



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall - Parkview Room
April 2, 2024
3:00 p.m.

A. Call to Order:

Zoning Administrator: Veronica Morones, City Planner

Staff Present:

Public Present:

B. Agenda Item:

1. PL24-0021 (SUB 20-0001, PHG 20-0009 and PL23-0245) Extension of Time

REQUEST: Approval of a three-year extension of time for a Tentative Subdivision Map and Master and Precise Development Plan for a 109-unit condominium development (“Project”).

Location: 235 S. Pine Street (APNs 233-032-07-00, 233-032-08-00, 233-032-10-00, 233-032-11-00, 232-032-12-00, 233-032-13-00, 233-032-14-00, 233-032-17-00, 233-032-18-00, 233-032-19-00, and 233-032-21-00)

Applicant: Martin McComas (Casa Mercado Apartments, LLC)

Planner: Jay Paul, Senior Planner

ENVIRONMENTAL STATUS: The Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), as the Project is a request for an extension of time of a previously entitled development. A Notice of Exemption was issued for the Project under CEQA Guidelines section 15332 (In-fill Development Projects). Therefore, the Project qualifies under the General Exemption as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3).

DECISION OF THE ZONING ADMINISTRATOR:

- Approved, as set to form
- Conditionally approved with the attached modifications
- Denied
- Continued to: ___ Date Certain (_____) ___ Date Unknown
- Referred to Planning Commission

C. Adjournment:

I certify that these actions were taken at the Zoning Administrator meeting on April 2, 2024.

Zoning Administrator

Witness

ZONING ADMINISTRATOR

- CASE NUMBERS:** PL24-0021 (SUB 20-0001, PHG 20-0009 and PL23-0245)
- APPLICANT:** Martin McComas (Casa Mercado Apartments, LLC)
- PROJECT LOCATION:** The approximately 2.33-acre Project site is comprised of eleven parcels, addressed at 235 S. Pine Street and surrounding properties (APNs 233-032-07-00, 233-032-08-00, 233-032-10-00, 233-032-11-00, 233-032-12-00, 233-032-13-00, 233-032-14-00, 233-032-17-00, 233-032-18-00, 233-032-19-00, and 233-032-21-00)
- REQUEST:** Approval of a three-year extension of time for a Tentative Subdivision Map and Master and Precise Development Plan for a 109-unit condominium development (“Project”).

STAFF RECOMMENDATION: Adopt Resolution No. 2024-06 approving a three-year extension of time for a Tentative Subdivision Map and Master and Previsé Development Plan.

ESSENTIAL SERVICE: Land Use/Development

COUNCIL PRIORITY: Encourage Housing Development

BACKGROUND/PROJECT DESCRIPTION:

On May 12, 2021, City Council approved a Tentative Subdivision Map and Master and Precise Development Plan (Case Nos. SUB 20-0001 and PHG 20-0009). The approval consisted of the development of two (2), four (4)-story buildings (142,232 total square feet and up to approx. 65 feet in height) to accommodate 120 air-space condominium units; 18,333 square feet of private and common open space area/amenities; and 179 parking spaces within the Mercado District of the Downtown Specific Plan (“Project”). Furthermore, additional modifications to the subject project were approved by the Zoning Administrator on September 28, 2023 per the Precise Development Plan (Case No. PL23-0245). The approved modifications include a reduction in the number of dwelling units from 120 to 109 and the addition of a grade-level parking garage. The Project maintains the California/Mediterranean architectural theme but incorporated redesign of the building interior spaces, and modifications to the exterior elevations. The Tentative Subdivision Map and corresponding Master and Precise Development Plan are valid for three-years unless an extension of time is granted. Escondido Municipal Code Section 32.210.02(b) allows the City to grant multiple extensions up to a maximum of six years. The Tentative

Subdivision Map and corresponding entitlements are scheduled to expire May 21, 2024. The purpose of this agenda item is to review and consider the extension request submitted on January 22, 2024, suspending the expiration of the map until a final decision is made. The criteria for determining the appropriateness for granting an extension of time for a Tentative Subdivision Map and related entitlements is based on the map's compliance with the City's current General Plan, Zoning Ordinance, and the requirements of the California Environmental Quality Act ("CEQA").

FISCAL ANALYSIS:

As a private development project, the Project will require the payment of fees in effect at the time permits are requested.

ENVIRONMENTAL REVIEW:

The Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), as the Project is a request for an extension of time of a previously entitled development. A Notice of Exemption was issued for the Project under CEQA Guidelines section 15332 (In-fill Development Projects). Therefore, the Project qualifies under the General Exemption as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3).

REASON FOR STAFF RECOMMENDATION:

The request to extend the previously approved Tentative Subdivision Map and corresponding entitlements conforms to the General Plan, Zoning Code, and CEQA provisions. The conditions of approval have been updated to correct the number of unused dwelling units from the Project (124 units) that are required to be transferred to the City's Density Transfer Program in accordance with the Downtown Specific Plan. The conditions have also been updated to reference the Development Services Department throughout the document where the conditions previously referred to the Community Development Department and/or Engineering Division. Therefore, staff recommends the requested three-year extension of time be approved. With this extension of time, the Project is valid through May 21, 2027.

