



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

4:00 PM - Closed Session (Parkview Conference Room) - Cancelled

5:00 PM - Regular Session

Escondido City Council Chambers, 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR CITY COUNCIL MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the City Council and the action recommended by City staff.

MAYOR

Dane White

DEPUTY MAYOR

Joe Garcia (District 2)

COUNCILMEMBERS

Consuelo Martinez (District 1)

Vacant (District 3)

Michael Morasco (District 4)

CITY MANAGER

Sean McGlynn

CITY ATTORNEY

Michael McGuinness

CITY CLERK

Zack Beck

HOW TO WATCH

The City of Escondido provides three ways to watch a City Council meeting:

In Person



201 N. Broadway

On TV



Cox Cable Channel 19 and U-verse Channel 99

Online



www.escondido.org



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

HOW TO PARTICIPATE

The City of Escondido provides two ways to communicate with the City Council during a meeting:

In Person



Fill out Speaker Slip and Submit to City Clerk

In Writing



<https://escondido-ca.municodemeetings.com>

ASSISTANCE PROVIDED

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.





CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

REGULAR SESSION

5:00 PM Regular Session

Mobilehome Rent Review Board

MOMENT OF REFLECTION

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

The City Council conducts the Pledge of Allegiance at the beginning of every City Council meeting.

CALL TO ORDER

Roll Call: Garcia, Martinez, Morasco, White

PRESENTATIONS

Escondido Non-Profit Grant Program Presentation by the Escondido Community Foundation

Greater Escondido Chamber of Commerce Directory

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. AFFIDAVITS OF PUBLICATION, MAILING, AND POSTING (COUNCIL/RRB) -



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

2. APPROVAL OF WARRANT REGISTER (COUNCIL)

Request approval for City Council and Housing Successor Agency warrant numbers:

- 368788 – 368966 dated November 30, 2022
- 368967 – 369194 dated December 7, 2022
- 369195 – 369440 dated December 14, 2022
- 369441 – 369689 dated December 21, 2022
- 369690 – 369823 dated December 28, 2022

Staff Recommendation: Approval (Finance Department: Christina Holmes)

3. APPROVAL OF MINUTES: Regular Meetings of November 30, 2022, December 7, 2022, and December 14, 2022

4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND PRECISE DEVELOPMENT PLAN FOR CONSTRUCTION OF A DRIVE-THROUGH COFFEE FACILITY AT 1525 TANGLEWOOD LANE

Approved on December 7, 2022 with a vote of 3/1 (McNamara - No; Morasco - Absent)

a) Ordinance No. 2022-24R (Second Reading and Adoption)



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

PUBLIC HEARINGS

6. CONWAY RESIDENTIAL SUBDIVISION

Request the City Council adopt Resolution No. 2023-06, approving a Tentative Subdivision Map, Annexation/Reorganization, and Grading Exemption, for a 56-unit residential subdivision located at 916, 942, and 943 Stanley Avenue, and 2005 – 2175 Conway Drive (odd-numbered addresses only) (“Project”). The request also includes the adoption of a Final Mitigated Negative Declaration prepared for the Project pursuant to the California Environmental Quality Act.

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Director of Development Services)

Presenter: Adam Finestone, City Planner

a) Resolution No. 2023-06

7. NORTH IRIS CONDOMINIUMS

Request the City Council 1) Adopt Resolution No. 2023-03 certifying a Final Environmental Impact Report (FEIR), Mitigation Monitoring and Reporting Program and making certain Findings of Fact in conformance with the California Environmental Quality Act (CEQA); 2) Introduce Ordinance No. 2023-03 for a Prezone to Planned Development Residential 14.6 (PD-R 14.6) along with a Master and Precise Development Plan for a 102-unit condominium development; 3) Adopt Resolution No. 2023-04 approving a General Plan Amendment from Suburban to Urban 3, one-lot Tentative Subdivision Map, and Annexation/Reorganization.

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Director of Development Services)

Presenter: Jay Paul, Senior Planner

a) Resolution No. 2023-03

b) Resolution No. 2023-04

c) Ordinance No. 2023-03 (First Reading and Introduction)



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

8. SHORT-FORM RENT INCREASE APPLICATION FOR GREENCREST MOBILEHOME PARK (FILE NO. 0697-20-10314)

Request the City Council 1) Review and approve Greencrest Mobilehome Park short-form application and adopt Rent Review Board Resolution No. RRB 2023-01; 2) Find a violation of City's Mobilehome Rent Review Board Guidelines, deny the short-form application, and prohibit Greencrest Mobilehome Park from filing a short-form application for five years.

Staff Recommendation: Approval of Application (Development Services Department: Andrew Firestine, Director of Development Services)

Presenter: Eric Bunge, Management Analyst

a) Resolution No. RRB-2023-01

CURRENT BUSINESS

9. CONSIDERATION OF RECREATIONAL VEHICLE PARKING REGULATIONS

Request the City Council adopt Ordinance No. 2023-02, amending Escondido Municipal Code section 28-142 to regulate recreational vehicle ("RV") parking.

Staff Recommendation: Approval (City Attorney's Office: Michael R. McGuinness, City Attorney)

Presenter: Gary J. McCarthy, Assistant City Attorney

a) Ordinance No. 2023-02 (First Reading and Introduction)

10. SELECTION OF CLEAN ENERGY ALLIANCE DEFAULT ENERGY SUPPLY OPTION FOR CITY OF ESCONDIDO ELECTRICITY CUSTOMERS

Request the City Council adopt Resolution No. 2023-09 selecting "Clean Impact Plus – 50% Renewable / 75% Carbon Free Energy" as the Clean Energy Alliance ("CEA") Default Energy Supply Option. Staff recommend this option because it provides the best combination of value to the customer and advancement of the goals of the City's Climate Action Plan. The City Council may, at its discretion, chose either of the other supply options ("Clean Impact" or "Green Impact") as the default option for the City of Escondido.

Staff Recommendation: Approval (City Manager's Office: Christopher W. McKinney, Deputy City Manager/Director of Utilities)

Presenter: Christopher W. McKinney

a) Resolution No. 2023-09



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

11. NATIONAL LEAGUE OF CITIES APPOINTMENT

Request the City Council appoint a representative to the National League of Cities.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck)

Presenter: Zack Beck

12. REVIEW OF COUNCIL POLICIES AND RULES OF PROCEDURE

Request the City Council review the Council Policies and Rules of Procedure. Staff

Recommendation: Provide Direction (City Council: Dane White, Mayor)

Presenter: Mayor Dane White

FUTURE AGENDA

13. FUTURE AGENDA

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: None (City Clerk's Office: Zack Beck)

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety, and Community Development. This report is also available on the City's website, www.escondido.org.

ADJOURNMENT



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 11, 2023

UPCOMING MEETING SCHEDULE

Wednesday, January 25, 2023	4:00 & 5:00 PM	Regular Meeting, <i>Council Chambers</i>
Wednesday, February 08, 2023	4:00 & 5:00 PM	Regular Meeting, <i>Council Chambers</i>

SUCCESSOR AGENCY

Members of the Escondido City Council also sit as the Successor Agency to the Community Development Commission, Escondido Joint Powers Financing Authority, and the Mobilehome Rent Review Board.



A F F I D A V I T S
OF
I T E M
P O S T I N G –

- **Public Hearing Notice – Tentative Subdivision Map, Grading Exemption, and Annexation – PL21-0269, PL21-0277, and PL22-0584**
- **Public Hearing Notice – Annexation, General Plan Amendment, Prezone, Tentative Subdivision Map, and a Master and Precise Development Plan – PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127, and PL21-0128**



CITY OF ESCONDIDO
OFFICE OF THE CITY CLERK
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
760-839-4617

NOTICE OF PUBLIC HEARING

The Escondido City Council will hold a public hearing, in the City Council Chambers, Escondido City Hall, 201 N. Broadway, Escondido, CA at 5 p.m., on Wednesday, January 11, 2023, to consider the item below:

TENTATIVE SUBDIVISION MAP, GRADING EXEMPTION, AND ANNEXATION – PL21-0269, PL21-0277, AND PL22-0584

REQUEST: The project proposes a 56-unit subdivision on approximately 14.07 acres of land. The subdivision would be comprised of 46 single-family lots, and one multi-family lot which would accommodate 10 affordable housing units (comprised of five duplexes), pursuant to State Density Bonus Law. Two of the proposed single-family lots would be occupied by existing single-family homes, and two lettered lots would be created for stormwater basins and open space area. Of the 14.07 acres, 12.06 acres are currently within the City of Escondido. The remaining 2.01-acre parcel is within the unincorporated County of San Diego, which will require LAFCO approval for annexation into the City. A Grading Exemption is requested for slopes ranging from 10 to 20 feet in height located internally on Lots 10 and 13, and cut slopes greater than 2 to 1. Utilities will be extended to serve the proposed project from Conway Drive, Stanley Avenue and Lehner Avenue. The proposal also includes the adoption of a Mitigated Negative Declaration prepared for the project.

PLANNING COMMISSION ACTION: On December 13, 2022, the Planning Commission voted 4 – 1 to recommend approval of the project.

PROPERTY SIZE AND LOCATION: The approximately 14.07-acre site is located along Conway Drive, both sides of Stanley Avenue and north of Lehner Avenue. (Assessor Parcel No.'s 224-141-23, 224-141-24, 224-141-25 & 224-142-30, 224-142-31, 224-142-32, 224-142-33).

ENVIRONMENTAL STATUS: A Draft Initial Study and Mitigated Negative Declaration (IS/MND) was issued for a 20-day public review on October 28, 2022. Response to comments received on the IS/MND have been incorporated into the Final IS/MND. Mitigation measures required under the California Environmental Quality Act ("CEQA") have been developed to reduce potentially significant impacts related to air quality, biological resources, cultural and tribal cultural resources, geology/soils, hazards and hazardous materials, noise and transportation/traffic. Pursuant to the provisions of the CEQA (Public Resources Code, Section 21000 et seq.), the City of Escondido has determined that the project will not have a significant effect on the environment with implementation of mitigation measures.

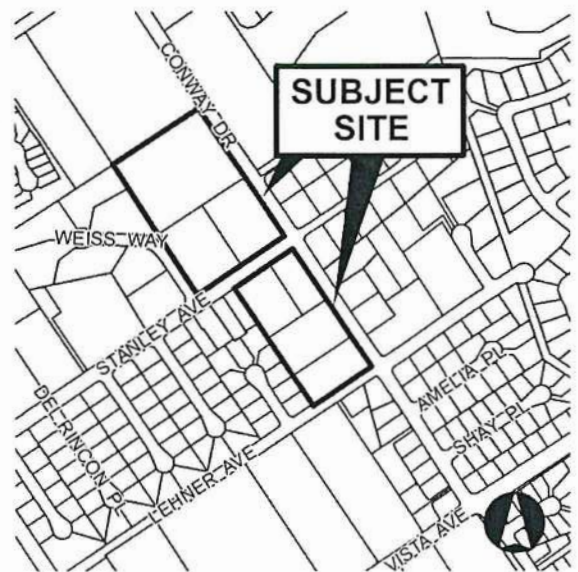
If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

PUBLIC COMMENT: To submit comments in writing, please do so at the following link: <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>. All comments received from the public will be made a part of the record of the meeting.

The City of Escondido remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who need accommodations are invited to present their requests to the City by filing out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City's website at: <https://www.escondido.org/americans-with-disabilities-act>.

The staff report will be available at the Escondido Planning Division, 201 N. Broadway, Escondido, CA 92025; and on the City's website at <https://escondido-ca.municodemeetings.com/> after Thursday, January 5, 2023.

For additional information, please contact Adam Finestone at (760) 839-6203, or via email at afinestone@escondido.org, and refer to Case No. PL21-0269



ZB
Zachary Beck, City Clerk
City of Escondido
December 27, 2022



CITY OF ESCONDIDO
 OFFICE OF THE CITY CLERK
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 760-839-4617

Item 1.

NOTICE OF PUBLIC HEARING

The Escondido City Council will hold a public hearing, in the City Council Chambers, Escondido City Hall, 201 N. Broadway, Escondido, CA at 5 p.m., on Wednesday, January 11, 2023, to consider the item below:

ANNEXATION, GENERAL PLAN AMENDMENT, PREZONE, TENTATIVE SUBDIVISION MAP, AND A MASTER AND PRECISE DEVELOPMENT PLAN – PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128:

REQUEST: The project includes Annexation to the City of Escondido, General Plan Amendment from Suburban (S) to Urban III (U-3), Prezone to Planned Development-Residential (PD-R), Tentative Subdivision Map, and a Master and Precise Development Plan for 102 air-space condominium units. The proposed condominium units would be situated throughout 21 two- and three-story buildings. Unit sizes range from 1,228 square feet to 1,913 square feet for 14 two-, 30 three-, and 58 four-bedroom units. A private two-car garage will be included with each unit, and 26 guest parking spaces will be located throughout the development. The project proposes approximately 61,738 square feet of open space in the form of private decks and patios, tot lot, barbeque area, fitness circuit, seating areas, and landscaping. Primary vehicular access will be from Robin Hill Lane, with secondary access (exit only) from North Iris Lane. The proposal also includes the certification of an Environmental Impact Report prepared for the project.

PLANNING COMMISSION ACTION: On December 13, 2022, the Planning Commission voted 5 – 0 to recommend approval of the project.

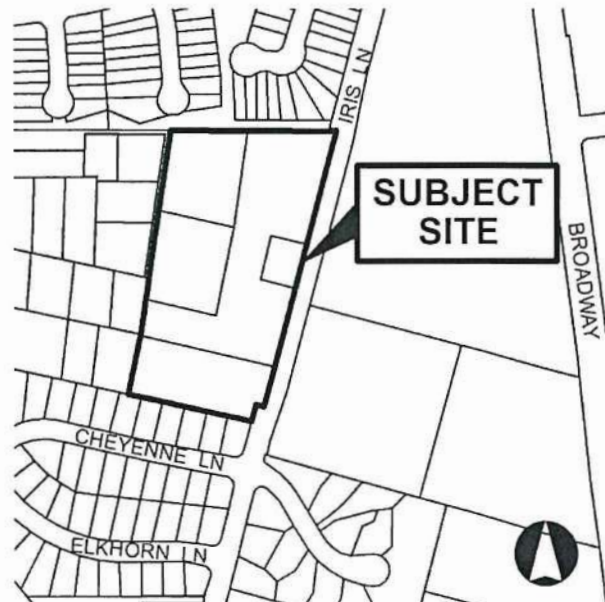
PROPERTY SIZE AND LOCATION: The 7.7-acre project site is generally located at the southwest corner of North Iris Lane and Robin Hill Lane. The site consists of five parcels addressed as 2039 N. Iris Lane through 2089 N. Iris Lane., Assessor's Parcel Numbers 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00, and 224-310-20-00).

ENVIRONMENTAL STATUS: A Draft Environmental Impact Report ("DEIR") was issued for 45-day public review on September 20, 2022. Responses to comments received on the DEIR have been incorporated into the Final EIR ("FEIR"). Mitigation measures required under the California Environmental Quality Act ("CEQA") were developed to reduce the potential project impacts related to biology, cultural resources, hazards and hazardous materials, noise and traffic.

If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

PUBLIC COMMENT: To submit comments in writing, please do so at the following link: <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>. All comments received from the public will be made a part of the record of the meeting.

The City of Escondido remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who need accommodations are invited to present their requests to the City by filing out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City's website at: <https://www.escondido.org/americans-with-disabilities-act>.



The staff report will be available at the Escondido Planning Division, 201 N. Broadway, Escondido, CA 92025; and on the City's website at <https://escondido-ca.municodemeetings.com/> after Thursday, January 5, 2023.

For additional information, please contact Jay Paul (760) 839-4537, and refer to Case No. PHG20-0032.

Zachary Beck, City Clerk
 City of Escondido
 December 27, 2022



STAFF REPORT

January 11, 2023
File Number 0400-40

SUBJECT

APPROVAL OF WARRANT REGISTER (COUNCIL)

DEPARTMENT

Finance

RECOMMENDATION

Request approval for City Council and Housing Successor Agency warrant numbers:

368788 – 368966 dated November 30, 2022
368967 – 369194 dated December 7, 2022
369195 – 369440 dated December 14, 2022
369441 – 369689 dated December 21, 2022
369690 – 369823 dated December 28, 2022

Staff Recommendation: Approval (Finance Department: Christina Holmes)

FISCAL ANALYSIS

The total amount of the warrants for the following periods are as follows:

November 23 – November 30, 2022, is \$991,641.11
December 1 – December 7, 2022, is \$8,293,243.45
December 8 – December 14, 2022, is \$4,142,147.84
December 15 – December 21, 2022, is \$4,127,465.98
December 22 – December 28, 2022, is \$1,884,650.76

BACKGROUND

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

CLOSED SESSION

4:00 PM

CALL TO ORDER

1. Roll Call: Garcia, Inscoe, Martinez, Morasco, McNamara

ORAL COMMUNICATIONS

None.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code §54957.6)
 - a. Agency representative: Sean McGlynn (City Manager) and/or designee
Employee organization: Escondido Police Officers' Association (POA)
 - b. Agency representative: Sean McGlynn (City Manager) and/or designee
Employee organization: Escondido Firefighters' Association (FFA)

ADJOURNMENT

Mayor McNamara adjourned the meeting at 4:50 p.m.

MAYOR

CITY CLERK



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

INSTALLATION CEREMONY

5:00 PM Regular Session
December 14, 2022

MOMENT OF REFLECTION

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FLAG SALUTE

Escondido Police and Fire Color Guard

NATIONAL ANTHEM

Uma Richard (Classical Academy High School Student)

CALL TO ORDER

Roll Call: Garcia, Inscoc, Martinez, Morasco, McNamara

ORAL COMMUNICATIONS

None.

CURRENT BUSINESS

1. **CERTIFICATION OF NOVEMBER 2022 GENERAL MUNICIPAL ELECTION RESULTS –**
Request the City Council adopt Resolution No. 2022-187 certifying the November 8, 2022, City of Escondido General Municipal results; and adopt Ordinance No. 2022-19 adjusting the City Treasurer’s Salary; and adopt Ordinance No. 2022-20 establishing term limits for elected offices in Escondido. (File Number 0650-40)

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck

a) Resolution No. 2022-187



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

b) Ordinance No. 2022-19 (Second Reading and Adoption)

c) Ordinance No. 2022-20 (Second Reading and Adoption)

Motion: Morasco; Second: Martinez; Approved: 5-0

2. PRESENTATION OF PLAQUES AND COMMENTS FROM OUTGOING OFFICIALS -

Plaques will be presented to Deputy Mayor Tina Inscoe and Mayor Paul McNamara in recognition of their service on the City Council.

Staff Recommendation: None (City Clerk’s Office: Zack Beck, City Clerk)

Presenter: Zack Beck

3. OATH OF OFFICE AND COMMENTS FROM NEWLY ELECTED OFFICIALS -

The Oath of Office will be administered to Councilmember Consuelo Martinez, Councilmember Joe Garcia and Mayor-Elect Dane White.

Staff Recommendation: None (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck

4. APPOINTMENT OF DEPUTY MAYOR -

Request the City Council appoint Councilmember Joe Garcia to serve as Deputy Mayor in accordance with Ordinance No. 2020-28. (File Number 0610-70)

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck

Motion: Martinez; Second: Morasco; Approved: 4-0

5. REVIEW AND UPDATE OF CITY COUNCIL INTERAGENCY AND SUBCOMMITTEE ASSIGNMENTS-

Request the City Council ratify members to serve on the Mayor/Council boards and subcommittees. (File Number 0610-55)

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck

Motion: Morasco; Second: Garcia; Approved: 4-0



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

6. CITY COUNCIL VACANCY – DISTRICT 3 –

Request the City Council conduct an application/interview process to appoint a new District 3 City Councilmember or call for a special election. (File Number 0610-70)

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck

Motion to proceed with appointment process: Morasco; Second: Garcia; Approved: 3-1 (Martinez – No)

FUTURE AGENDA

7. FUTURE AGENDA

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Staff Recommendation: None (City Clerk's Office: Zack Beck)

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER’S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety, and Community Development. This report is also available on the City’s website, www.escondido.org.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor White adjourned the meeting at 5:52 p.m.

MAYOR

CITY CLERK



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

REGULAR SESSION

5:00 PM Regular Session

December 7, 2022

MOMENT OF REFLECTION

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FLAG SALUTE

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CALL TO ORDER

Roll Call: Garcia, Inscoe, Martinez, Morasco (left at 6:30 p.m.), McNamara

ORAL COMMUNICATIONS

Christiane – Requested the City do more to address homelessness.

Rock Paul – Congratulated Councilmember Martinez and Councilmember Garcia on their re-election to City Council and thanked Mayor McNamara and Deputy Mayor Inscoe for their service on City Council.

