

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. 2007-70 (R) File No.: _____

Ord No. 2007-13 (R)

Agenda Item No.: _____

Date: July 11, 2007

TO: Honorable Mayor and Members of the City Council
FROM: Charles D. Grimm, Community Development Director
SUBJECT: Master and Precise Development Plan, Specific Plan Amendment, Development Agreement (Case No. 2007-11-PD/SP/DA, ER 2007-08)

STAFF RECOMMENDATION: It is requested that City Council adopt Resolution No. 2007-70 (R) and introduce Ordinance 2007-13 (R) approving a Specific Plan Amendment, Planned Development and Development Agreement for a mixed-use project "City Plaza Development."

PREVIOUS CITY COUNCIL ACTION: This item was considered on June 20, 2007, and continued in order to allow review by the entire City Council. Concerns were raised regarding the density (68.75 du/acre), shared parking plan, and rental nature of the project. The project proposes 19 units more than allowed by the current Interim Specific Plan, but is within the parameters suggested by the Downtown Specific Plan Citizen's Committee that are now under study. The project substantially conforms to the proposal initiated for processing in November 2006. Minor modifications since initiation include adding one residential unit, relocating residential units off the ground floor, adding 350 SF more office space, and adding 13 parking spaces in the garage. The applicant has modified the parking management plan since the June 20 meeting to eliminate assigned employer and employee spaces, as well as any second spaces assigned to residential tenants (see attached preliminary parking management plan outline). The revised parking plan will designate one space per residential unit (as originally proposed) allowing all other 69 spaces to be shared, creating more flexibility in overall parking, which is supported by staff. These modifications allow access of any vacant shared parking space in the garage to be available without restrictions to better accommodate various peak demands.

PLANNING COMMISSION RECOMMENDATION: Denial 4-2 (Newman, Campbell voted to approve)

LOCATION: Approximately 0.80 acre located in the "Southern Gateway" District of the Downtown Specific Plan, on the eastern side of Escondido Boulevard, south of Third Avenue, addressed as 328 South Escondido Boulevard.

FISCAL ANALYSIS: A five-year Development Agreement includes financial compensation to the City totaling up to \$570,000 for downtown infrastructure and fair share of the EIR consulting fee. The project will also pay prevailing fees at the time of building permit issuance (currently \$859,534) a portion to be deferred until occupancy. The applicant would be credited \$89,000 for constructing off-site public benefit improvements.

PROJECT DESCRIPTION: A Specific Plan Amendment, Master and Precise Development Plan and Development Agreement on 0.80 acre to construct a mixed-use project with four stories above ground (totaling 56 feet in height), and one story below ground, to accommodate 55 market-rate apartments, 5,198 SF of commercial space, 4,158 SF of office space (9,356 SF total), and a parking garage for 126 vehicles. The residential units would involve seven 1-bedroom apartments and forty-eight 2-bedroom apartments. The parking garage would contain 42 at-grade spaces and 84 spaces in the subterranean level. Parking for the project would be based on a shared program that maximizes efficiency. The project includes a density increase from 45 du/acre to 68.75 du/acre (an increase of 19 units) and demolition of all existing onsite structures.

An interior landscaped courtyard is proposed on the second level of the project (comprising the top of the garage podium) for the residential occupants. A ground-level public plaza of 2,600 SF with a water feature and clock tower is proposed at the corner of Third Avenue and Escondido Boulevard. Vehicular access would be provided by a single driveway from Third Avenue with secondary access from the alley. The office and retail spaces would be accessed from the street level. The residential units would be accessed via stairs and/or elevators from the below-grade parking level, from Third Avenue, or the public plaza.

Off-site infrastructure improvements would include constructing a 12-linear-foot sewer line in the alley, a 721-linear-foot water line along Third Avenue and Maple Street, undergrounding of two existing power poles in the alley, reconnecting neighboring properties to electrical service, and dedicating two feet of alley frontage. A temporary encroachment of seven feet into the alley during construction is proposed for three months to facilitate constructing the underground parking structure. Terms of the proposed five-year Development Agreement would include a establishment of development fees, establishment of the duration of Development Agreement terms, and contribution for additional public infrastructure and future studies involving build-out of the Downtown area and a fee credit for construction of off-site infrastructure.

