

RESOLUTION NO. 2007-70 (R)

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A REQUEST FOR A MASTER
AND PRECISE DEVELOPMENT PLAN, AND
SPECIFIC PLAN AMENDMENT ON 0.80 ACRE

Case No., 2007-11-PD/SP/DA, ER 2007-08
Applicant: City Plaza L.L.C.
Site Address: 328 S. Escondido Boulevard

WHEREAS, the Planning Commission did, on May 22, 2007, consider, and by Resolution No. 5772 recommend denial of a request for a Master and Precise Development Plan, Specific Plan Amendment, and Development Agreement on 0.80 acre for a 55-unit mixed-use development (involving a density of 68.75 units per acre) within the Southern Gateway District of the Downtown Specific Planning Area; and

WHEREAS, the applicant for 2007-11-PD/SP/DA, ER 2007-08 now seeks approval of the Master and Precise Development Plan, Specific Plan Amendment and Development Agreement from the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing to consider the proposal, and desires at this time, and deems it to be in the best public interest, to approve said request.

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

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Negative Declaration that was issued on April 18, 2007, City Log No. ER-2007-08, and

has determined that it adequately addresses all the environmental issues associated with the project.

3. That upon consideration of the staff report (a copy of which is on file in the Planning Division), the Planning Commission recommendation, public testimony presented at the hearing, and all other oral and written evidence on this project, the City Council finds that the Master and Precise Development Plan, Specific Plan Amendment and Development Agreement are consistent with the General Plan and all applicable Specific Plans of the City of Escondido.

4. That the City Council desires at this time and deems it to be in the best public interest to approve the Master and Precise Development Plan subject to the conditions attached as Exhibit "A" and Specific Plan Amendment as depicted in Exhibit "B," and Development Agreement as depicted in Ordinance 2007-07 Exhibit "A," both of which are incorporated by reference.

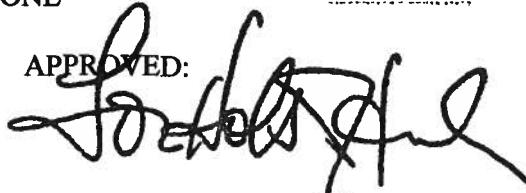
PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 11th day of July, 2007 by the following vote to wit:

AYES : Councilmembers: ABED, DANIELS, PFEILER

NOES : Councilmembers: GALLO, WALDRON

ABSENT : Councilmembers: NONE

APPROVED:



LORI HOLT PFEILER, Mayor of the
City of Escondido, California

ATTEST:



MARSHA WHALEN, City Clerk of the
City of Escondido, California

RESOLUTION NO. 2007-70 (R)

EXHIBIT "A"
CONDITIONS OF APPROVAL
2007- 11- PD

PLANNING CONDITIONS OF APPROVAL

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Director, 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 Art 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. Unless otherwise stipulated in the Development Agreement, 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 Planning and Building.
7. All habitable buildings shall be constructed to maintain interior noise levels not to exceed 45 dBA.
8. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
9. Prior to final plan approval, a note shall be included on the final plan, or other documents provided, stating that grading shall be in conformance to the submitted conceptual design.

10. Three (3) copies of a revised development plan reflecting all modification and any required changes shall be submitted to the Planning Division and Engineering Department for certification prior to submittal of grading and landscape plans.
11. Prior to the issuance of occupancy, a parking management plan which details the monitoring of assigned spaces, overflow, on-site vehicular maintenance, guest parking shall be submitted and approved by the Planning Division.
12. As proposed, the development details, including but not limited to, buildings, architecture, color and materials, shall be in accordance with the Design Review Board recommendations, staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
13. Specialty Retail uses (coffee shop, ice cream parlor, bakery, donut shop, etc) shall be limited to 1,950 square feet of retail area. All other retail and office areas shall be limited to General Retail and General Office land uses as prescribed in Attachment 1.
14. Details of the landscaping, pedestrian plaza, decorative paving, and comprehensive sign program which includes number, size, location, color, type, and design of signs for the commercial suites shall be subject to Design Review Board. Said improvements shall not be installed unless and until final approval is granted.
15. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47). Separate sign permits will be required for project signage.
16. All trash enclosures must be designed and installed per City standards and in coordination with Engineering Department storm water control requirements.
17. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building, to the satisfaction of the Director of 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.
18. A minimum of 126 parking 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.