CONSENT CALENDAR

Motion: Morasco; Second: Garcia; Approved: 5-0

1. AFFIDAVITS OF PUBLICATION, MAILING, AND POSTING (COUNCIL/RRB) -



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

2. **APPROVAL OF WARRANT REGISTER (COUNCIL) -**

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 368294 – 368439 dated November 9, 2022
- 368440 – 368643 dated November 16, 2022
- 368644 – 368787 dated November 22, 2022

Staff Recommendation: Approval (Finance Department: Christina Holmes)

3. **APPROVAL OF MINUTES: Regular Meeting of November 16, 2022**

4. **WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –**

5. **ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPMENT IMPACT FEES PER GOVERNMENT CODE SECTION 66006**

Request the City Council receive and file the Annual Financial Report on Development Impact Fees. (File Number 0410-20)

Staff Recommendation: Receive and File (Finance Department: Christina Holmes, Director of Finance)

Presenter: Christina Holmes

6. **APPROVAL OF THE FISCAL YEAR 2023/24 RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

Request the City Council adopt Resolution No. 2022-144, approving the Fiscal Year 2023/24 Recognized Obligation Payment Schedule (“ROPS”) so that the Successor Agency may continue to make payments due for enforceable obligations. (File Number 0440-35)

Staff Recommendation: Approval (Finance Department: Christina Holmes, Director of Finance)

Presenter: Christina Holmes

a) Resolution No. 2022-144

7. **AWARD CONSTRUCTION CONTRACT FOR THE JUNIPER ELEMENTARY BIKE/PEDESTRIAN IMPROVEMENT PROJECT AND APPROVE ACQUISITION AGREEMENT FOR 1644-1660 S. JUNIPER ST.**

Request the City Council adopt Resolution No. 2022-160, awarding the construction contract to Granite Construction Company and authorizing the Mayor, on behalf of the City, to execute a Public Improvement Agreement in the amount of \$2,078,216 for the Juniper Elementary Bike/Pedestrian Improvement Project (“Project”). It is also requested that the City Council adopt Resolution No. 2022-136 authorizing the Mayor, on behalf of the City, to execute an Acquisition Agreement with the owners of 1644-1660 South Juniper Street (APN: 234-300-25-



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

00) in the amount of \$57,600 for payment of impacts to the property as required for the construction of Project improvements. (File Number 0600-10;A-3434)

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Development Services Director and Julie Procopio, City Engineer)

Presenter: Jonathan Schauble, Principal Engineer

a) Resolution No. 2022-160

b) Resolution No. 2022-136

8. ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT (CFD) 2022-1 (ECLIPSE AND MOUNTAIN HOUSE) AND CITYWIDE SERVICES CFD 2020-1

Request the City Council adopt Resolution No. 2022-182 annexing territory of 32 residential units as Annexation No. 1 to Zone A of Community Facilities District (“CFD”) 2022-1 (Eclipse and Mountain House), and Resolution No. 2022-183 annexing territory of 32 residential dwelling units as Zone 2020-7 of the Citywide Services CFD 2020-1. (File Number 0850-20)

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Development Services Director and Julie Procopio, City Engineer)

Presenter: Julie Procopio

a) Resolution No. 2022-182

b) Resolution No. 2022-183

9. FINAL MAPS UNDER CONSIDERATION FOR APPROVAL

Request the City Council approve the following Final Maps that have been filed for approval by the City Engineer in accordance with Ordinance No. 2022-02: Tract SUB17-0007 at North Avenue and Laurashawn Lane: North Avenue Estates Project and Tract SUB18-0011 at 555 E. Valley Parkway: Palomar Heights Project. (File Number 0800-10)

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Director of Development Services)

Presenter: Julie Procopio, City Engineer



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

10. AWARD OF CONTRACT FOR CONSTRUCTION OF THE ESCONDIDO CREEK TRAIL FENCING PROJECT

Request the City Council adopt Resolution No. 2022-165, awarding the construction contract to Lightning Fence Co., Inc., and authorizing the Mayor, on behalf of the City, to execute a Public Improvement Agreement in the amount of \$324,400 for the Escondido Creek Trail Fencing Project ("Project"); and authorizing the Mayor to execute a change order in the amount of \$404,500 for the construction of Phase 2 of the Project contingent on the programming of additional funding. (File Number 0600-10;A-3437)

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Development Services Director and Julie Procopio, City Engineer)

Presenter: Jonathan Schauble, Principal Engineer

a) Resolution No. 2022-165

11. AWARD OF CONTRACT FOR SHORT-TERM RENTAL ADMINISTRATION

Request the City Council adopt Resolution No. 2022-173, authorizing the Mayor to execute, on behalf of the City, a Consulting Agreement with Granicus, LLC, a Minnesota Limited Liability Company, for three-years with two (2) options to extend the Consulting Agreement for one (1) year per extension, and approve a budget adjustment request in the amount of \$42,000 for professional services for the Short-term Rental Administration Project ("Project"). (File Number 0600-10;A-3438)

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Director of Development Services, Jennifer Schoeneck, Deputy Director of Economic Development, and Christina Holmes, Director of Finance)

Presenter: Andrew Firestine

a) Resolution No. 2022-173



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

12. SANDAG SENIOR TRANSPORTATION GRANT

Request the City Council adopt Resolution No. 2022-166, authorizing the Deputy City Manager/Director of Communications and Community Services or his designee to apply for \$92,463 in Senior Mini-Grant (SMG) funding through the San Diego Association of Governments (SANDAG); and if awarded, to accept the grant funds, complete the budget adjustment, and complete the grant documents on behalf of the City of Escondido ("City"). (File Number 0430-20)

Staff Recommendation: Approval (Community Services Department: Joanna Axelrod, Deputy City Manager / Director of Community Services)

Presenter: Robert Rhoades, Deputy Director of Community Services

a) Resolution No. 2022-166

13. RYAN PARK FIELD EXPANSION

Request the City Council adopt Resolution No. 2022-157, authorizing an amendment to the scope of the Ryan Park Field Expansion and Lighting Capital Improvement Project (Project No. 501205) and authorizing the Mayor to execute an agreement with MUSCO Sports Lighting, LLC ("MUSCO") for equipment to light two additional soccer fields at Frances Ryan Park with light-emitting diode ("LED") technology in an amount not to exceed \$276,700 utilizing Park Development funds. (File Number 0600-10;A-2980)

Staff Recommendation: Approval (Public Works Department: Joseph Goulart, Director of Public Works)

Presenter: Wayne Thames, Public Works Superintendent

a) Resolution No. 2022-157



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

14. CHANGE ORDERS FOR THE WEST 7TH AVENUE AND SOUTH BROADWAY WATER MAIN REPLACEMENT PROJECT

Request the City Council adopt Resolution No. 2022-175, authorizing change orders to the Public Improvement Agreement with S.C. Valley Engineering, Inc., in the amount of \$478,596.00 for the West 7th Avenue and South Broadway Water Main Replacement Project (“Project”). (File Number 0600-10;A-3383)

Staff Recommendation: Approval (Utilities Department: Christopher W. McKinney, Deputy City Manager/Director of Utilities)

Presenter: Angela Morrow, Deputy Director of Utilities

- a) Resolution No. 2022-175

15. DEPARTMENT OF WATER RESOURCES GRANT APPLICATION FOR RECYCLED WATER AND WATER CONSTRUCTION PROJECTS

Request the City Council adopt Resolution No. 2022-180, authorizing the submittal of an application and execution of a funding agreement and any amendments thereto with the Department of Water Resources (“DWR”) for grant funding for the Hale Avenue Resource Recovery Facility (“HARRF”) Tertiary System Replacement Project and adopt Resolution No. 2022-181, authorizing submittal of an application and execution of a funding agreement and any amendments thereto with the DWR requesting grant funding for the Treated Water Interconnect Project. (File Number 0480-70)

Staff Recommendation: Approval (Utilities Department: Christopher W. McKinney, Deputy City Manager/Director of Utilities)

Presenter: Angela Morrow, Deputy Director of Utilities

- a) Resolution No. 2022-180

- b) Resolution No. 2022-181



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COUNCIL MEETING MINUTES

16. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND THE ESCONDIDO POLICE OFFICERS' ASSOCIATION – SWORN PERSONNEL BARGAINING UNIT

Request the City Council adopt Resolution No. 2022-184, approving a one-year extension to the Memorandum of Understanding (“MOU”) between the City of Escondido (“City”) and the Escondido Police Officers’ Association - Sworn Personnel Bargaining Unit (“Association”), commencing January 1, 2023 through December 31, 2023, and a budget adjustment of \$279,300 to account for the increased contract costs in Fiscal Year 2022/23. (File Number 0740-30)

Staff Recommendation: Approval (Human Resources Department: Jessica Perpetua, Director of Human Resources)

Presenter: Jessica Perpetua

a) Resolution No. 2022-184

17. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND THE ESCONDIDO FIREFIGHTERS' ASSOCIATION – SAFETY AND NON-SAFETY PERSONNEL BARGAINING UNIT

Request the City Council adopt Resolution No. 2022-185, approving the execution of a one-year contract extension to the Memorandum of Understanding (“MOU”) between the Escondido Firefighters’ Association – Safety and Non-Safety Bargaining Unit (“Association”) and the City of Escondido (“City”), commencing January 1, 2023 through December 31, 2023. (File Number 0740-30)

Staff Recommendation: Approval (Human Resources Department: Jessica Perpetua, Director of Human Resources)

Presenter: Jessica Perpetua

a) Resolution No. 2022-185

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

18. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 6 OF THE ESCONDIDO MUNICIPAL CODE, TO ADOPT THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, HISTORICAL BUILDING, EXISTING BUILDING AND ENERGY CODES, AND THE GREEN BUILDING STANDARDS CODE

Approved on November 16, 2022 with a vote of 5/0.



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

a) Ordinance No. 2022-21 (Second Reading and Adoption)

19. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 11 OF THE ESCONDIDO MUNICIPAL CODE TO ADOPT THE 2022 CALIFORNIA FIRE CODE AND LOCAL AMENDMENTS

Approved on November 16, 2022 with a vote of 5/0.

a). Ordinance No. 2022-22 (Second Reading and Adoption)

PUBLIC HEARINGS

20. ADOPTION OF THE CITY OF ESCONDIDO VMT EXCHANGE PROGRAM

Request the City Council approve to adopt Resolution No. 2022-162, adopting the VMT Exchange Program and certifying/adopting the associated Initial Study/Negative Declaration prepared for the project. (File Number 1050-30)

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Development Services Director and Julie Procopio, City Engineer)

Presenter: Julie Procopio, City Engineer

a) Resolution No. 2022-162

John Kaye – Expressed support for this item.

Rick Paul – Expressed support for this item and concern about the item referencing the El Caballo Master Plan.

Lori Pfeiler – Expressed support for this item.

Motion: Morasco; Second: Garcia; Approve: 5-0

21. MASTER AND PRECISE DEVELOPMENT PLAN FOR A DRIVE-THROUGH COFFEE FACILITY

Request that the City Council conduct a public hearing on the development proposal and adopt Ordinance No. 2022-24 approving a Master Development Plan and Precise Development Plan for construction of a drive-through coffee facility at 1525 Tanglewood Lane in the City of Escondido; and for the adoption of a Notice of Exemption pursuant to the California Environmental Quality Act Guidelines. (APN: 235-090-35-00) (“Project.”). (File Number 1010-35)

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Director of Development Services)

Presenter: Adam Finestone, City Planner



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COUNCIL MEETING MINUTES

- a) Ordinance No. 2022-24R (First Reading and Introduction)

Judith Jones-Crane – Expressed concern regarding the proposed Starbucks sign.

Dean Boyles – Expressed concern regarding the proposed Starbucks sign. Has worked with Starbucks counsel to address concerns in principal. Requested approval of this project conditionally.

Rick Paul – Expressed concern regarding future planning or the area surrounding the proposed project.

Dave Ferguson – Expressed support for the project.

Barret Bradley – Expressed support for the project.

Motion to conditionally approve the project, based on the agreement between Lexus Escondido/The Centre and Starbucks regarding the sign concerns and limit the height of trees on the Starbucks property is executed: Martinez; Second: Inscoc; Approved: 3-1 (McNamara – No; Morasco – Absent)

22. VACATION OF A PORTION OF A PUBLIC STREET FORMERLY KNOWN AS PACIFIC AVENUE

Request the City Council adopt Resolution No. 2022-134 authorizing the vacation of a portion of a public street formerly known as Pacific Avenue. (File Number 0690-40)

Staff Recommendation: Approval (City Manager’s Department: Jennifer Schoeneck, Deputy Director of Economic Development)

Presenter: Vince McCaw, Real Property Manager

- a) Resolution No. 2022-134

Patrick McClusky - Expressed concern about easements.

Motion: Morasco; Second: Martinez; Approved; 5-0



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COUNCIL MEETING MINUTES

23. VACATION OF PUBLIC STREET: A PORTION OF AN UNNAMED ALLEY IN BLOCK 75 OF ESCONDIDO, BETWEEN S. PINE STREET AND W. 2ND AVENUE

Request the City Council adopt Resolution No. 2022-133, authorizing the street vacation for a portion of the unnamed public alley in Block 75 of Escondido, between S. Pine Street and W. 2nd Avenue. (File Number 0690-40)

Staff Recommendation: Approval (City Manager’s Department: Jennifer Schoeneck, Deputy Director of Economic Development)

Presenter: Vince McCaw, Real Property Manager

a) Resolution No. 2022-133

Motion: Garcia; Second: Inscoe; Approved: 5-0

CURRENT BUSINESS

24. CHANGE ORDERS FOR THE OAKVALE ROAD REALIGNMENT PROJECT

Request the City Council adopt Resolution No. 2022-169, authorizing change orders to the Public Improvement Agreement with L.B. Civil Construction, Inc., in the amount of \$4,963,698.45 for the Oakvale Road Realignment Project (“Project”). (File Number 0600-10;A-3354)

Staff Recommendation: Approval (Utilities Department: Christopher W. McKinney, Deputy City Manager / Director of Utilities)

Presenter: Angela Morrow, Deputy Director of Utilities

a) Resolution No. 2022-169

Motion: Garcia; Second: Inscoe; Approved: 4-0 (Morasco – Absent)

25. FISCAL YEAR 2021/22 FINANCIAL STATUS REPORT AND AMERICAN RESCUE PLAN UPDATE

Request the City Council receive and file the annual Financial Status Report and American Rescue Plan Update for FY2021/22 (Attachment 1); Adopt Budget Adjustments (Attachment 2) to distribute the fiscal year-end financial resources and commitments and allocate American Rescue Plan Act project funds; Adopt Resolution No. 2022-186 authorizing a three-year agreement with Crayon in the amount of \$1,689,820 to provide a Microsoft Enterprise Licensing Agreement with Software Assurance (SA); and adopt Resolution No. 2022-178 Amending the Salary Schedule for the Unclassified and Management Groups and Adopt Resolution No. 2022-179 Amending the Part-time Salary Plan. (File Number 0430-30)

Staff Recommendation: Approval (Finance Department: Christina Holmes, Director of Finance)



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Presenter: Christina Holmes

a) Resolution No. 2022-186

b) Resolution No. 2022-178

c) Resolution No. 2022-179

Lori Roundtree – Expressed support for Pickleball funding.

William Nugent – Expressed support for Pickleball funding.

Rick Paul – Expressed support for El Caballo Master Plan funding.

Motion: Inscoe; Second: Morasco; Approved: 5-0

SUCCESSOR AGENCY

Members of the Escondido City Council also sit as the Successor Agency to the Community Development Commission, Escondido Joint Powers Financing Authority, and the Mobilehome Rent Review Board.

FUTURE AGENDA

26. FUTURE AGENDA

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: None (City Clerk's Office: Zack Beck)

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER’S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety, and Community Development. This report is also available on the City’s website, www.escondido.org.

ORAL COMMUNICATIONS

None.



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COUNCIL MEETING MINUTES

ADJOURNMENT

Mayor McNamara adjourned the meeting at 7:10 p.m.

MAYOR

CITY CLERK



STAFF REPORT

ITEM NO. 4

SUBJECT

WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –

ANALYSIS

The City Council/RRB has adopted a policy that is sufficient to read the title of ordinances at the time of introduction and adoption, and that reading of the full text of ordinances and the full text and title of resolutions may be waived.

Approval of this consent calendar item allows the City Council/RRB to waive the reading of the full text and title of all resolutions agendized in the Consent Calendar, as well as the full text of all ordinances agendized in either the Introduction and Adoption of Ordinances or General Items sections. **This particular consent calendar item requires unanimous approval of the City Council/RRB.**

Upon approval of this item as part of the Consent Calendar, all resolutions included in the motion and second to approve the Consent Calendar shall be approved. Those resolutions removed from the Consent Calendar and considered under separate action may also be approved without the reading of the full text and title of the resolutions.

Also, upon the approval of this item, the Mayor will read the titles of all ordinances included in the Introduction and Adoption of Ordinances section. After reading of the ordinance titles, the City Council/RRB may introduce and/or adopt all the ordinances in one motion and second.

RECOMMENDATION

Staff recommends that the City Council/RRB approve the waiving of reading of the text of all ordinances and the text and title of all resolutions included in this agenda. Unanimous approval of the City Council/RRB is required.

Respectfully Submitted,

Zack Beck
City Clerk

ORDINANCE NO. 2022-24R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND PRECISE DEVELOPMENT PLAN FOR CONSTRUCTION OF A DRIVE-THROUGH COFFEE FACILITY AT 1525 TANGLEWOOD LANE

CASE NOS.: PL22-0325/PL22-0326

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

- a) Newmark Merrill Companies ("Applicant") filed a land use application, Planning Case Nos. PL22-0325 and PL22-0236 ("Application"), constituting a request for a Master and Precise Development Plan to facilitate the construction of a 1,026 square foot dual-lane drive-through coffee facility ("Project"). The Project site is approximately .46-acres and is located west of Interstate 15 and south of Auto Park Way, addressed at 1525 Tanglewood (APN: 235-090-35-00), and more particularly described in Exhibit "A" and incorporated by this reference as through fully set forth herein ("Property"); and
- b) The Application was submitted to, and processed by, the Planning Division of the Development Services Department as Planning Case Nos. PL22-0325 and PL22-0326 and is depicted on the Project plans attached hereto as Exhibit "B" and incorporated by this reference as though fully set forth herein; and
- c) Pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (Title 14 of the California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and
- d) The Application was assessed in conformance with CEQA and a Notice of Exemption ("NOE") was prepared; and

A COMPLETE COPY OF THIS
ORDINANCE IS ON FILE IN
THE OFFICE OF THE CITY
CLERK FOR YOUR REVIEW.



STAFF REPORT

January 11, 2023
File Number 0800-10

SUBJECT

CONWAY RESIDENTIAL SUBDIVISION

DEPARTMENT

Development Services Department, Planning Division

STAFF RECOMMENDATION

Request the City Council adopt Resolution No. 2023-06, approving a Tentative Subdivision Map, Annexation/Reorganization, and Grading Exemption, for a 56-unit residential subdivision located at 916, 942, and 943 Stanley Avenue, and 2005 – 2175 Conway Drive (odd-numbered addresses only) (“Project”). The request also includes the adoption of a Final Mitigated Negative Declaration prepared for the Project pursuant to the California Environmental Quality Act.

Staff Recommendation: Approval (Development Services Department: Andrew Firestine)

Presenter: Adam Finestone, City Planner

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered the Project at its December 13, 2022, meeting, and the staff report has been included as Attachment “1.” Two members of the public submitted written correspondence to the Planning Commission ahead of or at that meeting (included in Attachment “2” to this report) and 14 members of the public spoke at the hearing: four (4) in favor, one (1) neutral, and nine (9) opposed. Commenters were generally related to land use compatibility, density, parking, and traffic generated by the Project. After deliberation, the Planning Commission voted 4 – 1 (Commissioner Paul voting no) to recommend approval of the Project.

FISCAL ANALYSIS

The Project is a private development project that will require the payment of development impact fees in effect at the time permits are requested. In addition, as part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon the City’s general fund and ability to provide ongoing public services. To avoid the need to subsidize new development, current City policy requires the developer of a private development project to establish a special funding mechanism to ensure that new development pays for itself.



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Community Facilities District (“CFD”) No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020 as a means by which a developer can offset its impacts to the provision of ongoing public services. The special tax that would be assessed on projects that opt to annex into the CFD is based upon the Fiscal Impact Analysis (FIA) that was prepared to support the creation of CFD No. 2020-01. While other means of offsetting general fund impacts are available, the benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project. This can be accomplished through either formation of a CFD, annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City (“Public Services Funding Agreement”). Should an applicant desire to utilize the streamlined process available through annexation into CFD No. 2020-01, they would be required to sign a Unanimous Consent to Annex, which serves as their authorization to annex. The Applicant declined to sign a Unanimous Consent to Annex at this time because they intend to sell the entitled Project to another developer. This would allow that developer an opportunity to decide whether they want to join citywide CFD No. 2020-1 or explore different options for the funding of ongoing public services. A Letter of Intent to Offset and Fund Ongoing Public Services has been provided by the applicant to this effect and is included as Attachment 3 to the Planning Commission staff report. Additionally, a condition of approval has been included as part of Exhibit “H” to draft City Council Resolution No. 2023-06 to reflect the requirement to establish a funding mechanism as described above prior to the recordation of the Final Map. (It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.)