GENERAL PLAN ANALYSIS: The General Plan land-use designation for the proposed project is Specific Plan #9 with text calling for “developing a downtown providing a range of retail, office, financial, cultural, and residential opportunities.” Goal #6 in the City’s General Plan calls for “Creating a Viable Urban Downtown” and to “promote residential development in specified areas within the Downtown Specific Plan to enhance revitalization efforts.” The proposed development would be consistent with the Downtown Specific Plan and the density of 68.75 units per acre (55 residential units/0.80 acres), is consistent with other urban densities in the downtown area.

BACKGROUND: An Interim Specific Plan was approved by the City Council on March 21, 2007, completing Phase I of a two-phase program incorporating existing and emerging trends in downtown planning and development. Building heights and densities of the Interim Specific Plan are consistent with the previously approved Plan, but the Interim Plan new provisions including:

- a. Revisions to the Overall Vision Statement.
- b. New Strategic Goals and Design Principals.
- c. Re-organizing and Merging 11 Land-Use Districts into Seven Districts.

- d. A Comprehensive Amendment of the Land-Use Matrix.
- e. Delineating types of Residential Development within each District.
- f. Interim Criteria to Evaluate Projects as well as Specific Plan Modifications.
- g. Amending the Current Parking Standards to comply with citywide ordinances.
- h. Development Standards for Commercial Components in Mixed-Use Projects.
- i. Eliminating Development Incentive Bonuses.
- j. Establishing Development Standards for each District.
- k. Standardizing the Sign Standards to be Based on Building Square Footage.
- l. Storefront "Customer Zone" thresholds for Grand Avenue businesses within the Retail Core Area.
- m. Replacing "Contemporary Building" Design Guidelines with Updated Guidelines.

The Final Specific Plan would constitute the second phase and will involve increased densities and intensities, modified development standards, and amended Specific Plan boundaries which requires an Environmental Impact Report. The EIR has been initiated by the City Council, a consultant has been selected, and initial baseline studies are pending.

The Interim Plan allows applications in concert with the downtown's ultimate "vision" to be processed in advance of the Downtown Specific Plan EIR subject to City Council initiation. On November 15, 2006, the City Council initiated the applicant's proposal for processing along with two other projects; on South Escondido Boulevard, and East Valley Parkway. The applications require Specific Plan Amendments, Planned Developments, and Development Agreements since the projects propose land uses and densities that differ from the Interim Specific Plan.

PREVIOUS ACTION: The Downtown Business Association Design Committee reviewed the proposal and unanimously endorsed the concept of mixed-use residential development at this site and supported the architectural design at their monthly Board Meeting on April 3, 2007. The project was twice reviewed by the Design Review Board, once at a conceptual level (April 12, 2007) and on (April 26, 2007) after more detail was included in the design. The DRB unanimously supported the proposal and felt it was appropriate in size and scale for the area. Final DRB review of the landscaping plan and pedestrian plaza would occur subject to City Council approval.

The Planning Commission denied the proposal at their May 22, 2007, meeting (vote 4:2; Castor, Lehman, McQuead, Winton; no, Campbell, Newman, yes, Weber; absent). Concerns were focused on density, and the project's shared parking concept. Commissioners in opposition felt that the density was too high, more off-street parking was needed, and that details of the parking management plan should have been included. Staff explained that the density was in concert with the overall vision for downtown and would benefit the mixed-use pedestrian orientation of the project. The Specific Plan allows for shared parking to utilize to maximize efficiency and staff is satisfied with the analysis demonstrating that an adequate number of spaces will be provided. To address Planning Commission concerns, the applicant has provided additional information that details elements of the parking management plan (see attachment). Commissioners supporting the project felt that the project's management company will regulate resident and guest parking effectively to ensure commercial tenants are provided adequate spaces.

PUBLIC COMMENT: There has been no public opposition to the project.

ANALYSIS: The proposed development conforms to the Interim Downtown Specific Plan Objectives since the Southern Gateway District allows the development of mixed-use residential projects subject to a Planned Development. The proposed density of 68.75 units per acre, is higher than other projects in the area, but is consistent with other urban development in downtown core areas, and is compatible with planned and existing surrounding development. The project incorporates Downtown Specific Plan Design Guidelines including articulating large building masses, avoiding blank walls, maintaining similar proportions, using compatible textures, etc. to provide a more pedestrian scale that reduces the overall affect of the site's density. Staff feels that the urban, high-density development would support entertainment and dining establishments such as the new Signature Movie Theater, the Center for the Arts, and nearby restaurants.