Respectfully submitted,



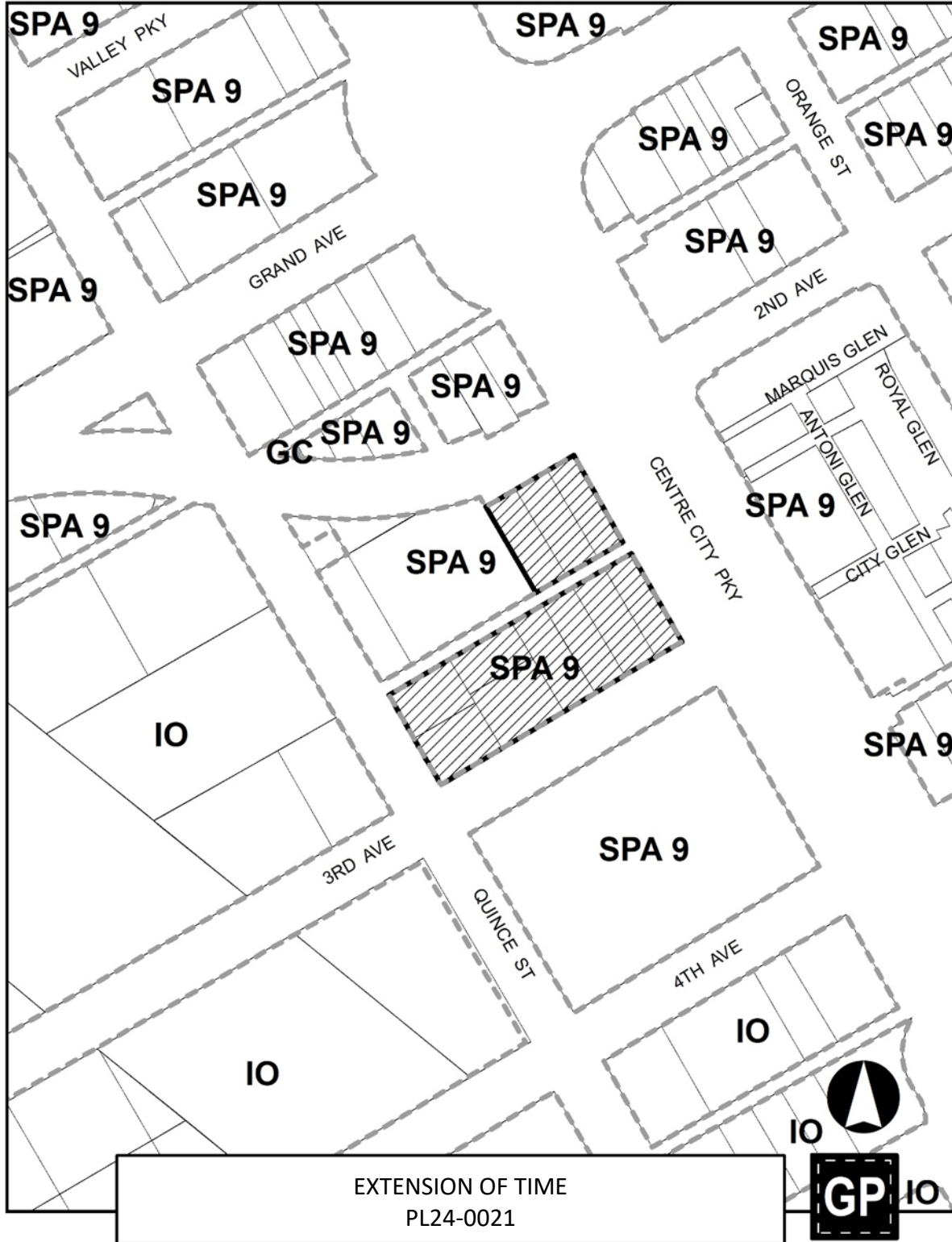
Jay Paul
Senior Planner

ATTACHMENTS:

1. Project Location
2. Site Plan
3. Zoning Administrator Resolution No. 2024-06, including Exhibits A, B, C and D

ATTACHMENT 1 – PROJECT LOCATION

APNs: (233-032-07-00, 233-032-08-00, 233-032-10-00, 233-032-11-00, 233-032-12-00, 233-032-13-00, 233-032-14-00, 233-032-17-00, 233-032-18-00, 233-032-19-00, and 233-032-21-00)



ATTACHMENT 2 – SITE PLAN

This Architectural Drawing is copyright-protected. If you would like to view this drawing, please contact the project planner, Jay Paul at 760-839-4537, or via email at jpaul@escondido.org

Zoning Administrator

Hearing Date: April 2, 2024

Effective Date: April 12, 2024

ZONING ADMINISTRATOR RESOLUTION NO. 2024-06

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A THREE-YEAR EXTENSION OF TIME
FOR TENTATIVE SUBDIVISION MAP NO. SUB20-
0001 AND MASTER AND PRECISE DEVELOPMENT
PLAN NOS. PHG20-0009 AND PL23-0245

APPLICANT: Casa Mercado Apartments, LLC

CASE NO: PL24-0021

WHEREAS, Casa Mercado Apartments LLC (“Applicant”), filed a land use development application on January 22, 2024, Planning Case No. PL24-0021 (“Application”), constituting a request for an extension of time for an approved Tentative Subdivision Map (SUB20-0001) and Master and Precise Development Plan (PHG20-0009 and PL23-0245) (“Project”). The Project would extend prior approvals consisting of a development for 109 condominium units on a consolidated 2.33-acre site generally located on the west side of Centre City Parkway, south of 2nd Avenue, north of 3rd Avenue, east of Quince Street, addressed at 235 S. Pine Street, (Assessor’s Parcel Numbers 233-032-07-00, 233-032-08-00, 233-032-10-00, 233-032-11-00, 233-032-12-00, 233-032-13-00, 233-032-14-00, 233-032-17-00, 233-032-18-00, 233-032-19-00, and 233-032-21-00), in the Downtown Specific Plan (SPA 9) Mercado District; and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as though fully set forth herein ("Property"); and

WHEREAS, the Application was submitted to, and processed by the Planning Division of the Development Services Department on January 22, 2024 in accordance with the rules and regulations of the Chapter 33, Article 61 of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"); and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City of Escondido ("City") is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, a Tentative Subdivision Map and corresponding Master and Precise Development Plan, which has been conditionally approved, was scheduled to expire three years from the effective date of approval, unless additional time was granted pursuant to the Subdivision Map Act, or an extension of time is approved in accordance with Section 32.210.02 of the Escondido Municipal Code; and