If the future developer opts to annex into CFD No. 2020-01, the Project would fall into Category 1. The maximum established levy for Category 1 is \$575.19 per unit for the tax year 2023/24, subject to annual adjustments which currently are based on the Consumer Price Index or 2%, whichever is greater. The City Council retains the discretionary authority to set the levy each year which could be set an amount less than the maximum levy. The costs for providing ongoing municipal services to the 56-unit Project is estimated at \$32,211. If annexation into CFD No. 2020-01 is the way by which the developer opts to provide the ongoing funding source, the affordable housing units would be included in the annexation; however, State law provides an exemption from CFDs for affordable housing owners that meet specific criteria (referred to as the welfare exemption) Should the developer opt to pursue a funding mechanism other than CFD No. 2020-01, such mechanism, including the assessment rate, would be subject to approval by City Council.

PROJECT DESCRIPTION

Escondido North, LLC (“Applicant”) submitted an application for a Tentative Subdivision Map, Grading Exemption, and Annexation for a 56-unit residential subdivision (Planning Case Nos. PL21-0269, PL21-0278, and PL22-0584). The subdivision would consist of 46 single-family lots, two of which would contain existing homes, and one multi-family lot that would accommodate ten (10) units (in the form of five



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duplexes) which would be deed-restricted as affordable housing units. The project includes a request for a density bonus which enables an increase in the otherwise allowable residential density in exchange for the provision of affordable housing units. One (1) of the lots included with the Project is currently in the County of San Diego and would be required to annex into the City of Escondido, subject to approval by the Local Agency Formation Commission.

A complete project description can be found on December 13, 2022, Planning Commission staff report (Attachment “1”).

LOCATION

The project site is comprised of seven parcels generally located on the west side of Conway Drive on both sides of Stanley Avenue, and north of Lehner Avenue. The property contains 13 dwelling units addressed as 916, 942, and 943 Stanley Avenue, and 2005 – 2175 Conway Drive (odd-numbered addresses only).

PREVIOUS ACTION

On April 6, 2022, the City Council authorized the intake and processing of the annexation request. That authorization does not commit the City Council to any future action on the Project.

ANALYSIS

The Project is located within the Suburban (south of Stanley Avenue) and Estate II (north of Stanley Avenue) land use designations of the City’s General Plan and is zoned R-1-10 (single-family residential, 10,000 square foot minimum lot size) south of Stanley Avenue and RE-20 (estate residential, 20,000 square foot minimum lot size) north of Stanley Avenue. The parcel noted above subject to annexation is north of Stanley Avenue and was previously pre-zoned RE-20. The project proposes parcels which are smaller than those typically allowed in the subject zones and also includes duplex units which are not typically permitted in the subject zones. Because the project includes a density bonus request, the lot sizes and duplex units are permitted pursuant to the State Density Bonus Law and Article 67 of the Escondido Zoning Code. A complete analysis of the Project can be found in Attachment “1.”

ENVIRONMENTAL REVIEW

A Draft Initial Study/Mitigated Negative Declaration (“IS/MND”) was prepared for the Project, which identified potentially significant impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards & Hazardous Materials, Noise, Transportation/Traffic, and Tribal Cultural Resource. However, mitigation measures were incorporated which would reduce the impacts to a less-than-significant level. The Draft IS/MND was released for a 20-day public review period on October 28, 2022. Nine (9) comment letters were received which identified concerns in the areas of Density Bonus Law; traffic and circulation; interface between properties; displacement of bugs, wildlife, and rodents; associated grading activities, impacts, and construction noise; lack of architecture details or materials;



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street parking; demolition of existing homes; and land use allowances. Responses to those comments were prepared and have been incorporated into a Final IS/MND. The Final IS/MND has identified no new environmental impacts which have not been addressed through the aforementioned mitigation measures. The Final IS/MND has been included as Exhibit “E” to Resolution No. 2023-06.

CONCLUSION

The Project is a residential subdivision consisting of a total of 56 dwelling units on 46 lots. While the project site is zoned for single-family residential use at a lower density than proposed, the application includes a density bonus request to allow an increased density in exchange for the provision of affordable housing units, pursuant to the State Density Bonus law. As part of the request, the applicant has identified the need to construct multi-family dwelling units (duplexes) as an incentive to make the provision of 10 low-income units financially feasible and has also identified a number of waivers from development standards to accommodate the proposed subdivision. Because the Project must be reviewed and processed consistent with State Density Bonus Law, it is therefore consistent with the General Plan land use designation for the site, as well as other applicable General Plan goals and policies. Additionally, the provision of 10 affordable housing units will assist the City in meeting the housing goals established by the Regional Housing Needs Allocation.

Both the Planning Commission and City staff recommend the City Council approve the Project, including the adoption of the final Mitigated Negative Declaration prepared for it, and make an application to LAFCO for annexation/reorganization of a portion of the Project site.

RESOLUTIONS

- a. Resolution No. 2023-06
- b. Resolution No. 2023-06, Exhibits “A” through “H”

ATTACHMENTS

- a. Attachment “1” – December 13, 2022, Planning Commission staff report
- b. Attachment “2” – December 13, 2022, Planning Commission written correspondence

PLANNING COMMISSION

Agenda Item No.: G.1
Date: December 13, 2022

PROJECT NUMBER / NAME: PL21-0269 / Conway Residential Subdivision

REQUEST: A Tentative Subdivision Map and Grading Exemption for a 56-unit residential project. The project includes 47 residential lots comprised of 46 single-family lots, two of which have existing homes, and one multi-family lot which would accommodate five duplexes. An Annexation is also proposed for a 2.01 acre portion of project site that is currently in the County of San Diego. The request includes a density bonus and would provide 10 affordable housing units.

LOCATION: 916, 942, and 943 Stanley Avenue, and 2005 – 2175 Conway Drive (odd numbered addresses only)

APN / APNS: 224-141-23-00, 224-141-24-00; 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, & 224-142-33-00

GENERAL PLAN / ZONING: S (Suburban), E2 (Estate II) / R-1-10 (Single Family Residential), RE-20 (Estate Residential)

APPLICANT: Escondido North, LLC

PRIMARY REPRESENTATIVE:
Dylan Bird & John Kaye (Argus Land Company, Inc.)

DISCRETIONARY ACTIONS REQUESTED: Tentative Subdivision Map, Grading Exemption and Annexation

PREVIOUS ACTIONS: The City Council authorized the intake and processing of the annexation request on April 6, 2022

PROJECT PLANNER: Adam Finestone, City Planner

CEQA RECOMMENDATION: Adoption of the Final Initial Study/Mitigated Negative Declaration

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2022-15

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS:

- Andrew Firestine, Director of Development Services
- Adam Finestone, City Planner

PL21-0269
 Planning Commission Meeting
 December 13, 2022

A. BACKGROUND:

The project site totals 14.07 acres, including approximately 12.06 acres in the City of Escondido, and 2.01 acres in the County of San Diego that would have to be annexed into the City of Escondido. The property consists of seven parcels containing a total of 13 residential units, and is generally located west of Conway Drive on both sides of Stanley Avenue and north of Lehner Avenue, addressed as 916, 942, and 943 Stanley Avenue, and odd-numbered addresses between 2005 – 2175 on Conway Drive ("Property"), and is more particularly described in Exhibit "A" to draft Planning Commission Resolution 2022-15, which is attached to this staff report as Attachment 4. The area consists of existing suburban and semi-rural residential neighborhoods, as well as vacant land. Rincon Middle School is located southwest of the site.

The portion of the project site to the north of Stanley Avenue is zoned RE-20 (estate residential, 20,000 square foot minimum lot size) and has a General Plan land use designation of Estate II. The portion of the project site to the south of Stanley Avenue is zoned R-1-10 (single-family residential, 10,000 square foot minimum lot size) and has a General Plan land use designation of Suburban. The 2.01 acre parcel currently within the County of San Diego is on the north side of Stanley Avenue, east of Weiss Way, and was previously assigned a pre-zoning designation of RE-20, consistent with its Estate II General Plan land use designation. A location map, General Plan land use map and zoning map are included as Attachment 1 to this staff report.

B. SUMMARY OF REQUEST:

Escondido North, LLC ("Applicant") submitted an application for a Tentative Subdivision Map, Grading Exemption, and Annexation to subdivide the Property into 46 single-family residential lots and one multi-family lot ("Project"), as depicted on Exhibit "B" ("Plans") to Attachment 4. The single-family lots would accommodate 44 new single-family residences, with two existing single-family residences to remain, each being accommodated on its own lot. Lot sizes would range from 6,515 square feet to 14,071 square feet, with the two existing residences situated on 31,689 square foot and 12,384 square foot lots. The two existing residences currently occupy one 2.01 acre lot which is currently within the County of San Diego and would be required to annexation into the City of Escondido, subject to approval by the Local Agency Formation Commission ("LAFCO"). The 10 multi-family units would be in the form of five duplexes on one 31,368 square foot lot, and would be mapped for condominium ownership. Two lettered lots would also be provided for open space and stormwater detention basins.

Underlying zoning and General Plan land use designations for the Property would typically accommodate 40 dwelling units. However, Article 67 of the Escondido Zoning Code, and State Density Bonus law, allow an increase in residential density for projects that restrict a percentage of those base units as affordable housing units. In the case of the Project, restricting 10 units for affordable housing to low-income households (those making less than 80% of the area median income) would allow the Applicant to develop the Project as designed. The project is also entitled to up to three density bonus incentives/concessions, and can request other waivers to development standards that are necessary to accommodate the construction of the affordable units. In order to provide the required number of affordable housing units, the Applicant has proposed to construct five duplexes (10 units) which would be restricted for sale to low-income households. Additional information on the requested density bonus is provided in the Analysis section later in this staff report.

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The Property is on the west side of Conway Drive, running approximately 1,500 feet from Lehner Avenue to the south, to a point approximately 775 feet north of Stanley Avenue. The Property has approximately 500 feet of frontage on the north side of Stanley Avenue, and 380 feet on the south side. Frontage on Lehner Avenue is approximately 380 feet on the north side only. Conway Drive and Stanley Avenue are classified as Local Collector roadways in the Mobility and Infrastructure chapter of the Escondido General Plan, with Lehner Avenue being an unclassified residential street. All three roadways would be improved with curb, gutter and sidewalk along their frontages in conformance with the General Plan and City of Escondido design standards. Access onto the Property would be via new public roads on the north sides of Lehner and Stanley Avenues (Streets "F" and "H," respectively) for the new single-family lots, and a new private drive toward the north end of the Property along Conway Drive for the multi-family lot. Internal circulation would include the aforementioned streets, as well as an additional public street (Street "G"), all of which would terminate in cul-de-sacs. The two existing homes would continue to take access from Stanley Avenue.

Existing topography of the Property generally slopes downward to the northeast and southeast from a high point at the western Property boundary on Stanley Avenue. A natural draining course runs westerly along the northern boundary of the Property. Grading for the Project would include a combination of cut and fill slopes, and would require approximately 41,000 cubic yards of imported dirt. A Grading Exemption has been requested for a fill slopes up to approximately 17.5 feet in height (including a six foot retaining wall) along backyard of Lot 10, and for a cut-slope (approximately 20 feet high) with a grade exceeding 2:1 at the southwest corner of Lot 24, as shown on the Plans. Stormwater detention basins would be provided in the northwestern and southeastern corners of the Property and have been designed in accordance with City and regional standards.

As noted, the unincorporated 2.01 acre parcel would need to be annexed into the City of Escondido. Approval of the Project by the City of Escondido would authorize the applicant to make application to LAFCO for the annexation of this portion of the Property on behalf of the City. LAFCO is responsible for ensuring the logical expansion of jurisdictional boundaries, including ensuring that territory involved in annexation is physically contiguous to city boundaries and that the annexation configuration assures the efficient provision of municipal services.

C. SUPPLEMENTAL DETAILS OF REQUEST:

1.	Property Size:	Gross: 14.07 acres Net: 12.63 acres	
2.	Number of Lots:	<u>Existing</u> 7	<u>Proposed</u> 47
3.	Number of Units:	15	Single-family (new): 44 Single-family (existing): 2 <u>Multi-family (new): 10</u> Total 56

4.	Density:	4.43 units/acre (net)	
		<u>Required</u>	<u>Proposed*</u>
5.	Lot Size:	R-1-10: 10,000 sq. ft. (min) RE-20: 20,000 sq. ft. (min)	Single-family: 6,516 – 31,689 sq. ft. Multi-family: 31,368 sq. ft.
6.	Lot Coverage (max):	R-1-10: 40% RE-20: 30%	50%
7.	Setbacks – R-1-10 Zone (min):	Front: 15' to building 20' to garage Side: 5' / 10' Rear: 20'	Front: 10.5' to building 15' to garage Side: 5' Rear: 20'
8.	Setbacks – R-1-10 Zone (min):	Front: 25' Side: 10' Rear: 20'	Front: 10.5' to building 15' to garage Side: 5' Rear: 20'
9.	Floor Area Ratio:	0.5	0.6
10.	Height (max):	35'	35'
11.	Lot Width (min):	R-1-10: 80' RE-20: 100'	60'
12.	Parking:	2 covered spaces/unit	2 covered spaces/unit

* Deviations proposed as part of density bonus request

D. PROJECT ANALYSIS:

1. General Plan Conformance:

a) Land Use and Community Form:

The City's General Plan land-use designation for the project site is Suburban (S) south of Stanley Avenue and Estate II (E2) north of Stanley Avenue, allowing single-family residential development of up to 3.3 and 2.0 dwelling units per acre, respectively and is permitted within the Suburban land-use designation and up to 2.0 dwelling units per acre permitted within the Residential Estates (E2). Based on the size of the Property (14.07 acres), the underlying land-use designation would allow up to 40 units. The request to subdivide the Property site into 47 lots to accommodate 56 units with a resulting net density (excluding dedicated rights-of-way) of 4.43 dwelling units per acre is consistent with the similar land use density in the vicinity.

State Density Bonus law is codified in Government Code section 65915 – 65918 and specifically states, "granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment...zoning change, or other discretionary approval." As such, regardless of density, the Project is consistent with provisions of the General Plan as long as it complies with density bonus law and Article 67 of the Escondido Zoning Code.

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b) Housing:

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City's share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction's Regional Housing Needs Allocation ("RHNA"), especially for lower- and moderate-income households. In general, jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels "lost" as a result of the approval. The "no net loss" provisions apply 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 than shown in the Housing Element. (Gov't Code § 65863(b).)

Three of the seven parcels that make up the Project site are identified in the City's 6th Cycle Housing Element inventory of sites suitable for residential development, and contain nine dwelling units. The remaining four parcels have a total of six dwelling units, though those parcels are not identified in the inventory. All parcels in the Project site would be assumed to accommodate housing for above-moderate income households based on the type of development that typically occurs on properties with Estate II and Suburban General Plan land use designations. Because the provision of "no net loss" applies to housing located on any site listed in the City's Housing Element, the City is required to determine if this Project or a decision related to this Project would be subject to No Net Loss provisions and its remedies. Geographically, at least 31 of the new units, including the 10 affordable units, will be on the three suitable sites inventory parcels. Therefore, the Project would result in no net loss pursuant to the Government Code.

Therefore, the provisions of the Government Code related to no net loss are not applicable because the City would still have adequate capacity to provide housing in the amount and at the income levels identified in the Housing Element. In fact, the Project would provide housing at a significantly higher rate than that specified in the Element. Findings required by the Government Code have been included in Exhibit "D" to Attachment 4.

2. Zoning Conformance:

As noted, the project consists of the construction of single- and multi-family residential units, street improvements, stormwater basins, and common open space areas. While no zone change is proposed, lot sizes will be smaller than those otherwise required in the subject property's R-1-10 and RE-20 zones, pursuant to State Density Bonus law. Modifications to other development standards and zoning code requirements necessary to make the provision of affordable housing units feasible have been requested, as described below. Pursuant to Government Code section 65915(e)(1), a city may not "apply any development standard that will have the effect of physically

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precluding the construction of a development...at the densities or with the concessions or incentives permitted” by Density Bonus law.

3. Density Bonus and Residential Incentives

Article 67 of the Escondido Zoning Code is intended to encourage and incentivize the production of housing affordable to all segments of the population, consistent with State Density Bonus law. At a high level, a density bonus project is permitted to build more units than would otherwise be permitted on a particular property in exchange for restricting a percentage of those units for moderate, low, or very-low income households. The increase in density is based on the percentage of units restricted and the income level at which they are restricted for. A density bonus project is also entitled to up to three incentives or concessions, which are defined in Government Code section 65915(k), in part, to include “[a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements... that results in identifiable and actual cost reductions...” A density bonus project is allowed a maximum increase in density of 50% and a maximum of three incentives or concessions. Additionally, density bonus projects are entitled to waivers from development standards which would have the effect of physically precluding the construction of a density bonus project. For reference, Article 67 of the Escondido Zoning Code can be found at the following link: https://library.qcode.us/lib/escondido_ca/pub/municipal_code/item/chapter_33-article_67?view=all.

The Applicant has submitted a *Density Bonus Project Proposal* (“Proposal”) which outlines their request. It has been updated several times, most-recently on December 1, 2022, to address issues that have been identified through the entitlement process, and is included as Attachment 2 to this staff report. The Proposal includes a density bonus calculation which identifies the density that could be achieved on each parcel based on the General Plan land use designation, and how many density bonus units could be achieved on each lot as well as the number of affordable housing units that would be required. The numbers are then added up to determine the maximum yield derived from the Property, the number of affordable housing units that would be provided, and the number of bonus units. As shown in the Proposal, the Property could accommodate 40 dwelling units, and by reserving 10 of them (25%) as affordable units for low-income households (those making less than 80% of the area median income, adjusted for household size), the project could ultimately yield up to 18 bonus units. While this would allow the Applicant to provide up to 58 units, the Project only proposes 56 units, two of which are existing units.

It should be noted that the density bonus calculation provided by the Applicant was done in a different manner than has been the case on other density bonus projects in the City. While the Applicant determined the density bonus calculation separately for each parcel and then added up the total number of units, staff would typically add up the size of the parcels first, then determine the number of units which be attained. Certain provisions of Article 67 of the Escondido Zoning Code could lend credence to the Applicant’s methodology, including the requirement for any density calculations to be rounded up (Section 33-1412(b)), and the requirement that the Article be interpreted liberally in favor of producing the maximum number of total housing units (Section 33-1423(b)), both of which are consistent with State Density Bonus law.

The applicant has also requested one incentive or concession for the Project (although they are entitled to up to three). Specifically, they have requested the ability to construct duplex units in the RE zone instead of detached single-family residences. In addition, they have identified a series of waivers of development standards that would otherwise preclude the construction of the density bonus project as designed. These waivers include setback reductions, lot size reductions, increases in lot coverage and floor-area ratio, lot width reductions, modifications to street standards and alternative Fire Department turn-around, grading exemptions, and modifications to storm drain standards. Staff has reviewed the requested waivers and determined that they would not create an adverse impact upon the health, safety or the physical environment.

Density Bonus law requires that any rental unit occupied by a lower income household which is demolished in order to accommodate the new project be replaced and deed-restricted as part of the new project. In other words, any density bonus project must provide at least the same number of affordable housing units, at the same level of affordability, as currently exists. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

The Property consists of 15 existing dwelling units. Two of those are to-remain, one is owner-occupied, and the remaining 12 are rental units. In Escondido, 78.2 percent of renter households are occupied by lower income renters. As such, 10 of the 12 rental units to be demolished can be assumed to be occupied by lower income renters. Because the Project would provide 10 affordable housing units, it meets the requirements of the relevant Density Bonus law provisions.

4. Annexation:

As noted previously, the Project includes seven existing parcels, one of which is currently in the County of San Diego. That lot is approximately 2.01 acres and contains two single-family residences. The homes on the lot are to remain, however the Project will create new property lines such that each home will be on its own lot. Combined, the two new lots will comprise 1.01 acres, with the remaining 1 acre being wrapped into the new subdivision and accessing from the proposed internal roads. Both existing homes would continue to be accessed directly from Stanley Avenue, and would be tied into the existing City sewer in that street as well.

As part of the annexation process, the Applicant surveyed other property owners in the nearby unincorporated County of San Diego to determine if they had any interest in annexing into the City along with the parcel that would be annexed as part of the project. Responses were received from three neighbors, with zero stating that they would be interested in joining the annexation request. Should the Project be approved by the City Council, annexation would be subject to approval by LAFCO prior to Final Map recordation. The City Council's approval would authorize the Applicant to submit an application for annexation to LAFCO on the City's behalf.