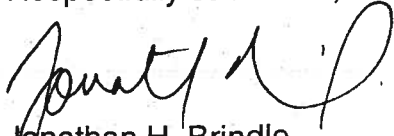
The project complies with the Interim Downtown Specific Plan definition of "mixed-use" development, which is a walkable, multi-level, live-work-play, master-planned project involving single or multiple parcels and single or multiple structures with stimulating and engaging pedestrian-level detail that creates a pleasant "experience." A strong commercial presence involving 9,365 SF of retail and office space and a pedestrian plaza are incorporated along the street; a significant increase above the existing approximately 6,000 SF commercial building. It should also be noted that the existing establishment contains a staff of only four employees; substantially fewer than anticipated by the proposed uses.

The Interim Specific Plan allows parking to be modified through the Planned Development application process provided that justification for any parking modification request is based on a peak-hour parking demand utilizing a pre-approved methodology. A Parking Study was prepared using the Urban Land Institute Guidelines that evaluated 42 spaces in the at-grade lot and 84 spaces underground (126 total spaces) that factored 57 assigned residential spaces and 69 shared spaces. Based on the analysis, which evaluated the hourly shared parking on a weekly basis throughout the year, the project was determined to have adequate capacity.

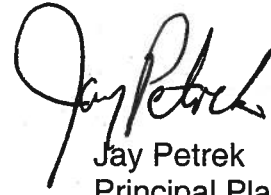
The Development Agreement has a five-year term (although the applicant intends to commence construction by September 2007) and calls for payment of prevailing fees with a provision to defer a portion until occupancy and a credit of \$89,000 for constructing public benefit water and sewer infrastructure. Staff analyzed downtown sewer, water, and park requirements for the increased density of 19 units to establish the Development Agreement's \$30,000 per unit fee (up to \$570,000) which includes a pro-rata share of the Downtown EIR consulting costs. Staff recommends that the funds be earmarked to finance those items. A summary of the Development Agreement Terms is attached.

APPLICANT'S PERSPECTIVE: The applicant has successfully constructed this style of development in Chula Vista and has received support for the mixed-use approach in an urban setting. The development will be constructed with high-quality materials including upgraded interior features. The project includes an appropriate number of parking spaces based on the shared parking analysis, which will allow for a more efficient design. The required Parking Management Plan will effectively address the parking space assignments, terms for usage, monitoring, and enforcement. While the mixed-use concept is new to the Downtown, the applicant has begun marketing the design and is developing a list of several prospective businesses and tenants who are interested in urban living, close to downtown.

Respectfully submitted,



Jonathan H. Brindle
Community Development Director



Jay Petrek
Principal Planner



**CITY PLAZA AT ESCONDIDO
PRELIMINARY PARKING MANAGEMENT PLAN OUTLINE**

1. The resident leases will restrict tenant units to 1 or 2 vehicles maximum.
 2. The resident and commercial leases will explain parking plans, restrictions, towing policy, and eviction policy.
 3. A towing company will be under contract.
 4. A parking attendant will monitor the parking.
 5. Each resident unit will be assigned one dedicated garage parking stall (except for the two tandem spaces).
 6. Employees will have colored decals allowing access to park in the garage.
 7. Overnight guests of residential tenants will be issued temporary parking permits to park in the garage.
 8. After a first time warning, the second warning may result in towing the vehicle as per lease agreement.
 9. After 3 violations of parking restrictions, the tenant may be evicted as per lease agreement.
 10. The parking management plan will be approved by City Planning Department before the Certificate of Occupancy.
- The information contained herein was provided by Jim Federhart of the traffic and parking studies firm of Federhart & Associates on 6-1-07.

CITY COUNCIL

For City Clerk's Use:

APPROVED

DENIED

Reso No. 2007-70

File No.:

Ord No. 2007-13

Agenda Item No.: 24

Date: June 20, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Jonathan H. Brindle, Director of Community Development

SUBJECT: Master and Precise Development Plan, Specific Plan Amendment, Development Agreement (Case No. 2007-11-PD/SP/DA, ER 2007-08)

STAFF RECOMMENDATION: It is requested that City Council adopt Resolution No. 2007-70 and introduce Ordinance 2007-13 approving a Specific Plan Amendment, Planned Development and Development Agreement for a mixed-use project "City Plaza Development."