WHEREAS, the Applicant requests that the Zoning Administrator approve an extension of time as permitted in accordance with Chapter 33, Article 61, Section 33-1319(7), of the Escondido Municipal Code. Pursuant to Chapter 32, Section 32.210.02

of the Escondido Municipal Code, multiple extensions may be granted provided that the overall total of incremental extensions do not exceed six years; and

WHEREAS, the Planning Division reviewed the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the three-year extension of time as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, on April 2, 2024, the Zoning Administrator held a public meeting as prescribed by law, at which time the Zoning Administrator received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Zoning Administrator, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated April 2, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public meeting; and

WHEREAS, the public meeting before the Zoning Administrator was conducted in all respects as required by the Escondido Municipal Code and the rules of the Zoning Administrator; and

WHEREAS, the Zoning Administrator desires at this time and deems it to be in the best public interest to approve a three-year extension of time, with an expiration date of May 21, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Administrator of the City of Escondido that:

1. The above recitations are true and correct.
2. The Zoning Administrator, in its independent judgment, has determined that all of the requirements of CEQA have been met.
3. After consideration of all evidence presented, and studies and investigations made by the Zoning Administrator and on its behalf, the Zoning Administrator makes the substantive findings and determinations, attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Zoning Administrator reached a recommendation on the matter as hereinafter set forth.
4. The Application to use the Property and extension of time for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "D," is hereby approved by the Zoning Administrator. The Zoning Administrator expressly declares that it would not have approved this Application except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

5. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is conditionally approved as set forth on the Application and Project drawings, all designated as approved by the Zoning Administrator, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

BE IT FURTHER RESOLVED that, pursuant to Government Code section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory within the Development Services Department. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this Resolution begins on the effective date of this Resolution, and any such protest must be in a manner that complies with Government Code section 66020.

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 2nd day of April, 2024.

VERONICA MORONES
Zoning Administrator,
City of Escondido

WITNESS

Note: This action may be appealed to Planning Commission
pursuant to Zoning Code Section 33-130

EXHIBIT "A"

Legal Description PL24-0021

The land hereinafter referred to is situated in the City of Escondido, County of San Diego, State of CA, and is described as follows:

Lot 7 and 8, Block 88 of Escondido in the City of Escondido, County of San Diego, State of California according to Map thereof No. 336, filed in the Office of the County Recorder of San Diego County, July 10, 1886. Excepting therefrom the Easterly 6 feet of Lot 8.

APN: 233-032-19-00

APN: 233-032-10-00

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOTS 9 AND 10 IN BLOCK 88, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

APN(S): 233-032-07-00; 233-032-08-00

PARCEL 2:

LOTS 3, 4 AND 5 OF BLOCK 88 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

APN(S): 233-032-12-00; 233-032-13-00; 233-032-14-00

PARCEL 3:

LOTS 7 AND 8 IN BLOCK 88, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

EXCEPT THE EASTERLY 6 FEET OF LOT 8.

APN(S): 233-032-10-00; 233-032-19-00

PARCEL 4:

LOT 6 IN BLOCK 88, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

APN(S): 233-032-11-00

PARCEL 5:

THE SOUTHEASTERLY ONE HALF OF LOTS 1 AND 2 IN BLOCK 88, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

APN(S): 33-032-17-00

PARCEL 6:

LOTS 1 AND 2 IN BLOCK 88, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

EXCEPT THE SOUTHEASTERLY ONE HALF OF SAID LOTS 1 AND 2

APN(S): 233-032-18-00

PARCEL 7:

LOT 11 IN BLOCK 88 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

EXCEPT THEREFROM THE WESTERLY 0.33 FEET.

DESCRIBED IN THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 25, 2011 AS FILE NO. 2011-0107026, OF OFFICIAL RECORDS.

APN: 233-032-21-00

**Exhibit “B”
Project Plans
PL24-0021**

This Architectural Drawing is copyright-protected. If you would like to view this drawing, please contact the project planner, Jay Paul at 760-839-4537, or via email at jpaul@escondido.org

EXHIBIT “C”

Findings of Fact

Extension of Time

PL24-0021 (SUB 20-0001, PHG 20-0009 and PL23-0245)

Environmental Determination(s)

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), as the Project is a request for an extension of time of a previously entitled development. A Notice of Exemption was issued for the Project under CEQA Guidelines section 15332 (In-fill Development Projects). Therefore, the Project qualifies under the General Exemption as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3).

Extension of Time Determination

1. The Zoning Administrator finds that the extension request is reasonable, was filed within the time periods specified, and meets all requisite findings for extension of time of the Tentative Subdivision Map.

Tentative Subdivision Map Determination(s)

1. The Zoning Administrator finds that the extension of time request is reasonable, was filed within the time periods specified, and meets all requisite findings for the requested extension of time on the Tentative Subdivision Map and associated Master and Precise Development Plan. Escondido Municipal Code Section 32.210.02(b) allows for multiple extensions to be granted by the city, not to exceed a maximum of six years. This request would extend the Tentative Subdivision Map and associated Master and Precise Development Plan through May 21, 2027.
2. All Findings of Fact associated with City Council Ordinance No. 2021-05 and Resolution No. 2021-61(R) that approved Case Nos. SUB20-0001 and PHG20-0009 and the environmental determination (Case No. ENV20-0001), and Findings of Fact associated with Zoning Administrator Resolution No. 2023-08 that approved Case No. PL23-0245 are incorporated herein as though fully set forth. The Project will comply with all the applicable regulations, conditions, and polices imposed by the Escondido Municipal and Zoning Codes.