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5. Site Design:

a) Subdivision Design, Access and Parking:

The Applicant proposes to subdivide the Property into 46 single-family residential lots ranging in size from 6,515 – 31,689 square feet (including the two lots that would each accommodate one existing single-family residence), and one 31,368 square foot multi-family residential lot to accommodate five duplexes. Twenty-one of the new residential lots would take access via a new public street on the north side of Lehner Avenue and 23 would take access from a new public street on the north side of Stanley Avenue, in a typical suburban setting. Within the portion of the subdivision north of Stanley Avenue, a short private driveway would “T” off of the primary road, and all on-site roads would terminate in cul-de-sacs. The two existing homes to remain would continue to take access from Stanley Avenue, and the five duplexes would be accessed via a private drive toward the north end of the Property from Conway Drive. A 12 foot wide private driveway would be provided at the northern Property boundary to provide access to a detention basin.

The Project would be required to dedicate eight feet of land on the north side of Lehner Avenue as public right-of-way. Required public right-of-way along all other Project frontages already exists, and all streets would be improved to their ultimate half-street width with curb, gutter and sidewalk on the Project-side of the streets, consistent with City standards.

Even though Density Bonus law would allow for a reduction in the number of required on-site parking spaces, the Project would provide two covered parking spaces for each unit in accordance with Article 39 (Off-Street Parking) of the Escondido Zoning Code. Additional parking would be available in the driveways for most of the single-family residences. On-street parking within the Project site would be allowed (both sides of streets “F” and “H,” and on one side of street “G”) except along cul-de-sacs, where parking would be prohibited in order to provide necessary turning radii for fire trucks. Parking would also be prohibited along the private drive providing access to the duplexes, which would terminate in a hammerhead to allow fire truck turn-around. A condition of approval would be applied to the project requiring driveways on the internal streets to be located in a manner to allow the greatest number of on-street parking spaces possible. Parking would also be permitted on the external public streets (Conway Drive, and Stanley and Lehner Avenues).

b) Grading:

The existing high-point of the Property is at the western Project boundary on Stanley Avenue, with the Property generally sloping down to the northeast and southeast from that point. Grading would consist of a combination of cut and fill slopes to provide relatively flat pads for the new lots. The largest cut slope would be approximately 20 feet in height in the southwest corner of Lot 24, and the largest fill slope would be approximately 17.5 feet in height (including a six foot retaining wall) in the northwest corner of Lot 10.

Pursuant to Article 55 of the Escondido Zoning Code, grading exemptions are required for any fill slope within 50 feet of a property line that exceeds 10 feet in height and must include the height of any retaining wall in the calculation. The aforementioned fill slope in the northwest corner of Lot 10 meets these parameters, as does a fill slope (including retaining wall) in the northeast corner of the project site, adjacent to the access driveway to the detention basin. Grading exemptions are also required for any slopes greater than 2:1 which are determined by the Director to impact adjacent properties. The aforementioned fill slope at the southwest corner of Lot 24 may have such an impact so it is being included in the request as well.

The decision-making body is required to consider several factors when reviewing a requested grading exemptions, as follows: 1) the criteria contained within section 33-1066; 2) the stability of the slope; 3) the impact of the slope on surrounding properties; 4) the reason for the slope; and 5) whether reasonable alternatives to the proposed design are available. The cited Escondido Zoning Code section (33-1066) can be found here: https://library.qcode.us/lib/escondido_ca/pub/municipal_code/item/chapter_33-article_55-sec_33_1066.

In this instance, because the City cannot require compliance with zoning or other development standards which would physically preclude the construction of the proposed density bonus project, the Applicant is entitled to the requested grading exemptions unless an adverse impact upon the health, safety or the physical environment would occur. Therefore, the only item of those listed above that must be considered is the stability of the slopes; all others would be waived as a result of the density bonus request.

6. Phasing of Development:

The Applicant has indicated to staff that they do not intend to construct the project themselves. Rather, they would sell the project for construction by a different entity. This is common for development projects due to areas of expertise, with some developers focusing on processing entitlements of land and others with more experience in actual construction.

As discussed in Attachment 2, the Applicant has stated that the affordable housing units would be developed by Habitat for Humanity, a non-profit organization with expertise in construction and management of affordable housing projects. Upon completion of construction, Habitat for Humanity would be responsible for identifying and qualifying prospective buyers of the affordable housing units. Deed restrictions would be placed on these units to ensure that future sales of the units are limited to low-income households for a period of 55 years. The restrictions would be included in an affordable housing agreement that would be recorded concurrently with the final map for the project.

Because the Project has requested an increase in allowable density pursuant to State Density Bonus Law and Article 67 of the Escondido Zoning Code, it is important to ensure that the affordable housing units be constructed in a timely manner. As a residential subdivision where the affordable units are anticipated to be constructed by a different developer than the market-rate units, assurances must be put in place to ensure that the City receives the benefits derived from

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the provision of affordable housing prior to construction of the market-rate units in a quantity which exceeds that which would otherwise be permitted on the Property. Development of the Property could yield up to 40 units absent the density bonus. Because two existing units would remain, 38 new units could be constructed. As such, conditions would be placed on approval of the Project that would require the issuance of certificates of occupancy for the affordable housing units prior to issuance of the building permit for the 39th market rate unit.

E. FISCAL ANALYSIS

The proposed Project is a private development project that will require the payment of fees in effect at the time permits are requested. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency's general fund and the city or county's ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself.

Community Facilities District ("CFD") No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020. The special tax that will be assessed on properties as a result of the development of new residential units is based upon the Fiscal Impact Analysis (FIA) that was prepared to support the creation of CFD No. 2020-01. Developers to whom these residential project entitlements are assigned are responsible to establish a funding mechanism to provide a source of funds for the on-going municipal services required for the project. The benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project. This can be accomplished through either formation of a CFD, annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Should an applicant desire to utilize the streamlined process available through annexation into CFD No. 2020-01, they would be required to sign a Letter of Intent ("LOI") to do so, which serves as their authorization to annex. The Applicant declined to sign an LOI because they intend to sell the entitled Project to another developer. This would allow that developer an opportunity to decide whether they want to join citywide CFD No. 2020-1 or explore different options for the funding of on-going public services. A Letter of Intent to Offset and Fund Ongoing Public Services has been provided by the applicant to this effect and is included with this staff report as Attachment 3. Additionally, a condition of approval has been included as part of Exhibit "E" to draft Planning Commission Resolution No. 2022-15 to reflect the requirement to establish a funding mechanism as described above prior to recordation of the Final Map. (It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.)

If the future developer opts to annex into CFD No. 2020-01, the Project would fall into Category 1. The current rate for Category 1 is \$575.19 per unit through the end of this fiscal year (June 30, 2023), subject to annual adjustments which currently are based on the Consumer Price Index or 2%, whichever is greater. The total annual cost for the 56-unit Project would be approximately \$32,211. If annexation into CFD No. 2020-01 is the way by which the developer opts to provide the ongoing

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funding source, the affordable housing units would be included in the annexation, however they would be eligible for a welfare exemption from the Franchise Tax Board. Should the developer opt to pursue a funding mechanism other than CFD No. 2020-01, such mechanism, including the assessment rate, would be subject to approval by City Council.

F. ENVIRONMENTAL STATUS:

The California Environmental Quality Act (CEQA) applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. CEQA Guidelines Section 15367 states that a lead agency, in this case, the City of Escondido, is the agency that has the principal responsibility for carrying out or approving a project and is responsible for compliance with CEQA. As lead agency, the City must complete an environmental review to determine if implementation of the Project would result in significant adverse environmental impacts. In compliance with CEQA, an Initial Study ("IS") has been prepared to assist in making that determination. Based on the nature and scope of the Project and the evaluation contained in the IS environmental checklist, the City has concluded that a Mitigated Negative Declaration (MND) is the appropriate level of analysis for the Project.

As provided in CEQA Statute Section 21064.5, and stated in CEQA Guidelines section 15070, an MND can be prepared when "(a) the initial study shows that there is not substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) the initial study identifies potentially significant effects, but (1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment." The MND prepared for the Project identified potentially significant impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards & Hazardous Materials, Noise, Transportation/Traffic, and Tribal Cultural Resource. However, through incorporation of mitigation measures, the impacts can be reduced to a less-than-significant level.

A Draft IS/MND was released for a 20-day public review period on October 28, 2022. Nine comment letters were received which identified concerns in the areas of Density Bonus Law; traffic and circulation; interface between properties; displacement of bugs, wildlife, and rodents; associated grading activities, impacts, and construction noise; lack of residential architecture details or materials; street parking; demolition of existing homes; and land use applications. Responses to those comments were prepared and have been incorporated into a Final IS/MND. The Final IS/MND has identified no new environmental impacts which have not been addressed through the aforementioned mitigation measures. The Final IS/MND has been included as Exhibit "F" to Planning Commission Resolution No. 2022-15.

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G. PUBLIC INPUT:

In addition to public notification provided when the Draft IS/MND was released for public review, notification of this public hearing was provided consistent with the requirements of both the Escondido Zoning Code and the State Law. Additionally, because the Project includes a request for annexation, surveys were provided to property owners in the surrounding unincorporated County of San Diego as described in the Annexation section above. Beyond those comments provided on the Draft IS/MND and “no” responses to the annexation survey staff has not received any correspondence from the public regarding the Project as of the publication of this report.

H. CONCLUSION AND RECOMMENDATION:

The Project proposes a residential subdivision that is compatible with the surrounding uses and makes efficient use of the Property. Additionally, the Project would include much-needed affordable housing and provide opportunities for home-ownership in a suburban setting where such housing is not typically available. The project is consistent with the provisions of Article 67 of the Escondido Zoning Code and State Density Bonus law.

Staff recommends that the Planning Commission adopt Resolution 2022-15, recommending City Council approval of the Tentative Subdivision Map, Grading Exemptions, and Annexation, based on the findings of fact and conditions of approval included as Exhibits “D” and “E,” respectively, to said Resolution, and adoption of the Mitigated Negative Declaration prepared for the Project included as Exhibit “F” to said Resolution.

ATTACHMENTS:

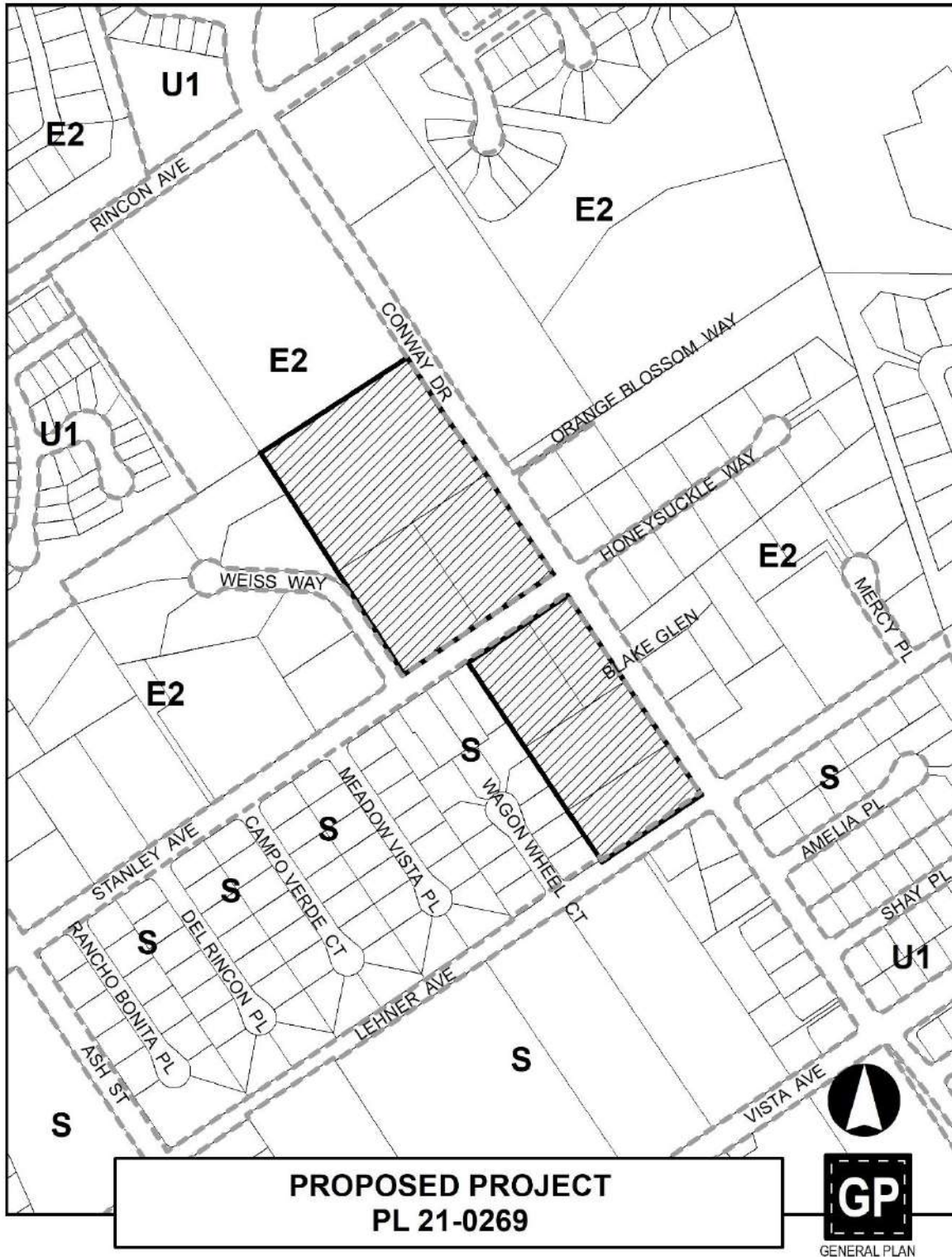
1. Location Map, General Plan Map, and Zoning Map
2. Density Bonus Project Proposal
3. Letter of Intent to Offset and Fund Public Services
4. ~~Planning Commission Resolution No. 2022-15 with Exhibits “A” through F”~~

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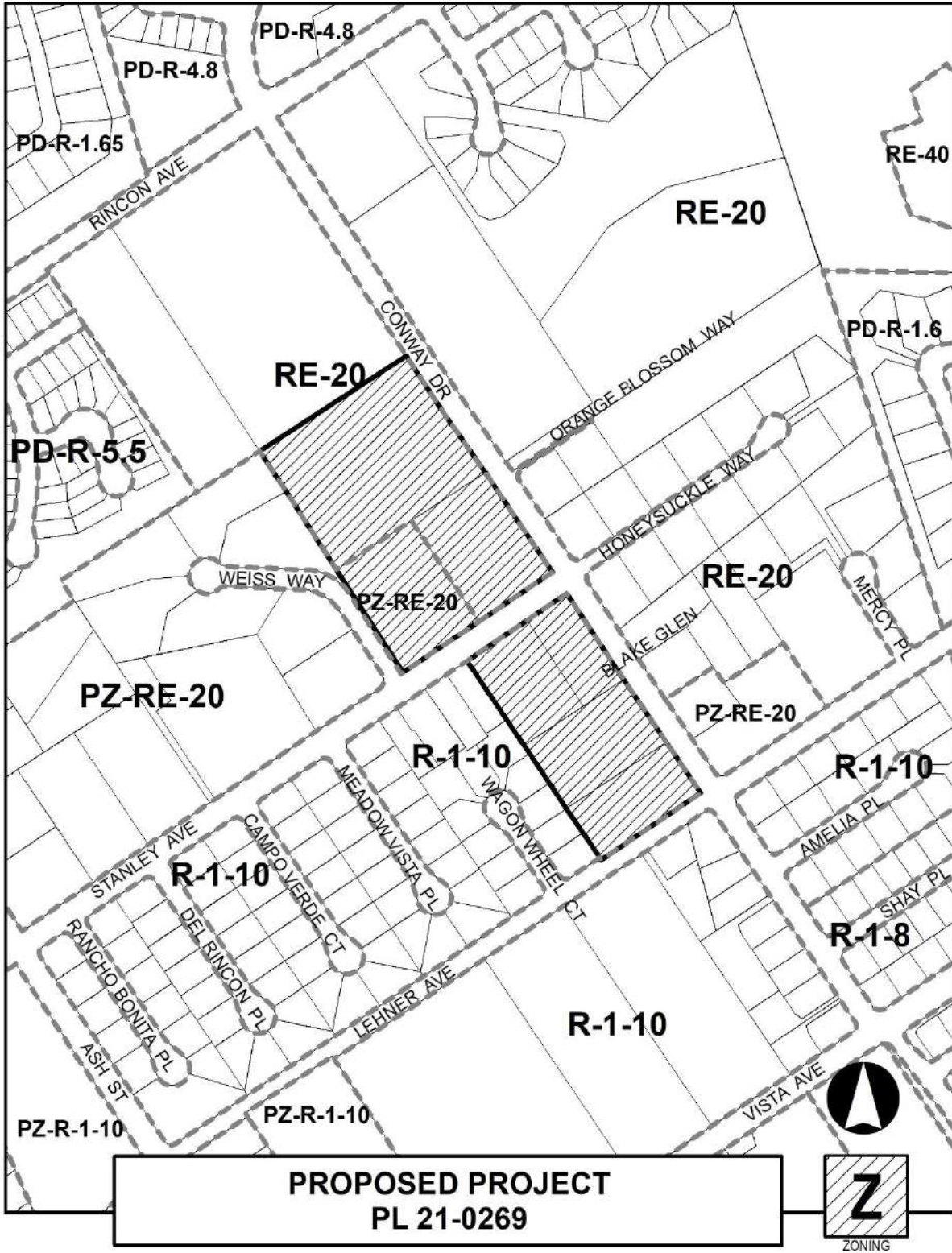
Attachment 1
Location Map, General Plan, and Zoning Map



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Escondido North LLC

Density Bonus Project Proposal

Revised 12/1/22

Escondido North LLC is proposing the development of a density bonus project consisting of 54 new residential units, as well as 2 existing residential units that will remain. Forty-four of the new housing units are to be market-rate single-family homes and ten are to be affordable duplex units which will be restricted to “low-income” households. The site is currently comprised of seven parcels with APNs as shown in the table below, and lies northwest of the intersection of Conway Drive and Lehner Avenue, extending north of Stanley Avenue. The site is surrounded by new homes as well as older housing stock.

Pursuant to Escondido Municipal Code Sections 33-1412 and 33-1413, the applicant for a density bonus project shall submit a written proposal for the project including the information provided below. This document is intended to satisfy the requirements therein.

Housing costs and market pricing depend on market conditions, including mortgage rates. As such, pricing for the market-rate units would be determined at the time they come to market. By law, pricing for restricted units is based on the area median income and depends on the size of the household. For “low-income” units, housing costs cannot exceed 30% of 70% of the area median income for a family of a given size. The restricted pricing would be set accordingly, depending on those factors at the time they are available on the market.

Habitat for Humanity has expertise in the construction of affordable housing, as well as the identification and qualification of, and sale to, buyers of affordable housing. They would manage and control the construction and sale of the affordable units, and would be responsible for identifying and qualifying the buyers.

Density Bonus Calculations

The project parcels have two different General Plan designations as reflected in the table below. In addition to the information required (in bold), we have included additional information for clarity. Please note that given the number of affordable units, 18 Bonus DUs and 58 total DUs are allowed, but the project proposes only 16 Bonus and 56 total DUs.

<u>APN</u>	<u>Acres</u>	<u>GP DUs/Ac</u>	<u>GP DUs</u>	<u>Proposed Low Income Units</u>	<u>Low-Income DUs As Percent of GP</u>	<u>Density Bonus Permitted</u>	<u>Allowed Density Bonus DUs</u>	<u>Allowed Total DUs</u>	<u>Allowed DUs/Acre</u>
224-142-33	1.40	3.3	5	1	20%	35%	2	7	5.0
224-142-32	1.57	3.3	6	1	17%	29%	2	8	5.1
224-142-31	0.94	3.3	4	1	25%	50%	2	6	6.4
224-142-30	1.36	3.3	5	1	20%	35%	2	7	5.1
224-141-25	2.09	2.0	5	2	40%	50%	3	8	3.8
224-141-23	4.70	2.0	10	3	30%	50%	5	15	3.2
224-141-24	2.01	2.0	5	1	20%	35%	2	7	3.5
Totals:	14.1		40	10			18	58	4.1

There are currently 13 dwelling units on the property and there have been no other units on the property in the last five years. One dwelling unit is an owner-occupied 1,975 square-foot single-family home built in 1946. The other 12 dwelling units are multi-family rental units. Size of household and incomes of those units are not known. They were built between 1943 and 1995 and range between 725 and 2,688 square feet.

Title does not show any recorded covenant, ordinance, or law that has restricted rents on these parcels in the last five years.

This revision to the Density Bonus Project Proposal originally submitted by Escondido North LLC on June 1, 2021 and previously updated 9/2/21, 3/18/22, and 10/27/22 is a result of conversations with city staff and consultation with land use attorneys and the city attorney's office. Below are the updated proposed incentives and waivers based on those conversations. These incentives and waivers will help to provide much-needed housing, and in particular, affordable housing, to the city of Escondido.