PLANNING COMMISSION RECOMMENDATION: Denial 4-2 (Newman, Campbell voted to approve)

LOCATION: Approximately 0.80 acre located in the "Southern Gateway" District of the Downtown Specific Plan, on the eastern side of Escondido Boulevard, south of Third Avenue, addressed as 328 South Escondido Boulevard.

FISCAL ANALYSIS: A five-year Development Agreement includes financial compensation to the City totaling up to \$570,000 for downtown infrastructure and fair share of the EIR consulting fee. The project will also pay prevailing fees at the time of building permit issuance (currently \$859,534) a portion to be deferred until occupancy. The applicant would be credited \$89,000 for constructing off-site public benefit improvements.

PROJECT DESCRIPTION: A Specific Plan Amendment, Master and Precise Development Plan and Development Agreement on 0.80 acre to construct a mixed-use project with four stories above ground (totaling 56 feet in height), and one story below ground, to accommodate 55 market-rate apartments, 5,198 SF of commercial space, 4,158 SF of office space (9,356 SF total), and a parking garage for 126 vehicles. The residential units would involve seven 1-bedroom apartments and forty-eight 2-bedroom apartments. The parking garage would contain 42 at-grade spaces and 84 spaces in the subterranean level. Parking for the project would be based on a shared program that maximizes efficiency. The project includes a density increase from 45 du/acre to 68.75 du/acre (an increase of 19 units) and demolition of all existing onsite structures.

An interior landscaped courtyard is proposed on the second level of the project (comprising the top of the garage podium) for the residential occupants. A ground-level public plaza of 2,600 SF with a water feature and clock tower is proposed at the corner of Third Avenue and Escondido Boulevard. Vehicular access would be provided by a single driveway from Third Avenue with secondary access from the alley. The office and retail spaces would be accessed from the street level. The residential units would be accessed via stairs and/or elevators from the below-grade parking level, from Third Avenue, or the public plaza.

Off-site infrastructure improvements would include constructing a 12-linear-foot sewer line in the alley, a 721-linear-foot water line along Third Avenue and Maple Street, undergrounding of two existing power poles in the alley, reconnecting neighboring properties to electrical service, and dedicating two feet of alley frontage. A temporary encroachment of seven feet into the alley during construction is proposed for three months to facilitate constructing the underground parking structure. Terms of the proposed five-year Development Agreement would include a establishment of development fees, establishment of the duration of Development Agreement terms, and contribution for additional public infrastructure and future studies involving build-out of the Downtown area and a fee credit for construction of off-site infrastructure.

GENERAL PLAN ANALYSIS: The General Plan land-use designation for the proposed project is Specific Plan #9 with text calling for “developing a downtown providing a range of retail, office, financial, cultural, and residential opportunities.” Goal #6 in the City’s General Plan calls for “Creating a Viable Urban Downtown” and to “promote residential development in specified areas within the Downtown Specific Plan to enhance revitalization efforts.” The proposed development would be consistent with the Downtown Specific Plan and the density of 68.75 units per acre (55 residential units/0.80 acres), is consistent with other urban densities in the downtown area.

BACKGROUND: An Interim Specific Plan was approved by the City Council on March 21, 2007, completing Phase I of a two-phase program incorporating existing and emerging trends in downtown planning and development. Building heights and densities of the Interim Specific Plan are consistent with the previously approved Plan, but the Interim Plan new provisions including:

- a. Revisions to the Overall Vision Statement.
- b. New Strategic Goals and Design Principals.
- c. Re-organizing and Merging 11 Land-Use Districts into Seven Districts.
- d. A Comprehensive Amendment of the Land-Use Matrix.
- e. Delineating types of Residential Development within each District.
- f. Interim Criteria to Evaluate Projects as well as Specific Plan Modifications.
- g. Amending the Current Parking Standards to comply with citywide ordinances.
- h. Development Standards for Commercial Components in Mixed-Use Projects.
- i. Eliminating Development Incentive Bonuses.
- j. Establishing Development Standards for each District.
- k. Standardizing the Sign Standards to be based on Building Square Footage.
- l. Storefront “Customer Zone” thresholds for Grand Avenue businesses within the Retail Core Area.
- m. Replacing “Contemporary Building” Design Guidelines with Updated Guidelines.