3. The location, design, and residential density of the Project are consistent with the goals and policies of the Escondido General Plan because high-density residential and mixed-use development is permitted and encouraged in Specific Plan Areas (SPA 9). The proposed infill residential project would be in conformance with General Plan Housing Element Goals and Policies to plan for quality managed and sustainable growth and provide a range of housing opportunities for all income groups and populations with special needs, and which 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.
4. The Project site is physically suitable for the proposed density of development because the property is within a high-density redevelopment area and the Project will assist in the ongoing revitalization of the Mercado District and Downtown retail core by establishing a permanent residential base in the downtown area. The Project site is located within the Mercado District of the Downtown Specific Plan, which allows multi-family mixed-use development up to 100 du/ac. Based on the property size of 2.33 acres, the Mercado District would allow up to 233 units and a four-story structure up to 60 feet in height. The request to construct 109 units and a 4-story structure up to 65 feet in height (with a tower roof element up to 67.7 feet in height) is consistent with the land use density and development requirements envisioned for this area, approved Master Development Plan and Zoning Code. The Zoning Code allows certain non-habitable architectural features to exceed height limits, such as towers, parapets and mechanical screens. The Project density of 46.7 du/ac is consistent with the allowable density for the Project site.
5. The Project is 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, landscaping and open space would be provided. The residential Project 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 Mercado District of the Downtown Specific Plan because the Project would provide residential units to accommodate a wide range of housing needs (with ownership opportunities). The Project includes a variety of amenities such as individual balconies for each unit along with various common areas and 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.
6. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The proposed grading design would not result in any manufactured slopes or pad elevations that would create any significant adverse visual or compatibility impacts with adjacent lots.

7. The Project would be compatible with the surrounding uses because the site is within an urban commercial/residential area developed with a variety of commercial and multi-story residential developments of varying density and design. The site is relatively flat and extensive grading is not proposed. The topography of the site allows for appropriate pedestrian access and the creation of buildable pad areas without the need to export or import significant quantities of dirt. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. Appropriate noise attenuation would be provided for the new units. The proposed Project also would not result in a significant impact to biological or natural resources.
8. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage and would avoid injury to fish or wildlife, or their habitat because the site is located within an urban setting and previously has been developed with a residential/commercial use.
9. The design of the map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the Project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
10. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) and the Downtown Specific Plan have been or will be obtained prior to the recordation of the map.
11. The Project would not conflict with regional or local housing goals because 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. The Project would comply with all development standards of the applicable zone and observe the density of the General Plan and area plans, as noted in the sections above.
12. In consideration of the above, the proposed Project meets all of the requirements of section 66474 of the California Government Code and the proposed map meets all of the

requirements or conditions imposed by the Subdivision Map Act and the Escondido Zoning Code, as detailed in the May 12, 2021 staff report, the Escondido General Plan and above findings.

Planned Development Plan Determinations:

1. The location, design, and residential density of the proposed planned development are consistent with the goals and policies of the Escondido General Plan because high-density residential and mixed-use development is permitted and encouraged in Specific Plan Area (SPA 9). The proposed in-fill residential project would be in conformance with General Plan Housing Goals and Policies to plan for quality managed and sustainable growth and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form to promote transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The site is physically suitable for the proposed density of development because the property is within a high-density redevelopment area and the Project will assist in the ongoing revitalization of the Mercado District and Downtown retail core by establishing a permanent residential base in the downtown area. The subject site is located within the Mercado District of the Downtown Specific Plan, which allows multi-family mixed-use development up to 100 du/ac. Based on the property size of 2.33 acres, the Mercado District would allow up to 233 units and a four-story structure up to 60 feet in height. The request to construct 109 units and a 4-story structure up to 65 feet in height (with a tower roof element up to 67.7 feet in height) is consistent with the land use density and development requirements envisioned for this area, approved Master Development Plan and Zoning Code. The Zoning Code allows certain non-habitable architectural features to exceed height limits, such as towers, parapets and mechanical screens. The Project density of 46.7 du/ac is consistent with the allowable density for the Project site.
2. The proposed location of the development allows the planned development to be well integrated with its surroundings by providing a high-density mixed-use residential housing project in close proximity to transit, and near retail and other commercially developed properties. Adequate parking, circulation, utilities and access would be provided for the development. The Project also would not be out of character for the area because the Mercado District of the Downtown Specific Plan envisions an upscale urban area with a mix of high-density residential and commercial development, and the proximity to the Escondido Transit Center makes the density appropriate. The overall mass and scale of the buildings is appropriate for the proposed location due to the street-oriented appeal and urban design characteristics, along with the quality of the architectural design and use of a variety of building materials and colors.
3. All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion upon adjoining streets, as determined by the Engineering Division and detailed in the preliminary Traffic Assessment that was prepared for the Project by Linscott, Law and Greenspan.

4. The overall design of the proposed residential mixed-use development would produce an attractive, efficient and stable environment for living, because adequate residential amenities, parking, and landscaping would be provided, and the design of the development is consistent with a high quality, urban infill project that will provide housing opportunities within walking distance of downtown commercial and retail services consistent with the City's vision for the downtown area. The Project includes sufficient on-site open space amenities appropriate for this high-density urban development, including a podium and roof-deck common open areas with view decks and outdoor seating areas, and private balconies for each unit.
5. The proposed development would be well integrated into its surroundings, because the new structures would incorporate compatible and integrated architecture, materials and colors, and the Project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. 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. Extensive grading is not required to support the Project, and the Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features.
6. Utilizing the Planned Development process allows flexibility from the Downtown Specific Plan requirements in order to achieve a high-density residential project in the urban core. The Project would provide residential 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.
7. The Project would provide an environment of sustained desirability and stability because city services and adequate access would be provided; adequate parking would be provided; the proposed architecture would be integrated into its surroundings; and the Project could serve as a catalyst for further revitalization efforts in the area.
8. The improvements are not likely to cause substantial environmental concerns because the property was previously developed as with residential and commercial uses. The site does not contain any sensitive or protected habitat or other environmental concerns as determined during the environmental review. The design of the Project and the type of improvements are not likely to cause serious public health problems because the Project will not degrade the levels of service on the adjoining streets or drainage system as the Project incorporates street and drainage improvements are part of the Project and city sewer and water is available to the site.
9. The general provisions, conditions, and exceptions applicable to the underlying Downtown Specific Plan shall be applied in the planned development zone, unless a different regulation or standard is prescribed by an adopted planned development zone. Development standards