Concession/Incentives

The proposed project provides 10 low income units of the General Plan-designated 40 units, or 25% low income units. Pursuant to Government Code section 65915(d)(2), a project that provides at least 24% of the units for lower income shall receive three concessions/incentives. However, at this time we propose only one concession/incentive which is for the construction of duplex product in the R-E zone. Cost savings include less dirt import, less paving, a smaller detention basin, as well as saving on architectural costs due to the use of existing plans, and construction savings due to the use of less windows and stucco.

Waivers

Pursuant to Government Code section 65915(e)(1), development standards may not be imposed that would preclude the construction of a project that is allowed under the density bonus law. The table below lists changes or waivers to development standards that, if not granted, would physically preclude the construction of the project as designed. All identified development standards below fall squarely under the definition of "development standards" in Government Code section 65915(o)(1) which includes "a site or construction condition... that applies to a residential development pursuant to any... [city] policy...."

<u>Waiver</u>	<u>Dev. Standard</u>	<u>Proposed</u>	<u>Justification</u>
Front Yard Setback	R-E zone: 25' R-1 zone: 15' with a garage facing the street required to be setback 20'	10.5' (with street-facing garage to be setback 15')	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard without making backyards unfeasibly small. Therefore, the existing setback development standard would need to be reduced in order for the project to be constructed as designed.

Interior Side Yard Setback	R-E zone: 10' R-1 zone: 5' on one side (and 10' on the other, unless abutting an alley)	5' on both sides	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. The existing development standard would need to be reduced in order for the project to be constructed as designed.
Accessory Building Setback Requirements	Front, side, and rear setback requirements as stated in EMC Sec. 33-102	Any reference in EMC Sec. 33-102 to "underlying" zoning shall be interpreted as the main building's actual setback which may have been reduced given the setback waivers herein, or less if state law allows.	As the primary dwelling unit may have reduced setbacks, the ADU's setback would need to be reduced as well. The existing development standard would need to be reduced in order for the project to be constructed as designed.
Min. Lot Area	R-E zone: 20,000 SF R-1 zone: 10,000 SF	6,515 SF	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed.
Avg. Lot Width	R-E zone: 100' R-1 zone: 80'	60'	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed.
Lot Width @ Street	R-E zone: 20' R-1 zone: 35'	R-1 zone: 25'	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the R-1 standard. It would need to be reduced in order for the project to be constructed as designed.

<p>Max Lot Coverage for Primary & Accessory Structures</p>	<p>R-E zone: 30% R-1 zone: 40%</p>	<p>50%</p>	<p>The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard when potential ADUs are considered. The standards would need to be increased to a percentage more appropriate for lots of the proposed size.</p>
<p>Max FAR</p>	<p>0.5</p>	<p>0.6</p>	<p>The existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard when potential ADUs are considered. The standard would need to be increased to a ratio more appropriate for lots of the proposed size.</p>
<p>Suburban Residential Road (for "G" Street)</p>	<p>48' ROW with 28' paved Gutter on both sides 6 parking spaces on each lot, min. Sidewalk on 1 side upon approval Parking plan showing 1.5 on-street spaces per unit</p>	<p>34' ROW with 28' paved No gutter on south side 4 parking spaces on each lot, min. Sidewalk on 1 side (hereby w/approval) No parking plan required</p>	<p>The existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed. Gutter is not needed on the south side as the project design does not drain water along that edge.</p>

<p>Grading Along Weiss Way</p>	<p>Possible required setback for accommodation of possible future widening of Weiss Way to the east.</p>	<p>Reduced setback if Grading Exemption is not possible (as discussed with staff) since Weiss Way can not be widened to the east.</p>	<p>As discussed with City staff and as demonstrated on the exhibit provided in the Jan. 24 letter and provided again concurrent with this updated Density Bonus Project Proposal (all as part of the 4th submittal), Weiss Way cannot be widened to the east due to the existing house that abuts it at 916 Stanley Ave. As discussed with City staff, if the designed grading along Weiss Way cannot be approved under a Grading Exemption, the existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed.</p>
<p>Lot 13 Access per Fire-5 Comment</p>	<p>Cul-de-sac instead of hammerhead</p>	<p>Hammerhead</p>	<p>Fire has indicated this should be changed from a hammerhead to a cul-de-sac, but the standard (defined here as a cul-de-sac) would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be waived in order for the project to be constructed as designed. Precedence for such is another Habitat for Humanity duplex project, TR 20-002, GP21-0003. As in that case, and per Fire's requirement, no parking will be provided on the hammerhead road.</p>

<p>Conway Storm Drain Location</p>	<p>Not to be located under sidewalk or parkway</p>	<p>Small portion to be located under ROW</p>	<p>Pursuant to Jan. 5 conference call with Engineering & Planning, site constraints dictate that to get the number of lots as designed, a small portion of the storm drain must lie under the parkway. To minimize the amount under the ROW, the project has been redesigned to bring the storm drain between lots 14 & 15, as close as possible to the historical poing of entry. The Conway Dr. low point does not coincide with the historical entry point so some length is needed to connect the two, and crossing the SDCWA pipeline 2 is to be avoided.</p>
<p>Conway Storm Drain Easement</p>	<p>20' wide</p>	<p>10' wide, with no drivable surface, no access to interior Street "H"</p>	<p>The existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. Therefore, the standard would need to be reduced in order for the project to be constructed as designed.</p>

We look forward to providing additional housing, including affordable housing, to the city of Escondido.

October 27, 2022

City of Escondido, Planning Department
ATTN: Mr. Greg Mattson, AICP
201 N Broadway
Escondido, CA 92025

:

Re: Letter of Intent to Offset and Fund Ongoing Public Services

Dear Mr. Mattson:

Escondido North LLC declines to sign the above-referenced letter of intent ("LOI") because we plan to sell the entitled property and do not know how the buyer will want to approach the options for funding mechanisms. It makes most sense to let the builder decide whether they want to join citywide CFD 2020-1 or explore different options for the funding of public services.

Thank you,

Escondido North LLC

By: Argus Flatiron Management LLC, its Manager

By: 
Dylan Bird, Manager



PLANNING COMMISSION

Agenda Item No.: G.1
Date: December 13, 2022

TO: Planning Commissioners

FROM: Planning Staff

SUBJECT: Conway Residential Subdivision - Modified Condition of Approval and Supplemental Project Information

I. Revised Condition of Approval

A prior memorandum sent to the Planning Commissioners by staff on December 12, 2022, identified a revision to a proposed condition of approval for the subject project. An additional revision to that condition (Housing and Neighborhood Services Condition No. 1 found on page 13 of Exhibit "E" to Planning Commission Resolution No. 2022-15) has been identified and is provided below. (The underlined text below reflects additional language based on the original condition of approval.)

The Project shall provide a minimum of 10 affordable dwelling units for low income households (those earning less than 80% of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to issuance of a building permit, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements, and notes shall be added to the Final Map to this effect. It is anticipated that the affordable dwelling units will be for-sale units, however if they are rented, the affordable housing agreement shall require that the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits. If the affordable dwelling units are rented, the agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for all target units as described in Government Code section 65915(c)). Income-qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.

If the affordable dwelling units are for-sale units, the affordable housing agreement shall ensure that the units are either:

- a) Initially occupied by persons or families of low income (as defined in Section 50052.5 of the Health and Safety Code), are offered at an affordable housing cost (as defined in Section 50052.5 of the Health and Safety Code), and are subject to an equity sharing agreement in compliance with Government Code Section 65915(c)(2); or

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December 13, 2022
Page 2

- b) Purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in Government Code Section 65915(c)(2).

II. Supplemental Project Information

Supplemental information has been provided by the project applicant related to the cost savings that are anticipated through construction of duplex units rather than detached single-family homes. Said information is presented below.

Escondido North LLC

Conway TSM - City of Escondido

Incentive Cost Savings to Build 10 Duplexes Instead of SFRs

Reduced Dirt Import	\$ 14,000	1,000 cu. yds. @ \$14/cu. yd.
Reduced Paving	\$ 10,500	30' shorter length for affordable drive & basin access road
Reduced Detention Basin Size	\$ 5,000	Less impervious area
Use of Existing Architecture	\$ 75,000	Re-use existing duplex plans
Elimination of 10 Exterior Walls	\$ 25,000	Eliminate stucco and windows
Total:	\$129,500	

As demonstrated above, the ability to build duplexes instead of single-family residences results in cost savings of \$129,500.

December 13, 2022

VIA E-MAIL

Honorable Chair and Commissioners
City of Escondido Planning Commission
210 N. Broadway
Escondido, CA 92025

Re: December 13, 2022 Planning Commission Agenda Item No. G.1
Conway Residential Subdivision (PL21-0269)

Dear Honorable Chair and Commissioners:

This office represents the residents of the single family home located at 2166 Weiss Way, which is directly adjacent to where the northern portion of the above-referenced proposed Conway Residential Subdivision (“Project”) would be developed. My clients are not the stereotypical “NIMBY” neighbors looking to stop any new development, but instead have always understood that a residential project will eventually be built on the Project site. However, my clients are opposed to physically and procedurally “jamming” a project through the City’s entitlement process – without complying with applicable law – that by the applicant’s own admission, has not been fully formed, and must insist on a full and complete analysis of all the Project’s potential impacts pursuant to the California Environmental Quality Act (“CEQA”).

The purpose of this letter is to urge the Planning Commission to recommend that the City Council deny approval of the Project because, for all the reasons set forth in this office’s extensive November 17, 2022 comment letter on the draft Initial Study and Mitigated Negative Declaration (“MND”) and herein, (1) the MND does not comply with the requirements of CEQA, (2) the Project does not comply with the letter or the spirit of state Density Bonus Law or the City’s own density bonus ordinance (Chapter 33, Article 67 of the Escondido Municipal Code), and (3) the Project is not consistent with the Project site’s General Plan land use designations or zoning districts. At a minimum, my clients respectfully request that the Planning Commission recommend that the City Council require the preparation of a full environmental impact report (“EIR”) before considering any approval of the Project. For ease of reference, my November 17, 2022 letter is attached hereto as **Exhibit A**, which makes a number of still valid comments that are not all repeated herein.

As an initial matter, the Final MND – which contains over one hundred pages of responses to comments and revisions to the Draft MND – was only recently released on December 8, 2022, giving the public *two business days* to review these responses and changes prior to the date of the Planning Commission’s hearing. Accordingly, my clients request that the Planning Commission

Honorable Chair and Commissioners
December 13, 2022
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continue the hearing on the Project to the next regular meeting to allow this office and the public at large adequate time to review and respond to the Final MND, and particularly, its responses to comments. As a result of the short timeframe, this letter does not necessarily contain comprehensive responses to many of the flaws in the Final MND, but instead focuses on several key issues.

I. The Project Does Not Comply with the Site’s General Plan Land Use Designation, Zoning or Density Bonus Law

A. Duplexes are Not Permitted Uses on the Site, and Density Bonus Law Does not Allow the City to Amend Permitted Uses without a General Plan or Zoning Code Amendments

There is no dispute that duplexes – along with all other multifamily residential uses – are not permitted uses on the Project site, either under its existing General Plan land use designations (Estate II & Suburban) or zoning districts (R-E and R-1). (*See*, Ex. A, p. 3.) Yet, the Project proposes 10 duplex units as its income restricted affordable units, while the remainder of the Project would be single family homes. My previous comment letter pointed out this issue, which was entirely unaddressed in the Draft MND.

In response, the Final MND asserts – for the first time – that Density Bonus Law allows the City to authorize a different *use* than otherwise permitted as a “zoning concession” pursuant to Government Code section 65915(k). (Final MND, p. 103.) This is in addition to the *ten* “waivers” from development standards that are already being requested by the applicant, which actually were discussed in the original IS/MND.

First, the standard for granting zoning concessions—which are numerically limited—is significantly different than the standard for granting waivers, which revolves around whether failure to grant the waiver would physically preclude development of the Project. Importantly, the concession must result in “identifiable and actual cost reductions.” (Government Code § 65915(d)(1)(A).) ***These actual cost reductions have not been identified*** even as part of the revised Final MND, and of course were not identified in the Draft MND, in which this purported concession was not discussed at all. At a minimum, the City must require the applicant to provide evidence that duplexes result in identifiable and actual cost reductions when compared to single family homes, and provide that information to the public as part of a recirculated Final MND or full EIR. Without this evidence of actual and identifiable cost reductions, the Project cannot be approved.

Second, even if the Project applicant identifies actual and identifiable cost reductions, allowing a use that is not a permitted use under either the General Plan or zoning code does not qualify for a zoning concession, which is defined as “[a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the

Honorable Chair and Commissioners
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minimum building standards . . . including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).” (Government Code § 65915(k)(1).) Simply put, nothing in the statute or case law supports the complete change of use as a concession, as compared to a reduction of zoning standards such as setbacks and design guidelines to allow the same type of use where it might otherwise not “fit” or would be cost prohibitive.

Finally, the assertions in the Final MND that the inclusion of a use type not permitted by the General Plan and zoning designations is not a CEQA impact is simply wrong. The proposed concession, along with the ten waivers, result in unique impacts when compared to otherwise permitted uses, and these impacts were not adequately analyzed in the MND. In particular, allowing a use not otherwise permitted is a significant land use impact that requires the preparation of a full EIR. In fact, the flawed discussion of land use issues infects the entire MND, and virtually all sections must be revised as part of an EIR – or at minimum, a recirculated MND – in order to comply with CEQA.

B. The Applicant has Artificially Inflated the Density Bonus by Calculating Bonuses per Parcel

The Project applicant has calculated the total density bonus for the Project by calculating the total potential bonus for each individual existing parcel, rounding each figure up, and then totaling all of those figures. While Density Bonus Law does require rounding up, it is done on a *project-wide* basis, with only one figure rounded up, rather than “compounding” the rounding parcel by parcel to artificially inflate the total bonus number. Page six of the City’s staff report notes that this is not how the density bonus amount is calculated for any other projects in the City.

This method of calculation is flawed not only because of the compounded rounding, but further, there are *no* affordable units planned on a number of the existing parcels, meaning that the density bonus for those parcels should be zero. Finally, if the Project were to be approved, none of the existing parcels would continue to exist, as the Project would be subdivided in 47 total lots, with all ten affordable units on one lot. There is no support – logical or legal – for calculating the bonus based on parcels that, if the Project is approved, would not even exist. Thus, the density bonus number should be recalculated on a project-wide basis, and the Project revised accordingly.

Taken together, the proposed concession to allow development of an otherwise prohibited use, ten separate and significant waivers from development standards, and extremely aggressive density bonus calculation, the Project applicant’s sole goal is not to develop a good Project or consider and mitigate all impacts, but instead to squeeze as many units as possible on the Project site to maximize return.

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C. The Project Fails to Provide Affordable Units that are of Similar Quality and Type to the Market Rate Units

This office's previous letter noted that the provision of 10 multifamily duplex units as the affordable units on one lot, with 46 single family homes on their own lots as the market rate units, violates the both state law and the City's own requirement that the affordable units must be of a similar caliber as the market rate units to qualify for a density bonus. (Escondido Municipal Code ("EMC") § 33-1417(f) ["Design consistency. The design and appearance of the target units shall be consistent or compatible with the design of the total housing development in terms of appearance, materials, and finished quality"].) This also violates other similar provisions of City's local density bonus ordinance, which states that affordable units should be dispersed throughout the housing development, not concentrated on one of 47 parcels, as proposed here. (EMC § 33-1417(b).)

The Final MND did not respond to this comment, referring to General Response 1, which did not address this point. (Final MND, p. 64.) Thus, the Project remains in violation of state law and the EMC, and the Final MND's responses to comments are legally inadequate.

II. The Project Description Remains Legally Inadequate under CEQA, and Further Demonstrates that the Project Does Not Qualify for the Requested Concession and Waivers

The Final MND's responses to this office's previous comments regarding the total lack of information regarding the proposed housing units – e.g., square footage, room count, height, elevations/aesthetic appearance, etc. – states that this information simply is not available at this stage, and is not required by CEQA, deferring all analysis to the design review stage. (Final MND, pp. 7-9, 65-66.) This is not a legally adequate response.

First, the Project applicant is required to make its best estimate regarding these details so that the Project's impacts can be analyzed (and mitigated) as accurately and completely as possible. (See, CEQA Guidelines § 15124; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20 [while final designs are not necessarily required, the CEQA documents should at least include conceptual project designs].) The Final MND's assertions otherwise are simply wrong. Thus, the MND not only has an inadequate project description, but as described in this office's previous correspondence, its analysis of a number of impact categories are also legally deficient as a result.

Second, and perhaps more problematic, it cannot be true that *none* of these details are known, while at the same time, all ten of the applicant's requested waivers are necessary in order for the development of the Project to be physically possible. (See, EMC 33-1417(h) ["Waiver/reduction of development standards. *Any waiver or reduction from the applicable development standards shall be limited to those necessary to implement the density and*

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incentives/concessions to which the developer is entitled under section 33-1413” (emph. added)]; *see also*, § 33-1414(E)(3) [“Nothing in this section shall be construed to require the city to grant a concession or incentive if the city finds that ***the proposed concession or incentive is not required to achieve the required affordable housing costs or rents, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would otherwise be contrary to law***” (emph added)].)

If the size of the future units are not known – or even estimated – it is impossible for the City to adequately analyze if the waivers or concessions are actually necessary for the Project. Surely, waivers required to develop 1,000 square foot duplex units and 4,000 square foot single family homes would be different than 700 square foot duplex units and 2,000 square foot single family homes, yet the public and the City are left to guess where in this range (if it all) the proposed Project’s residential units would fall. Thus, the applicant appears to have requested waivers that may very well be more aggressive than actually required to not physically preclude development of the Project, which violates Density Bonus Law. Further, the City’s own density bonus ordinance requires the bedroom mix for the affordable units to be equal to the bedroom mix for the market rate units – if this is currently unknown, the City cannot approve a density bonus Project. (EMC § 33-1417(d).)

Finally, with respect to the newly proposed concession for duplexes, if *no* details about the proposed improvements are currently known, how can the Project applicant demonstrate that the concession would result in actual and identifiable cost reductions? The answer is they cannot.

III. The Project’s Impacts on Transportation and Traffic Remain Significant, and thus the City Must Require the Preparation of an EIR

The Final MND’s responses regarding the MND’s transportation/traffic analysis are also inadequate, and the imposed mitigation measures do nothing to ensure that the Project’s significant transportation impacts are actually reduced to a less than significant level. Specifically, while the MND admits that the Project-generated vehicle miles traveled (“VMT”) would exceed the applicable significant thresholds, it asserts that Mitigation Measure MM TRANS-1 would mitigate these impacts to a less than significant level by requiring the construction of four crosswalks and one new sidewalk. (Draft MND, pp. 82-84; Final MND, pp. 83-84.) The MND asserts these mitigation measures would reduce the VMT generated by the Project by 430. (*Id.*)

Simple logic demonstrates that there is no way these four crosswalks and a sidewalk would actually reduce VMT generated by the Project by 430 VMT (or at all), as there is nothing within reasonable walking distance that would replace even one vehicle trip by any future Project residents. In response to this office’s previous comment in this regard, the Final MND does not identify even one destination that these crosswalks and sidewalks would encourage future residents to walk to. (Final MND, pp. 83-84.) This information is not contained in the cited traffic impact analysis either, which instead assigns numerical values to the proposed mitigation measures based

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on a standardized formula, without regard to the actual facts on the ground, and what other uses actually exist near the Project site. (MND Appendix J [Transportation Impact Analysis, Escondido North LLC, prepared by Linscott, Law, & Greenspan, dated October 6, 2022], pp. 20-23.) The actual facts on the ground – and the very low likelihood any future Project residents would walk anywhere instead of driving – constitutes substantial evidence in support of a fair argument that the Project may result in significant impact relating to transportation/traffic, requiring the preparation of a full EIR.

Indeed, a reviewing court will not defer to the agency's determination that mitigation measures will work when their efficacy is not apparent and there is no evidence in the record showing they will be effective in remedying the identified environmental problem. (*King & Gardiner Farms, LLC v County of Kern* (2020) 45 Cal.App.5th 814, 866 [EIR discussion of mitigation measure that has uncertain effect must identify and explain the uncertainty in measure's effectiveness and the reasons for that uncertainty]; *Sierra Club v County of San Diego* (2014) 231 Cal.App.4th 1152, 1168 [no evidence that recommendations for reducing greenhouse gas (GHG) emissions would function as enforceable or effective mitigation measures]; *Gray v County of Madera* (2008) 167 CA4th 1099, 1116 [rejecting mitigation measures proposed to address project's adverse impacts on water levels in wells used by neighboring landowners because mitigation measures would force them to change the way they use water].) When the effectiveness of a mitigation measure is not apparent, the CEQA document must include facts and analysis supporting its characterization of the expected result. (*Sierra Club v County of Fresno* (2018) 6 Cal. 5th 502, 522.) Mitigation measures that are unrealistic and unlikely to be implemented create an illusory analysis and should not be relied upon. (*Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 433.)