The Final Specific Plan would constitute the second phase and will involve increased densities and intensities, modified development standards, and amended Specific Plan boundaries which requires an Environmental Impact Report. The EIR has been initiated by the City Council, a consultant has been selected, and initial baseline studies are pending.

The Interim Plan allows applications in concert with the downtown's ultimate "vision" to be processed in advance of the Downtown Specific Plan EIR subject to City Council initiation. On November 15, 2006, the City Council initiated the applicant's proposal for processing along with two other projects; on South Escondido Boulevard, and East Valley Parkway. The applications require Specific Plan Amendments, Planned Developments, and Development Agreements since the projects propose land uses and densities that differ from the Interim Specific Plan.

PREVIOUS ACTION: The Downtown Business Association Design Committee reviewed the proposal and unanimously endorsed the concept of mixed-use residential development at this site and supported the architectural design at their monthly Board Meeting on April 3, 2007. The project was twice reviewed by the Design Review Board, once at a conceptual level (April 12, 2007) and on (April 26, 2007) after more detail was included in the design. The DRB unanimously supported the proposal and felt it was appropriate in size and scale for the area. Final DRB review of the landscaping plan and pedestrian plaza would occur subject to City Council approval.

PLANNING COMMISSION:

The Planning Commission denied the proposal at their May 22, 2007, meeting (vote 4:2; Caster, Lehman, McQuead, Winton; no, Campbell, Newman, yes, Weber; absent); the minutes are attached. Concerns were focused on density, and the project's shared parking concept. Commissioners in opposition felt that the density was too high, more off-street parking was needed, and that details of the parking management plan should have been included. Staff explained that the Specific Plan allows for shared parking to utilize to maximize efficiency, the density was in concert with the overall vision for downtown and would benefit the mixed-use pedestrian orientation of the project. To address Planning Commission concerns, the applicant has provided additional information that details elements of the parking management plan (see attachment). Commissioners supporting the project felt that the project's management company will regulate resident and guest parking effectively to ensure commercial tenants are provided adequate spaces. Commissioner Winton also expressed concerns regarding the impact of loading activities, and felt the curved roof and clock tower were out of character and favored a more suburban design. The remaining commissioners generally felt the project was attractive and supported the mixed-use concept.

PUBLIC COMMENT: There has been no public opposition to the project.

ANALYSIS: The proposed development conforms to the Interim Downtown Specific Plan Objectives since the Southern Gateway District allows the development of mixed-use residential projects subject to a Planned Development. The proposed density of 68.75 units per acre, is higher than other projects in the area, but is consistent with other urban development in downtown core areas, and is compatible with planned and existing surrounding development. The project incorporates Downtown Specific Plan Design Guidelines including articulating large building masses, avoiding blank walls, maintaining similar proportions, using compatible textures, etc. to provide a more pedestrian scale that reduces the overall affect of the site's density. Staff feels that the urban, high-density development would support entertainment and

dining establishments such as the new Signature Movie Theater, the Center for the Arts, and nearby restaurants.

The project complies with the Interim Downtown Specific Plan definition of "mixed-use" development, which is a walkable, multi-level, live-work-play, master-planned project involving single or multiple parcels and single or multiple structures with stimulating and engaging pedestrian-level detail that creates a pleasant "experience." A strong commercial presence involving 9,365 SF of retail and office space and a pedestrian plaza are incorporated along the street; a significant increase above the existing approximately 6,000 SF commercial building. It should also be noted that the existing establishment contains a staff of only four employees; substantially fewer than anticipated by the proposed uses.

The Interim Specific Plan allows parking to be modified through the Planned Development application process provided that justification for any parking modification request is based on a peak-hour parking demand utilizing a pre-approved methodology. A Parking Study was prepared using the Urban Land Institute Guidelines that evaluated 42 spaces in the at-grade lot and 84 spaces underground (126 total spaces) that factored 57 assigned residential spaces and 69 shared spaces. Based on the analysis, which evaluated the hourly shared parking on a weekly basis throughout the year, the project was determined to have adequate capacity.

The Development Agreement has a five-year term (although the applicant intends to commence construction by September 2007) and calls for payment of prevailing fees with a provision to defer a portion until occupancy and a credit of \$89,000 for constructing offsite public benefit water and sewer infrastructure. Staff analyzed downtown sewer, water, and park requirements for the increased density of 19 units to establish the Development Agreement's \$30,000 per unit fee (up to \$570,000) which includes a pro-rata share of the Downtown EIR consulting costs. Staff recommends that the funds be earmarked to finance those items. A summary of the terms of the Development Agreement is attached.