19. All project generated noise shall conform to the City's Noise Ordinance (Ord.: 90-08).
20. Any decorative pavement, driveways and sidewalks shall be indicated on the grading plans, including appropriate notes regarding type and color of materials. Decorative paving, colored concrete or other decorative materials shall be incorporated into the sidewalk and hardscape features along Escondido Boulevard.
- ✓ 21. Prior to Building Permit Issuance a lot-tie agreement shall be approved by the City to the satisfaction of the Planning Division.
22. Elevators shall be provided for the apartment units and coordinated with the Fire Department.
23. Commercial activities shall be restricted to the first floor as identified on the plans and details of request. Outdoor storage shall not be allowed. The commercial uses shall be limited to the uses listed in Attachment "A."
24. Loading zones shall be provided in convenient locations, to the satisfaction of the Planning Department and Engineering Department.
25. Balconies and patios shall be kept in a neat and orderly manner. Items stored on balconies should be kept out of view or properly screened. Items shall not be hung over, across or on balconies or patios (such a towels, clothing, etc.). This condition shall be included in the lease agreement.
26. All new utilities shall be underground to the satisfaction of the City.
27. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping, identification of handicap parking stalls and required signage, perimeter walls and landscaping, trash enclosure, as well as any other conditions of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the Planning Department at (760) 839-4671 to arrange a final inspection.
28. Prior to obtaining building permits, the applicant shall demonstrate compliance with the requirements of the Citywide Facilities Plan, to the satisfaction of the Planning Division and Engineering Department.
29. Parking for the facility shall comply with all local, state and federal requirements pertaining to dimensions, aisles, ramps, signage, etc. for regular and handicap spaces. Portions of the garage that may be reconfigured to provide private or common storage shall not impede accessibility to any parking space.

30. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). A copy of the lighting plan shall be included as part of the building plans, to the satisfaction of the Planning Division.
 31. As proposed, the building colors shall be reviewed and approved by the Planning Division prior to application in accordance with the Design Review Board recommendations, staff report, exhibits and the project's Details of Request.
 32. All trash enclosures must be designed and installed per City standards and to the satisfaction of the City's Trash Disposal contractor as well as in coordination with Engineering Department storm water control requirements.
 33. 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. Units also shall be located and appropriate measures incorporated to avoid potential noise conflict with residential uses.
 34. Prior to the issuance of building/demolition permits for any existing structures, the applicant shall retain a State-licensed contractor qualified to handle and remove asbestos materials (ACM) and lead-based paint (LBP) for abatement activities. In addition, ACM and LBP should be disposed of in accordance with applicable local, state and federal regulatory guidelines. The applicant/ developer shall show evidence of a contract with an appropriate contractor with the submittal of the demolition permits.
 35. In accordance with State Law (SB 1533) effective January 1, 2007, certain projects are required to pay fees for purposes of funding the California Department of Fish and Game (DFG). If the project will have any effect on fish and wildlife resources, even a minimal or de minimis effect, a fee of \$1,850.00 is required to be submitted along with the necessary Notice of Determination posted with the County Clerk. 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 \$1,850.00 for a project with a Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. 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, and any local permits issued for the project will be invalid. The fee is not required if a completed form issued by the Department of Fish and Game documenting the DFG's determination that the project will have "no effect on fish and wildlife" is submitted with the Notice of Determination.
 36. Approval of the Specific Plan Amendment and Planned Development is contingent upon the applicant and City signing the Development Agreement associated with the project.
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37. Any decorative pavement, driveways and sidewalks shall be indicated on the grading plans, including appropriate notes regarding type and color of materials. Decorative paving, colored concrete or other decorative materials shall be incorporated into the sidewalk and hardscape features throughout the project.
 38. The developer shall install matching window coverings in all windows that orient toward a public view to the satisfaction of the City. The Lease Agreements shall stipulate that the window coverings shall remain as part of the tenant's decorating scheme and that replacement coverings shall match the original in color and material as viewed from off-site.
 39. Five copies of a detailed landscape and irrigation plan(s) with the appropriate plan check fee shall be submitted prior to issuance of Grading or Building permits, and shall be equivalent or superior to the concept plan attached as exhibit(s) to the satisfaction of the Planning Department. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
 40. The landscaping plan shall include specimen sized trees, to the satisfaction of the Planning Division. Root barriers shall be provided in accordance with the Landscape Ordinance.
 41. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
 42. 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.
 43. 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.
 44. The Developer shall be responsible for establishing a pre-excavation agreement with the San Luis Band of Mission Indians involving Native American monitoring, returning cultural remains found during construction, proper treatment and reburial of any remains found, and avoidance of significant and sacred archaeological sites.
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ATTACHMENT "1"