related to parking, open space, and sign placement as described in the May 12, 2021 City Council staff report shall be governed by the site-specific Master Development Plan standards, unless modified by the Precise Plan described in the September 28, 2023 Zoning Administrator staff report, which shall be adopted as part of the zone. All other provisions of the Escondido Zoning Code shall prevail during the implementation and operation of the Project.

No Net Loss

1. No Net Loss Law (Government Code section 65863) applies when a site is included in the jurisdiction's Housing Element's inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density or affordability level than shown in the Housing Element. The city does not need to determine if this Project or a decision related to this Project would be subject to No Net Loss Law and its remedies. The Project site is not identified in the vacant/underutilized sites land inventory of the City's Sixth Cycle Housing Element (Appendix B).

Density Transfer Determination(s)

1. The City's Density Transfer Program allows the transfer of unused residential density from the developing properties to another, future project in the downtown area. Through the program, residential units that are transferred from undeveloped or underutilized properties (i.e., sending areas) are placed in a density credit pool and are held until there are developing properties (i.e., receiving areas) acquire the density. The City's General Plan land-use designation for the Project Site is Specific Plan Area (SPA 9). Multi-family residential development of up to 100 dwelling units per acre is allowed within the Mercado District. Based on the size of the Project Site (2.33 acres), the underlying zoning would allow up to 233 units. The Project proposes 109 units. The Project has a density/yield that falls short of the maximum density allowed on the subject property. As conditioned, the unused balance of residential density would be transferred to the Density Transfer Program. Through the application of SUB 20-0001, PHG 20-0009, PL23-0245 and PL24-0021, the subject property has been deemed a candidate to be a "sending area" and 124 units (233 – 109 = 124) have been identified for transfer into the density credit pool.
2. The Density Transfer Agreement is consistent with vision and strategic goals of the Downtown Specific Plan because it allows the Applicant to develop the Project at a lower density (or fewer units) than the maximum units allowed. The Density Transfer Program provides the City with an additional mechanism to assist property owners wishing to provide housing at a density not otherwise permitted for their property by the Downtown Specific Plan. The transfer of said units would help incentivize future development - and keep it in the downtown area to support nearby retailers, services, entertainment, and attract other new businesses that are part of a desirable downtown economy. The overall amount of new development within the downtown would remain the same; however, implementation of the program creates a flexible way to still achieve the ultimate build-out

of the downtown and create a future sustainable center of activity. Adopting the Project and approving the transfer of units would help accommodate the city's share of future regional housing needs with greater mix of housing types and choices, which benefits everyone in the community.

3. The Density Transfer Agreement will not be detrimental to the health, safety and general welfare of the City because the Sending Area will be built at to comply with all development standards identified in the Downtown Specific Plan, as modified by the Planned Development Permit approved for the Project.

EXHIBIT "D"

PLANNING CASE NO. PL24-0021 CONDITIONS OF APPROVAL

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

A. General:

1. **Acceptance of Permit.** Should the Applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall expire thirty-six (36) months from the effective date of the original project expiration date, which was derived from the permitted 36 month expiration timeframe for the original Tentative Map and Planned Development approvals, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. This Permit for an extension of time of the original Tentative Map and Planned Development shall represent three of the total six years permitted for extension pursuant to Chapter 32, Article 2 (Tentative Maps).

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

- a.** The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b.** Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c.** Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to any Grading Exemptions for the slope and walls up to an additional one foot in height. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

5. Limitations on Use. Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.

6. Certificate of Occupancy.

- a.** No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b.** Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Development Services.

7. Availability of Permit Conditions.

- a.** Prior to Final Map recordation, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.
- b.** The Applicant shall make a copy of the terms, conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

8. **Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
9. **Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. **During** Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

10. **Fees.** 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 Development Services. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Director of Development Services.
11. **Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any 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.
12. **Clerk Recording.**
 - a. **Exemption.** The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee

within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

- b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

13. **Legal Description Adequacy.** 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.

14. **Application Accuracy.** The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.

15. **Enforcement.** If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, the City of Escondido shall have the right to deny or withhold subsequent permit approvals or permit inspections that are derived from the application entitlements herein granted; issue stop work orders; pursue abatement orders, penalties, or other administrative remedies as set forth in state and local laws; or institute and prosecute litigation to compel compliance with said conditions or seek damages for their violation. The applicant/developer shall be notified in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

16. **Indemnification, Hold Harmless, Duty to Defend.**

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant

or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to (i) any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals; and (ii) any Claims related to the Agreement of Purchase and Sale and Joint Escrow Agreements executed by the City and the Applicant, including but not limited to any challenge to the City's determination that the disposition of the Property is exempt from the January 1, 2020 amendments to the Surplus Land Act (California Government Code section 54220 et seq.). Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations.

Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

1. **Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of Community Development, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of the property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.