APPLICANT'S PERSPECTIVE: The applicant believes the scale of the project implements the goals and vision of the Downtown Specific Plan and feels the quality design will benefit the area. He feels the shared parking is adequate and that the supplemental contributions required by the development agreement will ensure the project pays its fair share towards the future needs of Downtown.

Respectfully submitted,


Jonathan H. Brindle
Director of Community Development


Jay Petrek
Principal Planner

DEVELOPMENT AGREEMENT
TERM SHEET
ADLER PROJECT: APARTMENT RENTALS/MIXED USE
328 SOUTH ESCONDIDO BLVD., 55 UNITS ON .80 ACRES

Dated 6/20/07 (2nd Draft)
Draft City Council Version

- 1) Fast tracking review of project plans and submittals
Downtown Specific Plan. See attached Exhibit A for standard language.
- 2) Foundation permit to be issued before final building permit
--Must pull final building permit before codes change that could affect foundation/podium decision
--Fees fixed at rates effective on date foundation permit is issued, as long as foundation permit remains active
- 3) Most Development Fees deferred until 1st Certificate of Occupancy ("C of O")
--\$859,534.00 in customary fees
--City's Building Director to provide schedule of some fees due on 1st bldg. permit
--Rest of Building & Connection Fees due on project's 1st C of O
- 4) 5-year term for Agreement--vested land use rights – unrelated to fee freezes
- 5) Highlights from Project Conditions of Approval:
--Alley widening--dedicate 2-feet to the City concurrent with the issuance of 1st building permit
--Alley improvements: Sewer reconstructed from Escondido Blvd. to manhole east of property line, undergrounding of two poles & wires pursuant to SDG&E plans and requirements
--Developer wants right to use the 2-feet (now City's in dedication) during construction
--City to allow encroachment permit for 7 feet of alley during construction
--Extensive water line relocation to Escondido Blvd./Third/Maple
--City contributes \$89,000 as fee credit for construction when building fees are due (1st C of O); to be settled within 5 working days after building fees are paid.
- 6) Payment of DTSP EIR Consulting Fee Fair Share
--Projects proceeding ahead of DTSP EIR must pay share of future EIR consulting fees
--Project will pay \$250/unit x 55.975 EDU's, or \$13,993.75 if all 55 residential units are built.
- 7) Future Downtown Infrastructure Fee
--Future DTSP EIR expected to require significant downtown infrastructure as mitigation
--Owner to pay \$30,000/unit for each additional residential unit over 36 units, up to 19 additional units over current density (\$570,000 max. total if all 55 units are built)
--The \$570,000 includes the EIR Consulting Fee Fair Share described above
--Developer may post public improvement bond for this fee (max \$570k for 19 additional residential units) in lieu of cash payment; due before building permit issued for vertical structure (after completion of podium/foundation)
 --Bond will allow six months after 1st C of O before payment or enforcement
 --Type of bond in lieu of cash is subject to approval of the City Attorney
--OR, developer may pay the fee (max \$570k for 19 additional residential units) in cash (in lieu of bond); If cash payment (no bond provided), density fee deferred until 1st C of O.
- 8) Project to be built to the design and exterior elevations submitted to the Planning Commission

Exhibit A

Priority Processing. Subject to applicable laws regulating the processing time frames for Future Entitlements, plan check of the Project, the Specific Plan and assorted engineering plans, including, but not limited to, grading, street plans, storm drains, signalization plans, improvement plans and tract maps, will be expedited by City. City shall retain qualified consultants selected by it as an extension of staff at Owner's expense to perform priority processing of all necessary applications if requested by Owner. To further expedite processing, Owner may request overtime and remit advance payment to City for overtime work by said qualified consultant in the event that it is feasible for said consultant to perform such overtime work. Additionally, City shall use its best efforts to expeditiously process Owner's applications for amendments and modifications to the Project or Specific Plan, and to expeditiously process and conclude any necessary proceedings in eminent domain and obtain orders of immediate possession. Upon Owner's request and to the extent reasonably necessary, City shall cooperate and if necessary, act as Owner's representative with other agencies in processing and obtaining required habitat loss permits at Owner's expense.