IV. The Final MND Does Not Resolve Any of the Other Deficiencies Identified in this Office's Previous Letter

Finally, nothing in the Final MND's responses to this office's previous comments fully addresses those comments, and as a result, my clients stand by all of their previous assertions as set forth in **Exhibit A**. Many of these deficiencies – which are not repeated herein – can be potentially cured by requiring the preparation of the full EIR.

For all the foregoing reasons, on behalf of my client, I respectfully request that the Planning Commission recommend that the City Council (1) deny approval of the Project as inconsistent with state Density Bonus Law, the City's density bonus regulations, and planning and zoning law

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and (2) require the preparation of an EIR for the Project or any revised version thereof. I look forward to attending the public hearing later today, and will be available to answer any questions that the Commission may have.

Sincerely,



Kelsey E. Quist

KEQ:mrs
Enclosure

November 17, 2022

VIA E-MAIL & FIRST CLASS MAIL

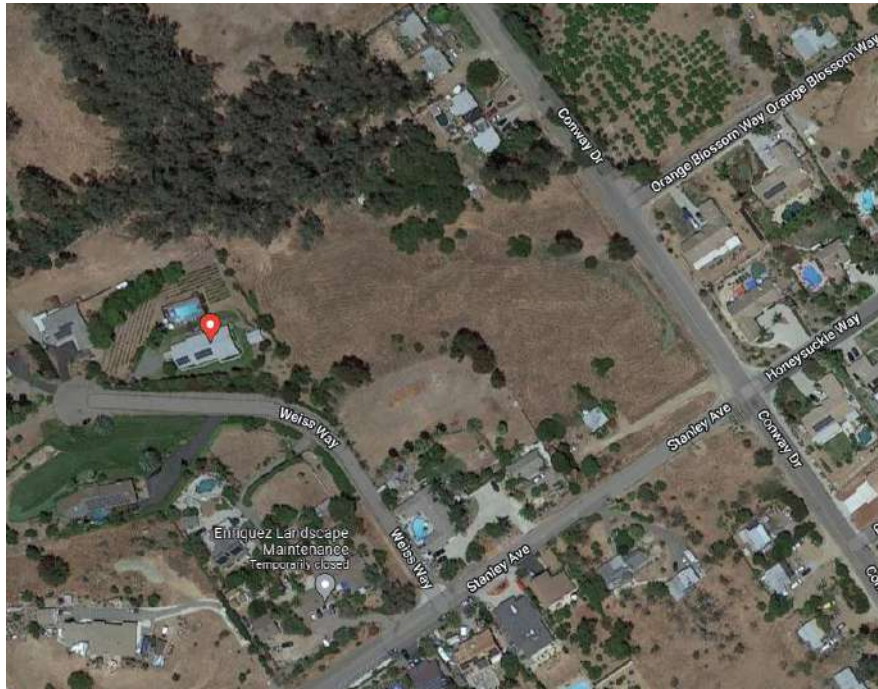
Greg Mattson, Adjunct Planner
City of Escondido
201 N. Broadway
Escondido, CA 92025

gmattson@escondido.org

Re: Conway Residential Subdivision Project - TTM SUB21-069
City File No. PL21-0269
Comment on Draft Initial Study/Mitigated Negative Declaration

Dear Mr. Mattson:

This office represents the residents of the single family home located at 2166 Weiss Way, which is directly adjacent to where the northern portion of the proposed Conway Residential Subdivision (“Project”) would be developed. My clients – who directly submitted a comment on the Project’s NOP, attached hereto as **Exhibit A** – have resided at their home since 1987, and their home is shown in the aerial picture below, directly west of the currently vacant portion of the Project site:





Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
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While understanding the existence of the Housing Accountability Act (“HAA”), Density Bonus law, and other state law that encourages the development of housing, it is important to remember that none of these laws preempt or otherwise override the California Environmental Quality Act (“CEQA”). Instead, the ability to approve residential projects, such as the Project at issue here, is expressly contingent on full compliance with CEQA. My clients are not trying to stop development of the Project, but rightfully insist that any development is done right, including full compliance with CEQA, while being a good neighbor.

The Project, which takes advantage of state Density Bonus Law to significantly increase density beyond what is otherwise permitted by the Project site’s zoning (adding 16 extra units), as well as an incredible *thirteen waivers* from otherwise applicable development standards, proposes to cram 56 total residential units onto approximately 14 acres that are not designed to handle such an intense and dense development. The fact that so many waivers are required, standing alone, is substantial evidence of the significant impacts this completely out of character Project will have on the environment in general, and on surrounding properties in particular. The nearby rural infrastructure was simply not designed or built to handle the demand that will be generated by 56 new units in this area, yet the Mitigated Negative Declaration (“MND”) does not impose *any* mitigation measures requiring improvements to the existing infrastructure. The Project applicant is attempting to take advantage of state law to forcibly jam a square peg into a round hole, but still must comply with CEQA and mitigate its actual impacts.

As made plain by the aerial photograph embedded above and the annotated site photograph attached here as **Exhibit B**, the Project is not at all consistent with the charter of the relatively rural area at the edge of the northern portion of the City, and in fact, the Project includes a parcel in an unincorporated portion of San Diego County (“County”) that the City proposes to annex. The area around the Project site consists of large lot single family homes, narrow single lane roadways without sidewalks, open space, and small scale agricultural uses, including vineyards on my clients’ property (noted with a “C” on Ex. B), directly adjacent to the Project site. The rural nature of the area is also made clear on page 7 of the MND, which shows that the zoning for the Project site and surrounding areas is single family residential, residential estates, and the County’s rural residential zone. The City’s residential estate zoning “is established to provide a rural setting for family life in single-family *detached* dwellings. Provisions are made for the maintenance of limited agricultural pursuits as well as those uses necessary and incidental to single-family living.” (Escondido Municipal Code (“EMC”) § 33-90(b)(2) [emph. added].) Similarly, the City’s R-1 single family zone is “established to provide a suburban setting suitable for family life in single-family, *detached* dwellings.” (*Id.*, (b)(2) [emph. added].)



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I. The Proposed Project is Not Permitted under the Project Site's General Plan Land Use Designation or Zoning

Despite the fact that the Project site is located entirely in single family zones, where *detached* single family residences are the principally permitted use, the Project proposes 5 duplex structures (10 total condominium units) – which are attached two-family dwellings – that are *not permitted*, as clearly shown on the City's land use table (highlighting added):

Table 33-94

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Residential and Lodging								
Single-family dwellings <i>detached</i>	P	P	P		P	P ¹	P ¹	P ¹
Mobilehome on parcel alone, pursuant to section 33-111	P	P	P	P				
<i>Two-family and multiple-family dwellings</i>					P	P ¹	P ¹	P ¹
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required			C	C	C			
Small lot developments pursuant to section 33-114					P	P ¹		
Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone pursuant to section 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Senior housing	P	P	P	P	P	P	P	P

Likewise, the Project Site's Estate II General Plan land use designation "accommodates *detached* single-family homes on large lots" and "[s]paced single family development on relatively large lots," and the Suburban General Plan Land use designation "applies to areas that generally surround the urbanized core of the community and accommodates single family *detached* homes on relatively large lots." (General Plan Land Use and Community Form Element, pp. II-19 to -20 [emph. added].)

Thus, the Project – which includes ten attached duplex condominium units – requires a General Plan amendment and zoning change, which are two distinct legislative approvals that the Project requires by law, yet are not currently under consideration by the City. Density Bonus Law cannot be used to waive or change the permitted uses on a particular project site, and in fact, the MND completely fails to address any of these concerns, and does not list the allowance of attached condominium duplex units as a "waiver" from the otherwise applicable zoning standard (nor could it). Thus, the Project's proposed tentative tract map – the only discretionary entitlement analyzed by the MND and under consideration by the City (MND, p. 13) – *cannot be approved*, as the City cannot make the required findings that it would be consistent with the City's General Plan and applicable zoning. (See, EMC § 32.209.01.)



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Further, the MND's entire analysis is fatally flawed because it analyzes all of the Project's impacts under the incorrect assumption that the Project is consistent with the Project site's existing General Plan land use designation and zoning. As a result, the MND drastically underestimates the Project's potential impacts, which standing alone, is sufficient grounds to require the preparation of a full environmental impact report ("EIR"), as discussed in more detail herein. It also bears noting that because the Project is not consistent with its existing land use and zoning designations, the HAA does not apply.

Finally, Density Bonus law requires the affordable units to be substantially similar to the market rate units, but here, the Project proposes condominium duplexes units for all of the affordable units, and single family homes for all the market rate units. (*See*, MND, p. 10) In order to qualify for the requested density bonus, the Project must propose "like for like" units – *i.e.*, income restricted single family homes. This is not being done here, and further, there is no information to allow the reader to determine if the elevations, finishes and other details are similar in quality for the affordable units as the market rate units, as also required by law.

II. The City Should Require the Preparation of an EIR for the Project

As a result of the Project's inconsistency with its surroundings and a number of other factors set forth below – not least of which is the amount of traffic that will be generated when compared to the much less dense zoning this Project site has long been planned for, without requiring any roadway or other improvements – after a careful review of the proposed mitigated negative declaration ("MND"), it is clear that substantial evidence supports a fair argument that the Project may have a significant impact on the environment, and thus the City should require the preparation of a full environmental impact report ("EIR"). (*See, Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504-505.) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; 14 Cal. Code Regs. ("CEQA Guidelines") § 15382.)

Indeed, the EIR is the very heart of CEQA, and an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214, 1220; *see also, Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process "protects not only the environment but also informed self-government." (*Pocket Protectors*, 124 Cal.App.4th at 927.)



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Under the “fair argument” standard, preparation of an EIR is required if any substantial evidence in the record indicates that a project *may* have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (CEQA Guidelines § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors*, 124 Cal.App.4th at 928.)

In sum, the MND fails to adequately analyze and mitigate all of the Project’s impacts to a less than significant level, and instead, there is a fair argument that the Project may in fact result in significant environmental impacts in a number of respects. As further discussed below, the MND is specifically deficient and does not comply with CEQA in all of the following respects, which individually and/or taken together, require the preparation of an EIR.

A. The Project Description is Inadequate

The MND is completely devoid of any details regarding the total proposed 56 residential units, other than an overview proposed tentative map showing lot and structure locations, a vague range of lots sizes, and the fact that 46 units will be single family homes, and 10 will be condominium units in 5 buildings. (MND, pp. 8-10.) Noticeably absent are any (1) proposed square footages of any units, (2) bedroom counts, (3) proposed height/stories, or (4) any proposed elevations, for either the single family or duplex units. As a result, the MND cannot accurately analyze the potential impacts of the Project – which cannot be based on lot count alone – and instead, these details are critical for a full and complete analysis of the Project’s impacts related to aesthetics, air quality, greenhouse gas emissions, noise, population/housing, and transportation/traffic, at a minimum. My clients are left wondering if a one-story 2,000 square foot home or a three-story 5,000 square foot home will be built next to their property. Further, there is no indication how high the ultimate grade will be, and considering the significant sloping near my clients’ property, there is no way to tell if the graded pad for the nearest residence will be 30+ feet higher than the existing grade, or 30+ feet lower. All of these questions must be answered for any meaningful analysis of the Project’s impacts to occur.

The MND’s project description is also not clear as to what income level the proposed affordable units will be restricted to, or how the continued affordability will be enforced (*e.g.*, an affordable housing agreement with the City, deed restriction, etc.), and whether the affordable units will be rented or sold. These details must be added to allow the public to verify that the density bonus was correctly calculated, and to also confirm that the Project even qualifies for a density bonus in the first place.



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Finally, the MND also fails to adequately explain why the Project would be physically precluded unless *thirteen* different waivers are granted, including *significant* departures from three different setback requirements, minimum lot area, average lot width, lot width along streets, maximum lot coverage, maximum floor area ratio ("FAR"), standards for suburban residential roads, reduced grading setbacks, hammerhead street termination, and storm drain locations and easement size. (MND, pp. 12-13.) Surely not all of these significant waivers are truly required for the Project to proceed, but instead are aimed at maximizing developer profit. Further, the MND fails to analyze the impacts all of these waivers will have on the surrounding community – particularly related to aesthetics, air quality, noise and traffic (including traffic hazards/safety from the drastically different standards for suburban residential roads) throughout the discussion of all of the various topics covered in environmental checklist/Appendix G. An EIR should be prepared to fully address the impacts of all these waivers, as again, nothing in the Density Bonus law allows this Project to circumvent any aspect of CEQA.

B. The MND Does Not Adequately Analyze the Project's Aesthetic Impacts, and Incorrectly Assumes the Project Complies with Applicable Zoning

The MND makes no effort to analyze its aesthetic impact from the point of view of my clients or any other neighboring properties, does not contain any photographs showing the current views when looking at the Project site from surrounding properties, nor does it contain any computer simulations/renderings that show what views of the Project site would look like following development. In fact, as mentioned above, the MND does not contain any renderings of the Project's proposed elevations at all, or otherwise indicate the elevation of the final graded pads. At a minimum, the MND should be revised to include these photographs/renderings and associated analysis to determine if there are potentially significant aesthetic impacts.

Instead of containing any meaningful actual analysis of how the Project will change existing conditions, the MND appears to imply that, simply because the Project site is "zoned residential," the Project would not have any aesthetic impacts on the surrounding environment. (MND, p. 7.) As mentioned above, the MND does not even state the proposed square footage or height of the residences along the edge of the Project Site (or anywhere), making any real analysis impossible. The MND's bare conclusion violates CEQA.

The MND goes on to state that the relevant threshold of significance is "whether the Proposed Project would conflict with applicable zoning and other regulations governing scenic quality," and concludes that because the Project complies with the City's residential estates and single family residential zones, its aesthetic impacts are less than significant. However, as explained above, the Project is not consistent with these zones, which allow *detached* single family homes; two-family attached duplexes are expressly *not permitted*. (EMC, Table 33-94.) Thus, under the City's own threshold of significance, the aesthetic impacts would be significant because



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the Project does, in fact, conflict with applicable zoning, and as a result, the City must require the preparation of an EIR.

Further, even if duplexes were allowed under the Project site's General Plan land use designation and zoning, the MND does not discuss or even identify the fact that the aesthetic impacts of this Project will be increased when compared with a typical residential development that actually complies with the letter of the applicable zoning requirements, as a result of the due to the 16 additional units, and the 13 waivers from otherwise applicable zoning standards. In particular, an EIR should be prepared to specifically analyze and impose mitigation measures relating to the Project's specific and unique aesthetic impacts that result from: (1) 16 extra units on the Project site; (2) proposed front and interior setbacks less than half of what is currently required; (3) less than half the minimum lot area otherwise required in this zone; (4) significantly reduced average lot widths; (5) increased lot coverage and maximum FAR; and (6) reduced setbacks during grading. The City should impose a condition of approval that requires high quality masonry walls around the entire edge of the Project Site, at least eight feet in height.

Additionally, the MND notes that the Project would remove 186 mature and protected trees, and as result, the Project applicant would be required to purchase replacement trees either on or offsite. (MND, p. 17 [citing MM BIO-3 and BIO-4.]) To be clear, *the purchase of offsite trees in no way mitigates or otherwise lessens the Project's impacts on aesthetics*. Thus, at a minimum, MM BIO-4 should be revised to require purchase and placement of replacement trees entirely *onsite*, or else this measure cannot be relied upon to mitigate the Project's impacts to a less than significant level. Further, and as discussed more herein relating to impacts on biological resources, the Project should entirely avoid disturbing the area at the northern end of the Project site containing a significant amount of mature trees and coast live oak woodland / riparian habitat, generally noted with an "A" on **Exhibit B**.

Finally, the MND inaccurately describes the potential impact of the Project's light pollution, particularly in the area adjacent to my clients' property, which is an empty field. Simply put, replacing the open space near my clients' property – which currently has no lighting – with streetlights, house lights, and headlights from approaching and departing vehicles will absolutely create a potentially significant impact.

C. The MND's Air Quality Analysis is Inadequate

The MND does not appear to analyze the air quality impacts of the Project's grading activities (approximately 59,200 cubic yards of cut and 99,600 cubic yards of fill), which in addition to all of the other construction activities, will create significant particulate matter emissions that will severely impact my clients, and likely damage or destroy the active grape vines on my clients' property. At a minimum, additional mitigation should be imposed to require increased setbacks from my clients' property during construction and grading activities.



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The MND also does not appear to quantify or consider emissions from the trucks that will be required to import 55,000 cubic yards of dirt to the Project site. The MND should be revised to include this analysis, or if it already does, revised to clearly show that emissions from both trucks serving the general construction of the Project and trucks importing fill materials were considered. Further, the MND does not list the equipment anticipated to be used during construction in order to allow the reader to understand what assumptions were made, and what type of equipment the MND assumed would be used at the same time. In sum, the MND presents bare emissions conclusions without any ability for the reader to understand the assumptions made to arrive at those conclusions, and therefore does not comply with CEQA.

Finally, given the presence of a number of sensitive receptors directly adjacent to the Project site – including my clients’ property (B & C, on Ex. B) – a health risk assessment must be conducted. Failure to do so creates the presumption of a fair argument that the Project may have a significant impact relating to health risks, particularly in light of the Project’s more dense development than anticipated under existing General Plan land use and zoning designations.

D. Substantial Evidence Supports a Fair Argument that the Project May Have a Significant Impact on Biological Resources, even after the Mitigation Imposed by the MND

The MND incorrectly states that the Swainson’s Hawk has a “low potential” to appear onsite – as shown in the photographs attached hereto as Exhibit C, the Swainson’s Hawk, along with an active nest, is actually currently present on the Project site, and has regularly existed for approximately 20 years. (*See*, MND, p. 20.) The area on the Project Site where this hawk and nest were identified is noted by an “A” on Exhibit B, on the northern portion of the Project Site. Clearly, the literature review upon which the MND’s biological resources section is based is not sufficient, and revised technical studies based on field surveys should be generated and included in an EIR prepared for the Project. Thus, the so-called “potential” impacts mentioned in the MND relating to raptors are *not* potential, but in fact actual (and significant) impacts. (*Id.*, p. 29.) None of the mitigation imposed will replace the habitat currently being used by the Swainson’s Hawk, with active nests present each year, personally observed by my clients. In light of the impacts on raptors and other significant impacts that would result from disturbing this high quality habitat, the City should require the Project applicant to entirely avoid disturbing this area.

The MND’s proposed *offsite* mitigation is not sufficient to mitigate impacts to the Project site’s actual confirmed raptor habitat or other significant impacts to non-native grasslands and trees to a less than significant level. (*See*, MM BIO-2.) At a minimum, the City should require at least a portion of this mitigation to occur onsite and preserve a portion of the Project site as open space/habitat, rather than using every single inch to squeeze 56 units onto 14 acres. MM BIO-2 does not even require mitigation to be anywhere near the Project site, which does nothing to help local raptors find suitable nearby foraging habitat, and thus likely to result in unmitigated



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significant impacts to those birds that we *know* are on the Project site. The same is true for the mitigation proposed for the valuable coast live oak woodland habitat in MM BIO-3, and mature and protected trees in MM BIO-4.

With respect to the jurisdictional delineation performed for the Project, the MND's analysis is also incorrect – the Project site drains into Reidy Creek, which in turn drains into Escondido Creek, and therefore, the Project site does in fact contain jurisdictional drainage features. Impacts to these wetlands must be analyzed in an EIR, and appropriate mitigation imposed.

While the MND sets forth the number of mature and protected trees, the reader/public is unable to understand which trees on the Project site were determined to be mature or protected. (MND, pp. 32-33.) Thus, the MND should be revised to include a map so that the decisions regarding which trees were determined to be mature and/or protected, and which were not, can be analyzed.

E. The MND Does Not Explore Opportunities to Incorporate Sources of Renewable Energy as Part of the Project

The MND does not adequately analyze the potential for the Project to incorporate sources of renewable energy, or explain what type of renewable energy features will be incorporated into the Project in any meaningful detail. (MND, pp. 38-39.) The failure to include this analysis violates CEQA. (*See, League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022) 75 Cal.App.5th 63.)

F. The MND Unlawfully Defers Mitigation Relating to Geology and Soils

The MND imposes two mitigation measures – MM GEO-1 and MM GEO-2 – that would purportedly reduce all impacts relating to geology and soils to a less than significant level. (MND, p. 43.) However, both of these mitigation measures unlawfully defer mitigation by vaguely referring to “recommendations” and require compliance with a yet to be prepared report, without any performance measures setting forth specifically what the report must contain. As written, it is clear that there is a fair argument that these measures will not reduce the Project's impacts on geology and soils to a less than significant level.

G. The MND's Analysis of Greenhouse Gas Emissions is Inadequate

The MND fails to actually quantify the Project's numerical greenhouse gas (“GHG”) emissions, depriving the reader and the public of the most basic information regarding such emissions. This makes accurate analysis of the Project's impacts from GHG emissions impossible, let alone imposition of appropriate mitigation measures to reduce all impacts to a less than significant level. (MND, pp. 45-47.) Instead, the MND relies entirely on qualitative analysis of



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the Project's implementation of various measures from the City's Climate Action Plan ("CAP"). However, since the Project's impacts are not adequately disclosed in the first instance, this qualitative analysis is virtually meaningless and does not comply with CEQA. Indeed, applicable caselaw clearly favors quantitative GHG emissions analysis, which again, is entirely absent here.