COMMERCIAL / OFFICE PERMITTED AND CONDITIONAL LAND USES 2007-11-PD

Permitted uses:

Department stores, drugstores, pharmacies, and retail establishments selling toys, flowers, antiques, collectibles, gifts, stationery, jewelry, leather, apparel, shoes (including repair), china, glassware, pottery, crafts, cigars, yardage goods, pets, hobbies, art supplies, video sales and rental, music (including incidental recording, instruction and instrument repair), coins/stamps, sporting goods, books/magazines/newspapers, bicycles/cameras/electronics/office business/small household appliance sales and service, picture framing shops, watch, clock and small appliance repair, locksmiths. and other similar retail goods and incidental services NEC

Furniture and large appliance sales (including incidental service)

Hardware, paint, glass, tools, curtains, home improvement

Medical equipment sales/rentals and health supplies

Product Specialty Uses that generate one parking space per 150 square feet of gross floor area shall be permitted for up to 1,950 square feet of ground floor retail area. Such uses include but are not limited to coffee and donut shops, ice cream parlors, baked goods, etc. Up to 300 square feet of out door dining are permitted.

Specialty foods, including imported and/or unique food products, produce, candy, baked goods, meat, etc., specialty liquor sales involving off-sale unique brands of beer, wine, and distilled spirits (establishments exceeding 7,000 SF of sales area require a Conditional Use Permit).

General grocery stores exceeding 7,000 SF of sales area with, or without, alcohol sales.

Administrative, business and professional offices, employment agencies, secretarial services, travel and ticket agencies, realtors/real estate offices and counseling services, excluding call centers.

Barber, beauty shops including cosmetology involving ear piercing, permanent eye and lip lining, excluding other body piercing, body art, and inking parlors.

Music recording/practice studios, broadcasting (radio and/or television stations),

Cleaning and laundering services without on-site cleaning, tailors and dressmakers and alterations

Galleries and studios pertaining to artists, craft workers and photographers (including incidental developing and printing), photographic developing and photocopy services, libraries, museums, etc., including incidental sale of merchandise pertaining to the primary use

Conditional Uses:

Wine- and beer-tasting establishments (only with retail sales involving related merchandise that includes a significant portion of the sales area)

ENGINEERING CONDITIONS OF APPROVAL

STREET IMPROVEMENTS AND TRAFFIC

1. The developer shall remove and reconstruct frontage improvements (sidewalk and curb returns and ramps) on Escondido Boulevard in accordance with design principals of South Escondido Boulevard Neighborhood (6th Avenue to 15th Avenue). Improvements shall include but not limited to construction of enhanced sidewalk, street trees, pedestrian lighting and modification of curb return to the satisfaction of the City Engineer and Planning Director.
2. The developer shall remove and reconstruct the existing curb return and drainage structure at the southeast corner of Escondido Boulevard and 3rd Avenue in accordance with the South Escondido Boulevard (6th Avenue to 15th Avenue) curb return design.
3. The developer shall remove the existing curb along project frontage on 3rd Avenue and replace with a standard 6 inch curb & gutter 3rd Avenue to the satisfaction of the City Engineer. The developer may also be required to remove the existing sidewalk and landscaping along project frontage on 3rd Avenue and replace with new sidewalk and landscaping consistent with the requirements of the Downtown Specific Plan guidelines, Design Review Board and Planning Director.
4. The developer shall be responsible for any damaged sections of curb & gutter and street improvements along project frontage on Escondido Boulevard to the satisfaction of the City Engineer.
5. The developer may be responsible for grind and overlay half width of 3rd Avenue along project frontage due to condition of existing pavement, many utility trenches necessary to serve this project or construction damage. The City Engineer shall determine the extent of overlay improvements prior to completion of the project.
6. The developer shall install two street lights along project frontage on 3rd Avenue and may be required to install pedestrian lighting on 3rd Avenue if required by the guidelines for the Downtown Specific Plan and as determined by the Design Review Board and Planning Director.
7. The existing alley shall be widened by 2 feet along project frontage. The developer shall be responsible to reconstruct any sections of the alley damaged by construction of sewer and dry utilities improvements to current condition (Alley Standards), including Alley approach on Escondido Boulevard, to the satisfaction of the City Engineer.
8. Project driveway shall be alley-type in accordance with Escondido Standard Drawing No. 3, with a minimum throat width of 24 feet.

9. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
10. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. A private contractor shall do any removal of existing striping and all new signing and striping.
11. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
12. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
13. All gated entrances shall be designed and improved to the satisfaction of the City Engineer.

An engineered improvement plan is required for all public improvements (unless only sidewalks, driveways and/or streetlights are required). The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

GRADING

1. A site and frontage grading and erosion control plan shall be approved by the Engineering Department prior to issuance of grading or building permits.
2. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

*All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.*

DRAINAGE

1. Final drainage improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Drainage Report and a Water Quality Technical report to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards and Storm Water management Requirements.
2. A Water Quality Technical Report shall be prepared for the project in accordance with the City's Storm Water Management Requirements. Water Quality Technical

Report shall include post construction storm water treatment measures and maintenance requirements.

WATER SUPPLY

1. The developer shall be required to design and construct a 12 inch water main looped between the existing 16 inch water main in Escondido Boulevard and 6 inch water main at the intersection of Alley and Maple Street. All water improvements shall be designed and constructed to the satisfaction of the Utilities Manager and City Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.

SEWER

1. The developer shall replace the existing 10 inch sewer line in the Alley, from project's easterly boundary to Escondido Boulevard, with a 12 inch P.V.C. designed and constructed to the satisfaction of the Utilities Manager and City Engineer.

EASEMENTS AND DEDICATIONS

1. The developer shall dedicate to the public a 20-foot radius corner rounding at Escondido Boulevard and 3rd Street.
2. The developer shall dedicate 2 feet of right-of-way along project frontage on the Alley.

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

REPAYMENTS AND FEES

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the project boundary and along frontages on the Alley and 3rd Street shall be relocated underground.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

SURVEYING AND MONUMENTATION

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

EXHIBIT "B"

PROPOSED SPECIFIC PLAN TEXT ADDITION

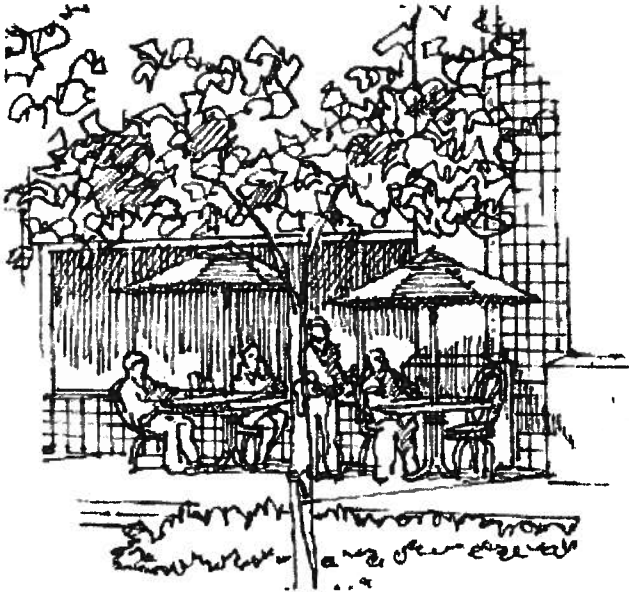
(Southern Gateway District G.3. – page 96)

2007-11-SPA

Note: *underlined italicized* text indicates addition; other text is adopted and remains unchanged

3. LAND USES

Business, professional, and medical offices and services are the primary uses in this area. Retail and service uses that support office uses are permitted within an office building, but may not occupy more than 30% of the gross floor area. Uses along South Escondido Boulevard shall incorporate a significant retail or office presence at the street level to maintain a strong



connection between Grand Avenue businesses and the South Escondido Boulevard Commercial Area Plan that extends south of Downtown. *Property totaling 0.8 acre located at the southeastern corner of Third Avenue and Escondido Boulevard is approved as a Mixed-Use commercial/office/residential development with 55 units and a density of 68.75 units per acre (Case: 2007-11-SPA/PD/DA).* Residential uses are allowed on upper floors along Escondido Boulevard and on ground-floor levels elsewhere in the district with an approved Conditional Use Permit.

A variety of low-profile office uses currently exists in this district between Broadway, Third and Fifth Avenues and Ivy Street. The dominant building types are older, single-family residences, many of which have been converted to office uses. Adaptive reuse of historic structures in this area is encouraged. Suitable alternative uses for this area would be artist studios, photography studios, and art galleries. Residential uses in this area shall be limited to single-family units. Refer to Permitted Use Matrix, Figure II-2 for a detailed list of permitted and conditionally permitted uses within the Southern Gateway District.