5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
14. **Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1,

5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

15. **Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines is not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Community Development that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

C. Parking and Loading/Unloading.

1. As previously approved, a minimum of 179 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The stripping shall be drawn on the plans or a note shall be included indicating double-stripping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

- D. Landscaping:** The property owner or management company assumes all responsibility for maintaining all on-site landscaping; any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
 - a. A final landscape and irrigation plan shall be submitted to the Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Division with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Division prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
 - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e., planting and irrigation) is to be provided prior to final occupancy.
 - c. 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.

- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Community Development.
- e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast-growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

E. Specific Planning Division Conditions:

1. Historic/Cultural

- a. Prior to issuance of demolition and/or grading permits, appropriate photo documentation of the site and buildings shall be completed by a qualified cultural/historic consultant utilizing the appropriate California Office of Historic Preservation DPR forms/format. The final photos/forms shall be submitted to the Escondido Planning Division.
- b. Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.
- c. The applicant shall 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 them. The applicant/owner and the TCA Tribe responsible 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 project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.
- d. 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.
- e. 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.
 - f. During the initial demolition, 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.
 - g. 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 clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
 - h. 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.
 - i. If a potentially significant tribal cultural resources and/or unique archaeological resource is discovered, 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.

- j. 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.
- k. 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 TCA 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.
- l. 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.

2. Noise

- a.** Prior to issuance of building permits, the building plans shall incorporate the required building materials described in the Helix Noise Technical Study (Section 4.1.6) to ensure all rooms comply with the relevant interior noise standards of 45 CNEL for habitable areas. Appropriate means of air circulation and provision of fresh air also shall be incorporated into the final building plans to ensure that windows would be able to remain closed.

3. Hazardous Materials

- b.** Any materials containing asbestos that will be disturbed during demolition activities must be managed in accordance with any applicable local, State and Federal regulations by a licensed abatement contractor under controlled conditions. Current federal and state regulations require any repair, renovation and/or demolition of such materials be conducted only by workers and/or contractors who have been properly trained in the correct handling of asbestos. All asbestos work should be accomplished under the direction of an Independent State Certified Asbestos Consultant with oversight performed by a State Certified Site Surveillance Technician. The materials must be disposed of at an approved facility licensed to handle such waste.

4. Design/Operational

- a.** All walls shall be constructed out of decorative materials and include a matching cap (mortar cap not allowed). This shall be clearly noted on the grading plans and landscape plans.
- b.** The project shall incorporate a minimum of 1 tree per dwelling unit into the project landscape plans, unless modified by the Director of Development Services. Specimen sized trees (minimum 24" box) shall be incorporate into the project street frontages along Pine Street, 3rd Avenue and Quince Street, where feasible.
- d.** All mechanical equipment visible from adjacent streets shall incorporate an architectural screen and landscaping around the units to complement the design of the units. The screens for the rooftop equipment shall be tall enough and designed to provide adequate noise attenuation from the rooftop recreation space. The screens shall be included on either the building and/or landscape plan.
- e.** An appropriate mix of trees, shrubs and ground cover shall be incorporated into the overall landscape design and slopes.
- f.** Permitted animals/pets shall be allowed in conformance with those identified in the Escondido Zoning Code for R-4 zoned properties, unless more restrictive standards are applied by the property owner and included in the project CC&Rs.

- g. Balconies and patios shall be kept in a neat and orderly manner. Items shall not be hung over, across or on balconies or patios (such as towels, clothing, etc.). This shall be incorporated into the CC&Rs.
- h. The Project shall be managed by a professional management company. A self-managed HOA shall not be allowed. This shall be reflected in the project CC&Rs.
- i. Washer/Dryer hook ups shall be provided within each unit.
- j. Prior to the issuance of building permits, a Parking Management Plan shall be submitted to the Planning Division for review and approved by the Director of Community Development. The Parking Management Plan shall address the following:
- Parking assignment for all residents for the studio, one- and two-bedroom units (at least one space for each unit, with two spaces for the two-bed units);
 - Delivery and other short-term parking and restrictions;
 - Guest parking;
 - Potential flex spaces for guest parking during certain timeframes
 - Secure bicycle parking (short and long term)
 - Parking Monitoring Plan to adjust the parking management plan as needed.
 - Transit Pass Assistance Program where the developer provides incentives for residents and employees who utilize monthly transit passes.
- k. Public access shall be provided along the alley through the Project site with the recordation of a public access easement or other appropriate mechanism, as approved by the Engineering Services Division and City Attorney's Office.
- l. The Project shall participate in the Density Transfer Program as a "sending area," as described in Exhibit "C" to Zoning Administrator Resolution No. 2024-06. A deed restriction shall be recorded prior to building permit issuance, transferring 124 units into the Transfer Density Credit Pool.
- m. The Applicant is required to provide 300 square feet of open space per residential unit on site (109 units x 300 SF = 32,700 SF), but is allowed to pay a fee as an alternative in-lieu of construction of open space amenities on the Project site. Prior to building occupancy, the Applicant shall pay the City \$97,375 (7,790 SF deficit open space x \$12.50) for the City's use towards park and open space improvements in the downtown area, with a preference of proximity to the Project site. Said payment shall be made to the Building Official and paid into a parkland/open space trust fund and used to finance parkland and open space developed off-site.
- n. Access into the garage areas shall be a minimum of 24 feet in width, unless modified/approved by the Fire Department and Engineering Services Division.

BUILDING

1. Approval and subsequent development are subject to all conditions and requirements of the California Building Code and Building Division.

FIRE

1. Fire underground line, Fire sprinkler, and Fire alarm plans shall be deferred submittals to the Escondido Fire Department.
2. No combustibles shall be brought to the site without and adequate water supply and installed approved access.

