres Addition to Escondido No. 2 according to Map thereof No. 1241 (APN 238-130-11)

Del Prado South:

Parcel 2 of Escondido Parcel Map No. 82-24 according to Parcel Map No. 14087, together with the southerly 15.00 feet of Parcel 3 of Parcel Map 14087 (APN 238-130-35).

Parcel 3 of Escondido Parcel Map No. 82-34 according to Parcel Map No. 14087 (APN 238-130-36)