**CITY PLAZA AT ESCONDIDO
PRELIMINARY PARKING MANAGEMENT PLAN OUTLINE**

1. The resident leases will restrict tenant units to 1 or 2 vehicles maximum.
 2. The resident and commercial leases will explain parking plans, restrictions, towing policy, and eviction policy.
 3. A towing company will be under contract.
 4. A parking attendant will monitor the parking.
 5. Resident tenants will have colored decals keyed to the areas where they can park.
 6. Up to 14 employees will have colored decals keyed to the areas where they can park.
 7. After a first time warning, the second warning may result in towing the vehicle as per lease agreement.
 8. After 3 violations of parking restrictions, the tenant may be evicted as per lease agreement.
 9. The parking management plan will be approved by City Planning Department before the Certificate of Occupancy.
 10. Street curbs will have time limits or parking meters.
- The information contained herein was provided by Jim Federhart of the traffic and parking studies firm of Federhart & Associates on 6-1-07.

DEVELOPMENT AGREEMENT
TERM SHEET
ADLER PROJECT: APARTMENT RENTALS/MIXED USE
328 SOUTH ESCONDIDO BLVD., 55 UNITS ON .80 ACRES

Dated 6/20/07 (Revised)
City Council Version

- 1) Fast tracking review of project plans and submittals
Downtown Specific Plan. See attached Exhibit A for standard language.
- 2) Foundation permit to be issued before final building permit
 - Must pull final building permit before codes change that could affect foundation/podium decision
 - Fees fixed at rates effective on date foundation permit is issued, as long as foundation permit remains active
- 3) Most Development Fees deferred until 1st Certificate of Occupancy ("C of O")
 - \$859,534.00 in customary fees
 - City's Building Director to provide schedule of some fees due on 1st bldg. permit
 - Rest of Building & Connection Fees due on project's 1st C of O
- 4) 5-year term for Agreement--vested land use rights – unrelated to fee freezes
- 5) Highlights from Project Conditions of Approval:
 - Alley widening--dedicate 2-feet to the City before 1st building permit is issued
 - Alley improvements: Sewer reconstructed, undergrounding of two poles & wires
 - Developer wants right to use the 2-feet (now City's in dedication) during construction
 - City to allow encroachment permit for 7 feet of alley during construction
 - Extensive water line relocation to Escondido Blvd./Third/Maple
 - City contributes \$89,000 as fee credit for construction when building fees are due (1st C of O)
- 6) Payment of DTSP EIR Consulting Fee Fair Share
 - Projects proceeding ahead of DTSP EIR must pay share of future EIR consulting fees
 - Project will pay \$250/unit x 55.975 EDU's, or \$13,993.75
- 7) Future Downtown Infrastructure Fee
 - Future DTSP EIR expected to require significant downtown infrastructure as mitigation
 - Owner to pay \$30,000/unit for up to 19 units over current density (\$570,000 max. total)
 - The \$570,000 includes the EIR Consulting Fee Fair Share described above
 - Due before bldg. permit issued for vertical structure (after completion of podium/foundation)
 - Or Developer may post public improvement bond in lieu of cash payment
 - Bond will allow six months after 1st C of O before payment or enforcement
 - Type of bond in lieu of cash is subject to approval of the City Attorney
- 8) Project to be built to the design and exterior elevations submitted to the Planning Commission

Exhibit A

Priority Processing. Subject to applicable laws regulating the processing time frames for Future Entitlements, plan check of the Project, the Specific Plan and assorted engineering plans, including, but not limited to, grading, street plans, storm drains, signalization plans, improvement plans and tract maps, will be expedited by City. City shall retain qualified consultants selected by it as an extension of staff at Owner's expense to perform priority processing of all necessary applications if requested by Owner. To further expedite processing, Owner may request overtime and remit advance payment to City for overtime work by said qualified consultant in the event that it is feasible for said consultant to perform such overtime work. Additionally, City shall use its best efforts to expeditiously process Owner's applications for amendments and modifications to the Project or Specific Plan, and to expeditiously process and conclude any necessary proceedings in eminent domain and obtain orders of immediate possession. Upon Owner's request and to the extent reasonably necessary, City shall cooperate and if necessary, act as Owner's representative with other agencies in processing and obtaining required habitat loss permits at Owner's expense.