Further, the MND incorrectly states that "Step 1 of the CAP Checklist is land use consistency. The proposed Project has demonstrated consistency with the City's General Plan, Zoning Code, and Density Bonus statutes. Since land use consistency has been demonstrated, Step 2 of the CAP Checklist is applicable." However, as discussed above, the Project is actually *not* consistent with the City's General Plan or Zoning Code. Therefore, the City should require the preparation of a revised air quality/GHG technical report and an EIR to fully analyze the Project's impacts from GHG emissions, under the correct premise that the Project is not consistent with the Project site's existing land use designations/zoning.

H. The MND's Analysis of Hazards and Hazardous Materials is Inadequate

The MND recognizes that construction of the Project will involve the transport, use and disposal of hazardous materials, and that the older structures that will be demolished likely contain PCBs. (MND, p. 49.) However, the MND fails to mention, analyze or mitigate for any potential impacts on the adjacent sensitive receptors, such as my clients' directly adjacent residential home. An EIR containing this analysis regarding a potentially significant impact should be prepared.

The MND also completely fails to discuss and analyze fire evacuation routes and estimated evacuation times (MND, p. 52), which recent case law holds is required in order to comply with CEQA. (*Newtown Preservation Society, et al. v. County of El Dorado, et al.* (2021) 65 Cal.App.5th 771; *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 1.) This is particularly true for the North San Diego County area, which is susceptible to wildfires, and for the Project at issue here, which crams 56 new residential units (and retains 2 existing units) onto 14 acres *without requiring any "capacity enhancing" improvements to existing roadways* to improve traffic or evacuation times. Clearly, substantial evidence supports a fair argument that the Project may result in a significant impact in this regard. The MND's wildfire section is legally deficient for this same reason. (MND, pp. 9-96.)

I. The MND's Land Use and Planning Section is Entirely Flawed, and Must be Completely Revised as Part of an EIR

As discussed in detail above, the Project is not consistent with its existing General Plan land use or zoning designations, and thus requires the approval of a General Plan amendment and zone change. The entire Land Use and Planning Section of the MND must therefore be rewritten. Given the significant impacts that would occur from proposing a Project not consistent with existing General Plan land use or zoning designations, it must be rewritten as part of an EIR.



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Further, even if the Project was consistent with existing zoning, the MND contains no meaningful analysis of the impacts that the 13 waivers would have on the surrounding development, other than to note they exist and conclude, without analysis, that the extra density and other extensive waivers would not result in any increased impacts than if the Project site was to be developed with market rate housing that complied with all applicable zoning regulations. (MND, pp. 60-62.) This analysis does not comply with CEQA's requirements because it fails to connect facts to conclusions, and further, the ultimate bare conclusion is contrary to common sense.

J. The MND's Analysis of Noise Impacts is Incomplete

The MND and associated acoustical analysis should be revised – as part of an EIR – to analyze peak noise, not average noise, which artificially understates the actual noise impacts on neighboring sensitive receptors. (*See*, MND, pp. 66-67.) The MND also does not detail what type of equipment the acoustical analysis assumed would be operated, and what activities would be occurring at the same time, making an evaluation of the accuracy of the underlying assumptions impossible.

K. The MND's Population and Housing, Public Services and Recreation Sections Incorrectly Conclude that Unplanned Growth Does Not Result in Any Significant Impacts

The MND recognizes that the Project would exceed the General Plan's projections for housing on the Project site, but nonetheless concludes that this is not a significant impact, with no mitigation required. (MND, pp. 72-79.) This is not accurate, and instead, there is at least a fair argument that the Project's increased growth beyond what has long been planned for the Project Site – and the Project's inconsistency with its existing General Plan land use and zoning designations – may result in a significant impact, requiring the preparation of an EIR.

Further, the MND does not include bedroom count, making a truly accurate estimate of the population the Project will add to the area impossible.

L. The Traffic Generated by the Project Will Result in a Significant Impact

The MND correctly notes that CEQA now requires a vehicle miles traveled ("VMT") analysis in place of the traditional level of service ("LOS") analysis. (MND, p. 80-81.) However, due to the fact that, as admitted in the MND, the City's General Plan includes LOS standards, LOS still must be analyzed as a CEQA impact, as inconsistency with the General Plan is considered an impact on the environment. The MND should be revised to include this analysis, which is entirely absent, despite the Project's traffic impact analysis studying the Project's impacts on LOS to some degree. Further, the MND does not impose *any* mitigation requiring roadway improvements as a



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result of the Project, which standing alone, appears to be substantial evidence sporting a fair argument that the Project's impacts may be significant.

Moving to the MND's VMT analysis, the City's initial conclusion that the Project requires an EIR as a result of its significant VMT impact was the correct one, and paper changes to the City's VMT policies do not impact actual physical effects on the environment. (*See*, MND, p. 1.) Additionally, the VMT generated by the Project – which by the MND's own admission, exceeds the relevant threshold of significance – appears to be based on an incorrect calculation which “nets out” the VMT generated by the 13 existing units, but then does not consider the 2 units that will remain on the Project site. (MND, p. 82.) While it is improper to artificially reduce impacts by “netting out” existing uses, and the analysis should be based on the full Project of 56 reinstall units, at a minimum, the analysis should include VMT generated by the 2 existing units, if it is going to take credit for “eliminating” the VMT generated by the 13 residences to be demolished. The MND's assumption of 3.21 residents per household when calculating the Project's VMT also likely significant underestimates the population of the proposed Project – indeed, my clients have personally observed that the existing four unit property on the Project site contains 21 parked cars. Finally, the MND does not indicate how it arrived at an assumption of 3.21 residents per household when it does not even describe the square footage or bedrooms count of the proposed units, which is *critical* information for accurately estimated the number of new residents.

Regarding the discussion of proposed mitigation, there is simply no way that the proposed mitigation measures – constructing four crosswalks and a new sidewalk – will result in a meaningful reduction of the Project's VMT such that its impacts are conclusively reduced to a less than significant level. (MND, pp. 83-84.) The Project site is in a relatively rural, large lot residential area at the edge of the City, also near open space and agricultural uses. ***There is virtually nothing – aside from other residences – within walking distance of the Project site*** to justify the conclusion that the proposed crosswalks would result in residents walking instead of driving. The MND does not identify any such amenities or where residents would be walking to, and in fact, the surrounding areas do not even have sidewalks. (*See*, **Exhibit D.**) MM TRANS-1 requires the applicant to build a “bridge to nowhere” that will not reduce the Project's actual impacts relating to VMT. Indeed, MM TRANS-1 relies entirely on ***voluntary*** measures that the future residents can (and likely will) simply choose not to use, and should be given no credit for any reduction in VMT. Thus, on this basis alone, the City must require the preparation of an EIR and a serious discussion of feasible ***mandatory*** mitigation measures.

With respect to hazards, the MND completely fails to discuss the proposed waiver for roadway standards, which *will* result in a hazardous condition. Specifically, the Project includes a request for waiver whereby at least one of the Project's “suburban residential road” (1) will be 14 feet narrower than required, (2) will contain a sidewalk and gutter only on one side, and (3) will not include a parking plan. Additionally, photographs showing the area where the 56 residential units will take access onto Stanley Avenue, as well as the nearby Conway Drive, are attached



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hereto as **Exhibit D**, showing narrow, rural roads that are not ready for the proposed increased traffic without requiring roadway improvements. These unsafe conditions would be created for the sole purpose of allowing the applicant to cram 56 total residential units onto 14 acres.

Further, the hills in both directions on both Stanley Avenue (where an access point will be located) and Conway Drive appear to create line of sight issues. (See, **Exhibit D**; see, also, Ex. B, [notes E, F, G & H].) A line of sight study should be conducted to ensure that all proposed access points are safe – on Stanley Avenue, Conway Drive and Lehner Avenue – and impose mitigation as appropriate. At present, the MND completely fails to analyze these potential impacts.

Thank you for the opportunity to comment on the MND for the proposed Project. As a directly adjacent neighbor, my clients are not opposed to new development, and have always understood that the Project site is slated for residential development. However, new development must be properly and fully analyzed in compliance with CEQA and all other applicable laws, and comply with the City's own land use documents and other regulations. Thus, my clients respectfully request that the City require the applicant to: (1) submit applications for a General Plan and zoning amendments, and (2) prepare a full EIR.

Please provide the undersigned with notices of all further action relating to the Project, including notices for the Planning Commission and City Council hearings where it may be considered.

Sincerely,

Kelsey E. Quist

KEQ:mrs

Enclosures

6 May 2022

Comments and Questions on Escondido North, LLC Project, Case # PL21—0269

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Mrs. Cindy Quist
2166 Weiss Way, Escondido, CA 92026

Thank you for the opportunity to comment and submit questions/concerns on the above named Proposed Project.

We have lived at 2166 Weiss Way, a lot abutting the Proposed Project directly to the west, since 1987. An existing chain link fence line demarcates our mutual property line. Our lot relative to the proposed project is shown in Figure 1.

There are three general areas of concern and interest we would like to address:

1. Concerns about the project during development
2. Concerns about the project once it is completed
3. How the proposed project will change the existing landscape

1.0 Concerns about the project during the development

- 1.1 **Noise and hours of operation** – we understand a significant amount of grading is planned, generating a lot of noise directly next to our property, feet from our windows. We request the development strictly obeys both City and County ordinances regarding noise and operation times and days. This noise will generate a major nuisance and impact our quality of life during the development period, from grading to the completion of structure construction.
- 1.2 **Dust and air quality** – we expect that the grading will generate a significant amount of dust, particulate matter and debris that will drift onto our property. We don't know the potential chemical constituents of the grading detritus that could cause harm to our property and our respiratory health. We also have serious concerns about dust, flying debris and exhaust from the grading and construction equipment and how this will affect our active vineyard - and other producing fruit trees – both of which are literally feet from the property line. See Figure 2. In addition, we have a pool beyond the vineyard, and dust and debris will impact our pool, including the filter and motors, and all outdoor areas.
- 1.3 **Vegetation that transverses the 2166 Weiss Way property line chain link fence.** There is vegetation – trees and bushes - on both sides on the fence that demarks the property line between our property and the development. If the plan is for all vegetation in the project to be demolished, this will cause significant damage to the existing fence, as well as damage to the vegetation we have planted along our side of the property. See Figure 3. Is a fence proposed for the western side of the development along our property line? Will any existing trees or shrubs not be disturbed?
- 1.4 **Increased traffic and pedestrian safety risks.** During grading and development, there will be substantial large equipment activities on the roads around this development. These roads are intended and designed for low density housing and associated traffic. Young students walk along these roads all the time to and from Rincon Middle School, and this equipment

will create substantial noise and disruption along Stanley and Conway and disturb all the neighborhood in this area. Potential safety issues and hazards resulting from the construction of should be analyzed and mitigated. Have all the neighbors, and those affected by construction traffic on Conway been noticed about this project?

- 1.5 **Migration of pests from project property.** Our vineyard is susceptible to ground squirrels and gophers. We expect grading to force the existing fauna living on the site – gophers, squirrels, snakes, etc. – to our property.

We would like the City to impose obligations on the project to mitigate these impacts.

2.0 Concerns about the project after completion

- 2.1 **Water supply** - California is undergoing yet another severe drought, and the Governor has already declared a statewide drought emergency, expected to become worse, meaning the state and local agencies are unable to provide sufficient water to existing homes and businesses and cutbacks must occur. Yet this development – with 56 new dwellings where there currently are none - is being considered for approval, adding further stress to a system already unable to meet existing demands.
- 2.2 **Student and pedestrian safety** - There will be significantly increased traffic, posing a safety risk to students walking to Rincon School.
- 2.3 **Parking** - 56 new residences will be crammed into 14.1 acres in an area that currently is semi-rural. We would expect this could require additional parking for as much as – or maybe more than – 200 vehicles in this area. This parking could impact traffic and vehicle safety in the area. The County has already marked a section of Weiss Way for No Parking due to the dangers associated with cars parking on the road, and this development could overwhelm existing and planned streets and curbs with parked cars. The proposed project does not seem to fit within the character of the neighborhood or generally comply with applicable planning documents.
- 2.4 **Access for emergency vehicles** – the combination of high density development, parking, and hundreds of new vehicle trips per day could create a problem for access for emergency vehicles such as ambulances and fire apparatus.
- 2.5 **Water drainage** – grading and terracing of the property adjacent to 2166 Weiss Way will create problems with storm water drainage. How will this problem be addressed, to avoid run-off from slopes that current have no slope discontinuities to ones that will be terraced versus natural slopes?
- 2.6 **Security of adjacent and neighboring properties** – the addition of 56 high density dwellings adds to the probability of problems with security for adjacent and neighboring properties.
- 2.7 **Wastewater system** – if the wastewater from the new dwellings needs to be lifted up to the existing City of Escondido sewer system, it will require pumps. These pumps will create noise and the risk of failure, which could cause sewage spills in this area, where there is now an open field.
- 2.8 **Loss of privacy** – we have not seen elevations for roofs or windows overlooking adjacent and neighboring properties. The addition of these homes eliminates the current existing privacy and would likely negatively affect the resale value of these properties.

3.0 How the Proposed Project will change the existing landscape.

- 3.1 **Native bird habitat** - There is a long-time – at least 20 year – mature and active nest of hawks in the eucalyptus trees either on or adjacent to the proposed project. See Figure 4. It is clear plans for this development will destroy, disturb, and/or harass the existing native birds who have been established and lived in this location for more than 20 years.
- 3.2 **Monarch butterfly habitat** – It is well-known and established that eucalyptus groves are habitat for migrating Monarch butterflies. Destruction or significant loss of eucalyptus groves can reduce this habitat, and the current plan for the project is complete demolition of all properties and vegetation on the project site - this will result in a loss of Monarch butterfly habitat.
- 3.3 **Other sensitive/threatened species** – There may be other sensitive and/or threatened species on the undeveloped land northwest of Stanley and Conway. The lower portion of the property is a natural water collection and capture area and every year during the winter and spring months, frogs can be heard in this area.
- 3.4 **Drainage and groundwater recharge** – The proposed development will alter the current drainage patterns and groundwater recharge that is naturally occurring on the undeveloped land northwest of Stanley and Conway.

FIGURES



Figure 1 – 2166 Weiss Way lot and proximity to proposed project.



Figure 2a – Proximity of project line to active vineyard on 2166 Weiss Way



Figure 2b – Proximity of project line to active vineyard on 2166 Weiss Way



Figure 2c – Proximity of project line to fruit trees on 2166 Weiss Way



Figure 3a – Example of tree/shrub growth through the property line fence



Figure 3b – Example of tree/shrub growth through the property line fence



Figure 3c – Example of tree/shrub growth through the property line fence and proximity of sprinkler set to fence.



Figure 4a – Hawk resting on tree proposed for demolition, near nest in eucalyptus grove on project property.



Figure 4b – Location of long-time active hawk's nest in eucalyptus grove



Figure 4c – Close-up of long-term active hawk's nest





Location of Swainson's Hawk nest, on NW corner of proposed Conway Project. Note location of active vineyard adjacent to the proposed project site. See A and B on map



Close-up Swainson's Hawk nest, on NW corner of proposed Conway Project. See A on map.



Another view of Swainson's Hawk nest, on NW corner of proposed Conway Project. See A on map.



Swainson's Hawk, July 2022, on 2166 Weiss Way property, adjacent to proposed project. See C on map.



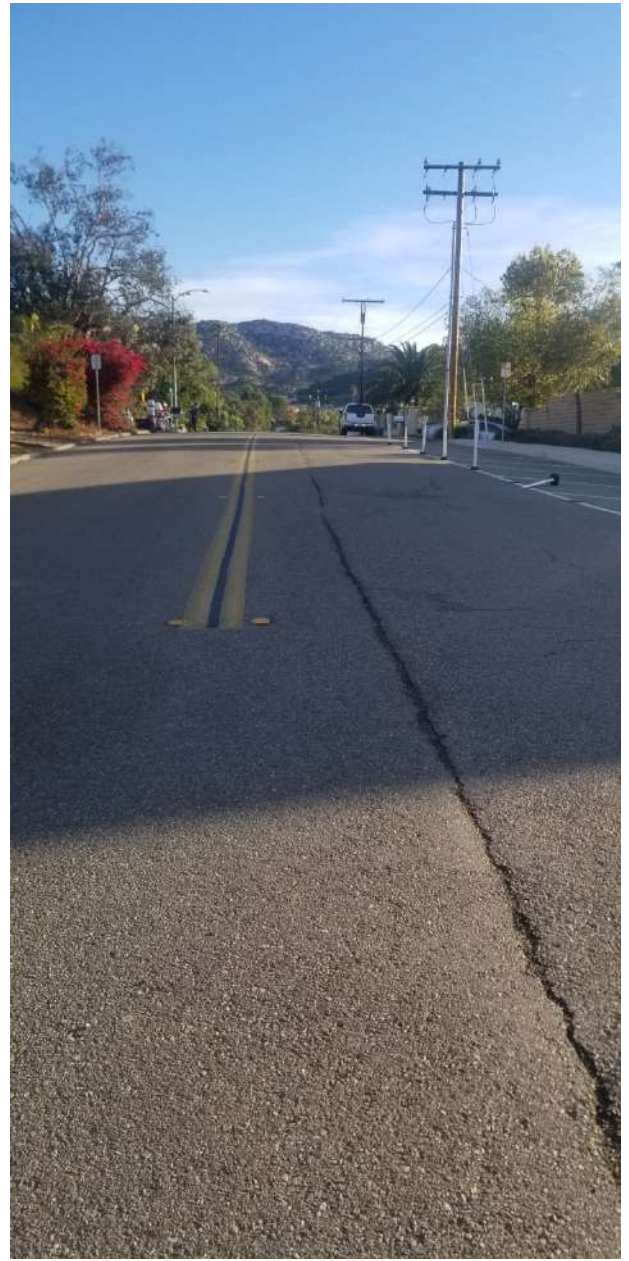
Conway Drive hill, looking south, immediately north of project boundary and proposed entrance/exit for 10 units. See E on map.



Conway Drive hill, looking north from the top of hill at approximate location of proposed entrance/exit to project. See F on map.