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. The Developer shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans and Final Map. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Permanent structures can encroach over and within the Public Utility Easements reserved and dedicated in the alley area but these encroaching structures must not encroach with a vertical clearance less than 14 feet above the alley finished surface immediately below
4. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the virtual plan review portal as a single package containing all items on the Engineering Plan Review Checklist. Landscaping Plans shall be prepared by a Landscape Architect and shall also be submitted through the virtual plan review portal with the second final engineering resubmittal.
5. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

6. All final engineering plans for the construction of all required off-site and on-site improvements and grading shall be approved and surety bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to approval and recording of the Final Map and approval of the Grading Plan for this Subdivision.
7. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled, or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
8. 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.
9. All project construction shall be conducted in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.
10. The Developer's engineer shall submit to the Planning Department 3 copies of the Tentative Map as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Tentative Map will be certified by the Planning Department verifying that they are an accurate reproduction of the approved and conditioned Tentative Map and must be included with the first Final Engineering submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street and drainage improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer prior to first occupancy. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
2. Prior to the first occupancy the developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundaries:

STREET	<u>CLASSIFICATION</u>
Pine Street	Mod. Local Collector – (36' curb to curb)
Quince Street	Collector - (64' curb to curb)
3 rd Avenue	Mod. Residential - (24' drive w/ perp. parking)
Alley	Alley Standard – 24' wide w/ ribbon gutter

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

3. Public sidewalk construction along Quince Street shall be contiguous to the curb in accordance with current Escondido Design Standards.
4. Public sidewalk construction along Pine Street and 3rd Avenue shall be contiguous to the curb behind private perpendicular and diagonal parking spaces.
5. Pedestrian access easement will be required beyond the right-of-way to allow the public use of these public sidewalks along Pine Street and 3rd Avenue.
6. All on-site parking and vacated portions of the alley, Pine Street, and 3rd Avenue public rights-of-way shall be private. It shall be the responsibility of the Property Owner's or Home Owner's Association to maintain these private parking and access areas, and such maintenance responsibility shall be clearly stated in the CC&Rs. Typical sections, alignments, curb return, and design details shall be to the satisfaction of the City Engineer, Community Development Director, and City Fire Marshal. These private street improvements shall include, but not be limited to, the construction of concrete curb and gutter, sidewalks (one side only), street lights, paving and base.
7. The address of each building shall be posted in such a manner that the address is clearly visible from the street. The addressing shall be determined and placed in a manner and location approved by the City Engineer, Community Development Director, and Fire Marshal.
8. LED Street Lights shall be installed in accordance with City Standards and per Escondido Standard Drawing No. E-1-E along Pine Street at its intersection with the alley and 3rd Avenue and along Quince at its intersection with the alley and 3rd Avenue.
9. All existing public street lights along all Project frontages must be either retrofitted or replaced with an LED street light in accordance with Escondido Standard Drawing No. E-1-E. Where replaced the existing street light equipment shall be removed and salvaged to the City Public Works yard.
10. Street lighting shall be required in all on-site private parking areas. It shall be the responsibility of the Property Owner's or Home Owner's Association to maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
11. The Developer may be responsible for an overlay of Quince Street, Pine Street, and 2nd Avenue due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
12. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
13. The Developer's Traffic engineer shall prepare and submit for approval by the City Engineer a complete Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer. The signing and striping plan shall be submitted together with the first submittal of the Improvement and Grading Plan sets.
14. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.

15. Any gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal with the location and operation of the gates and equipment shown on and approved with the project grading and improvement plans. Any proposed gated entrance will require Building plans be approved and Building Permits issued for the structural, mechanical, and electrical aspects. The architectural details of the gate and entry way design are typically shown on the project landscape plans.
16. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

GRADING and ONSITE PRIVATE IMPROVEMENTS

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by three copies of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. All private access drives and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" Portland cement concrete over 6" aggregate base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with Portland cement concrete.
3. Any proposed retaining walls not a part of the building foundations or stem 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. The Developer will be required to pay for all required third party structural engineering review of these structural calculations and details. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Department plan review and Building Permit process.
4. All retaining walls and screen walls, stairs and raised landings shall be constructed completely within the Project property and shall not encroach into the public R/W.
5. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or other work necessary to construct the project and/or the required improvements, or the Developer shall modify the project design so the construction in question is contained within the project's property lines.
6. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.

7. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
8. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
10. All existing foundations, structures, trees not otherwise designated "to remain" on the Tentative Map, shall be removed or demolished from the site.
11. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Final Drainage Study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The Developer shall install a public parallel 54" reinforced concrete storm drain pipe in 3rd Avenue together with a new or modified junction structure downstream at Quince Street where the 2 existing 54" storm drain joins an existing 9'x5' reinforced concrete box culvert. A grated drainage outlet structure shall be designed and constructed on both the existing and proposed 54" RCP storm drain pipes in 3rd Avenue just upstream of the junction structure; all to the satisfaction of the City Engineer.
3. The Developer shall remove the existing undersized 18" storm drain connectors and grated inlets in Pine Street and shall install 2 new 42" storm drain pipes connecting the existing dual 5'x2' reinforced concrete box culverts coming under Pine Street to the proposed and existing 54" storm drain pipes in 3rd Avenue and construct a new curb inlet on Pine Street all per City Design Standards to the satisfaction of the City Engineer.
4. The Developer shall install a new curb inlet at the southeast corner of Quince and 3rd Avenue and connect it to the new 54" RCP storm drain in 3rd Avenue and this inlet shall include a mechanical filtering device that shall be the responsibility of the Home Owners Association to maintain.
5. The Developer shall install a Type-G inlets in the flowlines of the proposed ribbon gutters in the alley, in 3rd Avenue, and along Pine Street and these shall be connected to project's stormwater treatment and hydromodification facilities.
6. All on-site storm drains are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&Rs.
7. The project shall limit drainage flows to their pre-construction rates. Details and calculations for any detention vaults shall be submitted and approved as part of the grading plan check.

8. A Final Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include both treatment and hydromodification calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and all facilities located in the public right-of-way. The SWQMP shall demonstrate how any proposed proprietary best management practices like modular wetlands meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual. Additional stormwater treatment facilities or modular wetland units may be required to treat all portions of the site and disturbed right-of-way areas.
9. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants. The City highly encourages the use of bio-retention areas where possible as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
10. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.
11. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
12. All onsite and offsite storm water treatment and retention facilities and their drains including modular wetlands, bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance and repair of all project constructed/installed post construction storm water treatment facilities both onsite and in the adjacent public right-of-way shall be that of the Home Owners Association.
13. The Developer shall design and construct any permeable surfaces proposed for the project to the specifications of the version of the County of San Diego Green Streets manual approved by the County at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H20 loading.
14. The Home Owners Association shall perpetually maintain any permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third-party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The Property owner or Home Owners Association will be required to repair or reinstall the permeable surface for all failing surfaces to County of San Diego Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system.

WATER SUPPLY

1. The Developer is required at their sole expense to design and construct a looped 12-inch public water main. This 12-inch water main shall loop around the project beginning at the intersection of 2nd Avenue and Pine Street and shall extend south in Pine Street to the south side of 3rd Avenue, this 12-inch watermain shall then be extended west on 3rd Avenue to join the existing 6-inch water main in Quince Street and replace this 6-inch watermain in Quince Street north to the existing 10-inch watermain in the alley that bisects the project. This existing 10-inch watermain shall be replaced in the alley with a new 12-inch watermain from Quince Street to Pine Street with required separation from the existing sewer main where it shall connect to the new 12-inch watermain in Pine Street and the existing 10-inch coming from the east across Center City Parkway. The 12-inch water main shall be designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main.
3. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
4. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines shall be shown for reference and review on the various final engineering plan sets.
5. All on-site water lines and backflow prevention devices beyond the City water meter or DCA shall be considered a private water system. The Home Owners Association shall be responsible for all maintenance of these water lines and appurtenances.
6. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.
7. Improvement plans for all proposed water mains shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.
8. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
9. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
10. Any water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
11. Any fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.
12. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.

SEWER

1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utility Easement or ROW shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye or Inserta-Tee. Sewer laterals 8-inch or larger shall connect to the sewer main with a City Standard manhole.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All sewer laterals shall be considered a private sewer system. The Home Owners Association shall be responsible for all maintenance of sewer laterals to the public sewer main.
5. Any sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
6. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vector trucks for maintenance.
7. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.
8. The location of all sewer laterals shall be shown on the grading and improvement plans.

LANDSCAPING

1. Site landscaping and irrigation plan(s) for the project and for all right-of-way areas along the project frontages shall be prepared by a Licensed Landscape Architect and submitted to the Engineering Department with the second submittal of the grading plans for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.

FINAL MAP – EASEMENTS, DEDICATIONS, and STREET VACATIONS

1. All private and public easements affecting subject property both proposed and existing to remain shall be shown, delineated, dimensioned, and clearly labeled on the Final Map and all plan sets.
2. The Developer shall grant all necessary public easements to the City on the Final Map, including Public Utility Easements, Emergency Access Easements, Pedestrian Access Easements, etc.
3. The Developer shall dedicate to the public two (2) feet of public utility easement along the project's entire Quince Street frontage.

4. The Developer shall dedicate to the public 4' of public right-of-way for a total of 24' of public right-of-way along the alley in areas where the project does not overhang the alley or this otherwise required 4' of alley right-of-way dedication.
5. In areas where the project building structure is currently proposed to encroach and overhang the alley right-of-way (not less than 14 feet clearance), these encroached alley areas will be vacated and public utility, public access, and emergency access easements reserved therefrom, and the Developer shall dedicate an additional public utility, public pedestrian access, and emergency access easement for a total width of 24 feet in these encroached on and overhung alley areas.
6. A public utility easement or water easement shall be granted to the City of Escondido for any proposed public waterlines within the project. The easement shall include all fire hydrants, water meters and other public water appurtenances. The minimum easement width for public mains shall be 20-feet.
7. The project includes multiple proposed Street Vacations of the public right-of-way adjacent to and within the project boundary, and these shall be approved by public hearing before the City Council as required by State Highways Code. The specific right-of-way areas to be vacated shall be determined to the satisfaction of the City Engineer, and public utility easements, public pedestrian access, and emergency access easements will be required to be reserved over the portions of the rights-of-way areas being vacated. All City Council approved street vacations shall be accomplished on the Final Map and referencing the resolution whereby they were approved.
8. The Developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the final map.
9. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for structures in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS AND FEES

1. 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 Best Management Practices devices and materials, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, retaining walls, walls, drainage facilities, landscaping and irrigation, and best management practices items of work up to a maximum of \$60,000, unless a higher amount is deemed necessary by the City Engineer.
2. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when Building Permits are issued.

3. The Applicant shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding to be determined by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District (CFD) or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets and the alley shall be relocated underground as required by the City's Subdivision and Undergrounding Ordinances.
2. The Developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Department and approved prior to approval of the Final Map.
2. The Developer shall make provisions in the CC&Rs for maintenance, repair and replacement by the Home Owners' Association of all private parking areas and access drives to them, private utilities (including sewer and water), storm water and drainage facilities, private street lighting, landscaping both onsite and within fronting public rights-of-way. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
4. The CC&Rs must state that (if stamped concrete or pavers are installed the Home Owners' Association is responsible for replacing the stamped concrete or pavers in kind if the City has to trench for repair or replacement of a public utility.
5. The CC&Rs shall include provisions for the Home Owners' Association to maintain all of the public right-of-way along all Project's frontages including, landscaping, irrigation, fencing and screen walls, and graffiti removal. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.