**Stanley Avenue blind spot, looking W.
See G on map.**

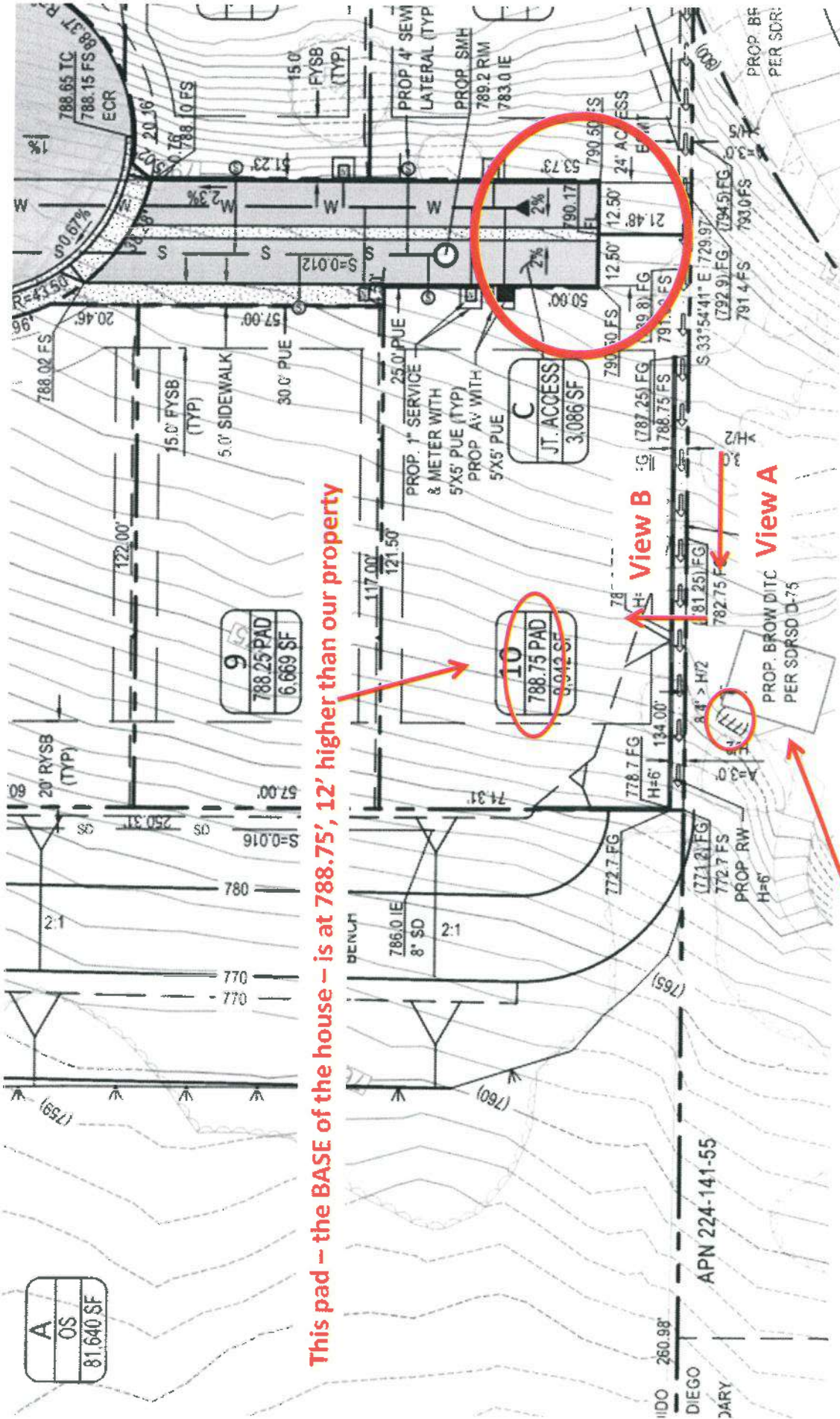


**Stanley Avenue blind spot, looking E.
See H on map.**

Density Bonus Calculation

APN	Acres	GP DUs/Ac	GP DUs	Proposed Low Income Units	Low-Income DUs As Percent of GP	Density Bonus Permitted	Allowed Density Bonus DUs	Allowed Density Bonus DUs	Allowed Density Bonus DUs	Allowed Density Bonus DUs/Acre
224-142-33	1.40	3.3	5	1	20%	35%	2	7	5.0	5.0
224-142-32	1.57	3.3	6	1	17%	29%	2	8	5.1	5.1
224-142-31	0.94	3.3	4	1	25%	50%	2	6	6.4	6.4
224-142-30	1.36	3.3	5	1	20%	35%	2	7	5.1	5.1
224-141-25	2.09	2.0	5	2	40%	50%	3	8	3.8	3.8
224-141-23	4.70	2.0	10	3	30%	50%	5	15	3.2	3.2
224-141-24	2.01	2.0	5	1	20%	35%	2	7	3.5	3.5
Totals:	14.1		40	10			18	58	4.1	

1. 224-141-24: Only 1.0 AC under development on this parcel
2. Total developed acres in Northern section (GP = 2 homes/AC) = 2.09 + 4.7 + 1 = 7.79
3. 7.79 * 2 = 15.58 = 16 units under General Plan
4. 50% low income units = 8 units (density bonus?)
5. 16 + 8 = 24 **NOT 33!**

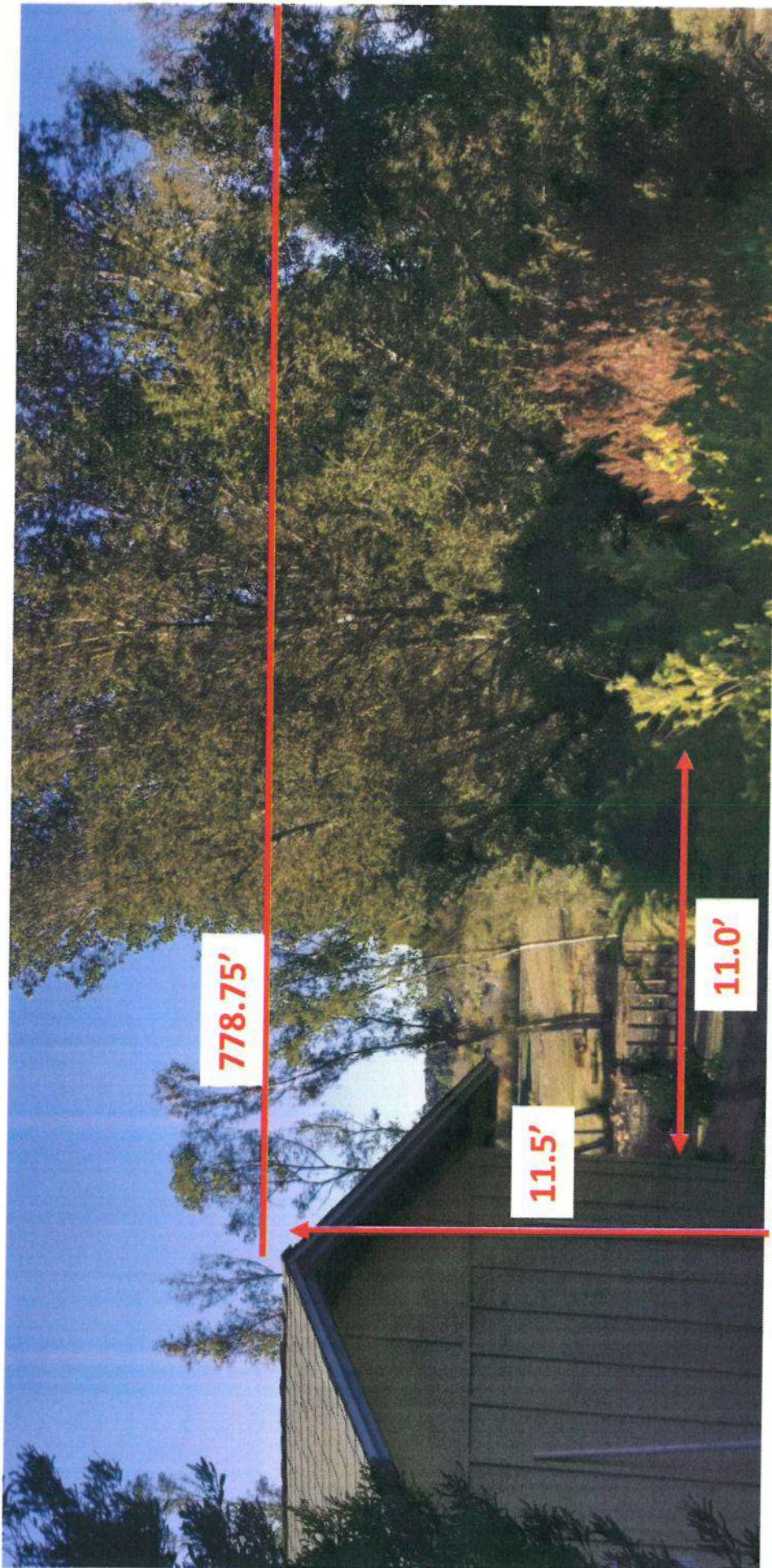


This pad - the BASE of the house - is at 788.75', 12' higher than our property

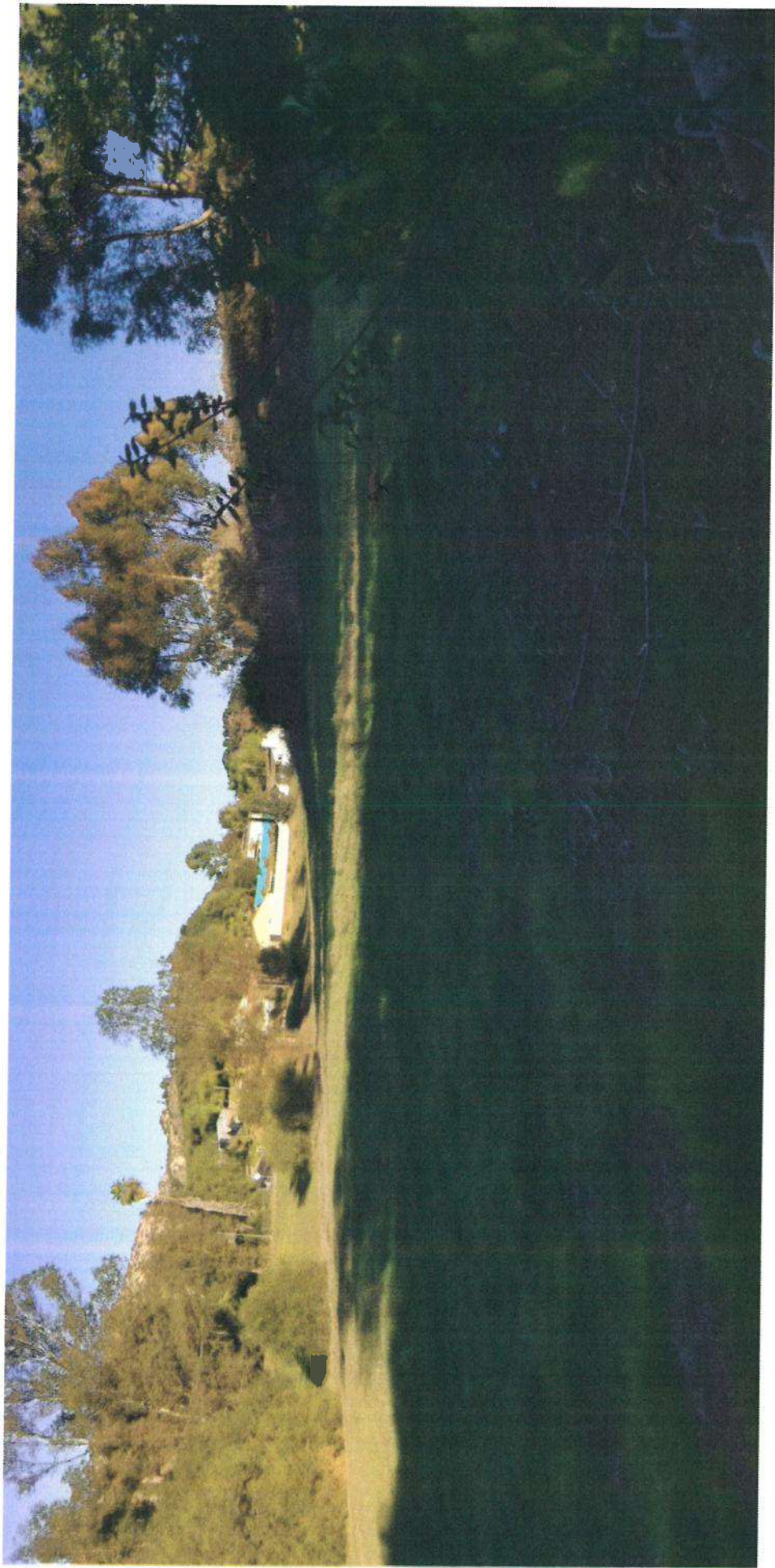
The base of our shed is at 777'

Item6.

01
02
03
04
05



VIEW A



VIEW B

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A TENTATIVE SUBDIVISION MAP AND GRADING EXEMPTION FOR A 56-UNIT RESIDENTIAL SUBDIVISION LOCATED AT 916, 942, AND 943 STANLEY AVENUE, AND ODD-NUMBERED ADDRESSES BETWEEN 2005 – 2175 CONWAY DRIVE; AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR INITIATION OF PROCEEDINGS FOR THE ANNEXATION AND REORGANIZATION OF A 2.01 ACRE PARCEL LOCATED AT 916 STANLEY DRIVE; AND ADOPTING A MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT

CASE NOS. PL21-0269, PL21-0278, PL22-0584

WHEREAS, Escondido North, LLC (“Applicant”) filed a land use development application, Planning Case Nos. PL21-0296, PL21-0277, and PL22-0584 (“Application”), constituting a request for a Tentative Subdivision Map and Grading Exemption for a 56-unit residential project. The project includes 47 residential lots comprised of 46 single-family lots, two of which have existing homes, and one multi-family lot which would accommodate five duplexes. An Annexation is also requested for a 2.01-acre portion of the project site that is currently in the County of San Diego. The request includes a density bonus and would provide 10 affordable housing units (“Project”). The Project site is located along Conway Drive on both sides of Stanley Avenue and north of Lehner Avenue, in the R-1-10 (single-family residential, 10,000 square foot minimum lot size) and RE-20 (estate residential) zones; and

WHEREAS, the Project site consists of seven parcels totaling 14.07 gross acres located at 916, 942, and 943 Stanley Avenue, and odd-numbered addresses between 2005 – 2175 Conway Drive (APNs 224-141-23-00, 224-141-24-00, 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, and 224-142-33-00), and 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 portion of the Project site which is subject to annexation into the City of Escondido is located at 916 Stanley Avenue (APN 224-141-24-00), and is all that real property described in Exhibit "B" and depicted in Exhibit "C," both of which are attached hereto and made a part hereof by this reference as though fully set forth herein ("Annexation Property"); and

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations 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, single-family residential development is a permitted use within the R-1-10 & RE-20 zones, subject to the approval of a Tentative Subdivision Map, in accordance with Chapter 32 of the Escondido Municipal Code and Article 6 of the Escondido Zoning Code; and

WHEREAS, the ability to construct multi-family residential units on the Property has been requested as a density bonus incentive; and

WHEREAS, the annexation/reorganization is consistent with the Sphere of Influence of the City of Escondido and affected districts; and

WHEREAS, the annexation of the Property into the City of Escondido would also include concurrent detachment from County Service Area ("CSA") No. 135 (San Diego Regional Communications System) and exclusion from the Rincon Del Diablo Improvement District "E;" and

WHEREAS, the City Council of the City of Escondido desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, Division 3, commencing with Section 56000 of the California Government Code for the proposed annexation/reorganization; and

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

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

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration ("IS/MND") was prepared, circulated, and notice was made of its availability for public review and comment during the period from October 28, 2022, to November 17, 2022; and

WHEREAS, during the 20-day public comment period of the Draft IS/MND, the City consulted with and requested comments from responsible and trustee agencies, other regulatory agencies, and others. The City subsequently analyzed and considered any and all comments received during this public review comment period and have determined that they did not contain any significant new information within the meaning of CEQA Guidelines; and

WHEREAS, a Final IS/MND, attached as Exhibit "E" and incorporated by this reference, was subsequently prepared, which is comprised of any and all public comment letters received during the public review period, responses to comments, corrections/additions to the Draft IS/MND, and revisions and additions to the appendices or other referenced documents; and

WHEREAS, in addition to the Final IS/MND, a Mitigation Monitoring Reporting Program (“MMRP”) has been prepared for the Project, attached as Exhibit “F” and incorporated herein by this reference, to ensure compliance with the required mitigation measures or project revisions during project implementation; and

WHEREAS, The Planning Commission of the City of Escondido held a duly noticed public hearing on December 13, 2022, as prescribed by law, at which interested persons were given the opportunity to appear and present their views with respect to the Application. Evidence was submitted to and considered by the Planning Commission, including written and oral testimony from City staff, interested parties, and the public. Following the public hearing the Planning Commission adopted Planning Commission Resolution No. 2022-15, which recommended that the City Council approve the Project; and

WHEREAS, the City Council of the City of Escondido held a duly noticed public hearing on January 11, 2023, as prescribed by law, at which time the City Council received and considered the reports and recommendation of the Planning Division and Planning Commission, and gave all person’s full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the City Council, 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 City Council staff report, dated January 11, 2023, 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) The Planning Commission’s recommendation; and

- e) Additional information submitted during the public hearing; and

WHEREAS, the City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

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

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Final IS/MND prepared for the Project in conformance with CEQA, the staff report dated January 11, 2023, and testimony given at the public hearing, and makes the environmental determinations included with Findings of Fact attached as Exhibit "G" hereto and incorporated by this reference. The Final IS/MND adequately addresses all environmental issues associated with the Project, and the Project would not result in any significant impacts to the environment. Approval of this resolution includes the adoption of the Final IS/MND.
3. That the MMRP addresses mitigation for potential project-related impacts and the report will sufficiently mitigate and assign ongoing responsibility for carrying out mitigation responsibilities which are appropriate to address and mitigate project-related impacts.
4. That the Findings of Facts, attached as Exhibit "G" hereto and incorporated by this reference, were made by the City Council, and upon their consideration along with the staff reports, public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council approves the Project, subject to the Conditions of Approval set forth in Exhibit "H" hereto and incorporated

by this reference. The City Council expressly declares that it would not have made this decision 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. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed within three (3) years of the effective date of this resolution, or unless an Extension of Time is granted pursuant to Section 66452.6 of the California Government Code.

6. That application and proposal is hereby made to the Local Agency Formation Commission of the County of San Diego for the annexation/reorganization described below. This proposal is made pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, as amended, commencing with Section 56000 of the Government Code of the State of California. The Local Formation Commission of the County of San Diego is hereby requested to undertake proceedings for the annexation/reorganization proposed herein. The following changes of the organization are proposed:

a. Annexation of the subject territory to the City of Escondido as legally described and depicted in Exhibits "B" and "C."

b. Detachment of the subject territory from CSA No. 135 (San Diego Regional Communication Systems) and exclusion from the Rincon Del Diablo Improvement District "E."

7. That the City Council of the City of Escondido hereby requests the Local Agency Formation Commission to designate the City of Escondido as conducting agency, and that the City of Escondido be authorized to order the proposed annexation.

8. That the City Clerk of the City of Escondido is hereby authorized and directed to file a certified copy of this resolution with the applicable fees required by Section 54902.5 of the California Government Code to the executive officer of the Local Agency Formation Commission of San Diego County.

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

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in the Development Services Department. The project is also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

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 Section 66020.

EXHIBIT "A"
LEGAL DESCRIPTION
PL21-0269, PL21-0278, PL22-0584

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

Portion of Lot 4: (APN: 224-141-23-00)

ALL THAT PORTION OF LOT 4 IN BLOCK 415 OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892. EXCEPTING THE SOUTHEASTERLY 350 FEET (MEASURED ALONG THE NORTHEASTERLY AND SOUTHWESTERLY LINES) OF SAID LOT 4.

Portion of Lot 4: (APN: 224-141-24-00)

ALL THAT PORTION OF LOT 4 IN BLOCK 415 OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT A DISTANCE OF 250.50 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHWESTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT 4, 250.50 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE 350.00 FEET TO THE POINT OF BEGINNING.

Portion of Lot 4: (APN: 224-141-25-00)

ALL THAT PORTION OF LOT 4 IN THE BLOCK 415 OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 4 DISTANT NORTHEASTERLY THEREON 250.50 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE 260.00 FEET, MORE OR LESS, TO THE SOUTHEASTERLY CORNER OF SAID LOT 4; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE THEREOF 350.00 FEET; THENCE SOUTHWESTERLY PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 4 A DISTANCE OF 260.00 FEET TO POINT IN A LINE DRAWN PARALLEL WITH AND DISTANT 250.50 FEET NORTHEASTERLY FROM THE SOUTHWESTERLY LINE OF SAID LOT 4, SAID 400.00 FEET BEING MEASURED ALONG THE SOUTHEASTERLY, LINE THEREOF; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE 350.00 FEET TO THE POINT OF BEGINNING.

Portion of Lot H: (APN 224-142-30-00)

ALL THAT PORTION OF LOT H IN BLOCK 418 OF A RESUBDIVISION OF BLOCKS 418 AND 419, OF RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF SAID LOT H, DISTANT THEREON SOUTH 55° 36' 00" WEST, 138.00 FEET FROM THE MOST NORTHERLY CORNER THEREOF; THENCE SOUTH 55° 36' 00"

WEST ALONG SAID NORTHWESTERLY LINE 200.00 FEET, MORE OR LESS, TO THE MOST WESTERLY CORNER OF SAID LOT H; THENCE SOUTH 34° 24' 00" EAST ALONG THE SOUTHWESTERLY LINE THEREOF 296.00 FEET; THENCE NORTH 55° 36' 00" EAST, PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT H, 200.00 FEET TO A LINE DRAWN PARALLEL WITH AND DISTANT 138.00 FEET SOUTHWESTERLY AT RIGHT ANGLES FROM THE NORTHEASTERLY LINE OF SAID LOT H; THENCE NORTH 34° 24' 00" WEST, ALONG SAID PARALLEL LINE 296.00 FEET TO THE POINT OF BEGINNING. APN: 224-142-30-00

Portion of Lot H: (APN: 224-142-31-00)

THE NORTHEASTERLY 138.00 FEET OF THE NORTHWESTERLY 296.00 FEET OF LOT H IN BLOCK 418 OF A RESUBDIVISION OF BLOCKS 418 AND 419 IN RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913.

Portion of Lot H: (APN: 224-142-32-00)

THE SOUTHEASTERLY 202.00 FEET OF THE NORTHWESTERLY 498.00 OF LOT H IN BLOCK 418 OF A RESUBDIVISION OF BLOCKS 418 AND 419, RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913.

Portion of Lot H: (APN: 224-142-33-00)

LOT H IN BLOCKS 418 AND 419 IN RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913. EXCEPTING THEREFROM THE NORTHWESTERLY 498.00 FEET THEREOF.

EXHIBIT "B"

LEGAL DESCRIPTION OF ANNEXATION AREA PL21-0269, PL21-0278, PL22-0584

Real property in the unincorporated area of the County of San Diego, State of California, described as follows:

ALL THAT PORTION OF LOT 4 IN BLOCK 415 OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. [723](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT A DISTANCE OF 250.50 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHWESTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT 4, 250.50 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE 350.00 FEET TO THE POINT OF BEGINNING.

APN: 224-141-24-00

Item 6.

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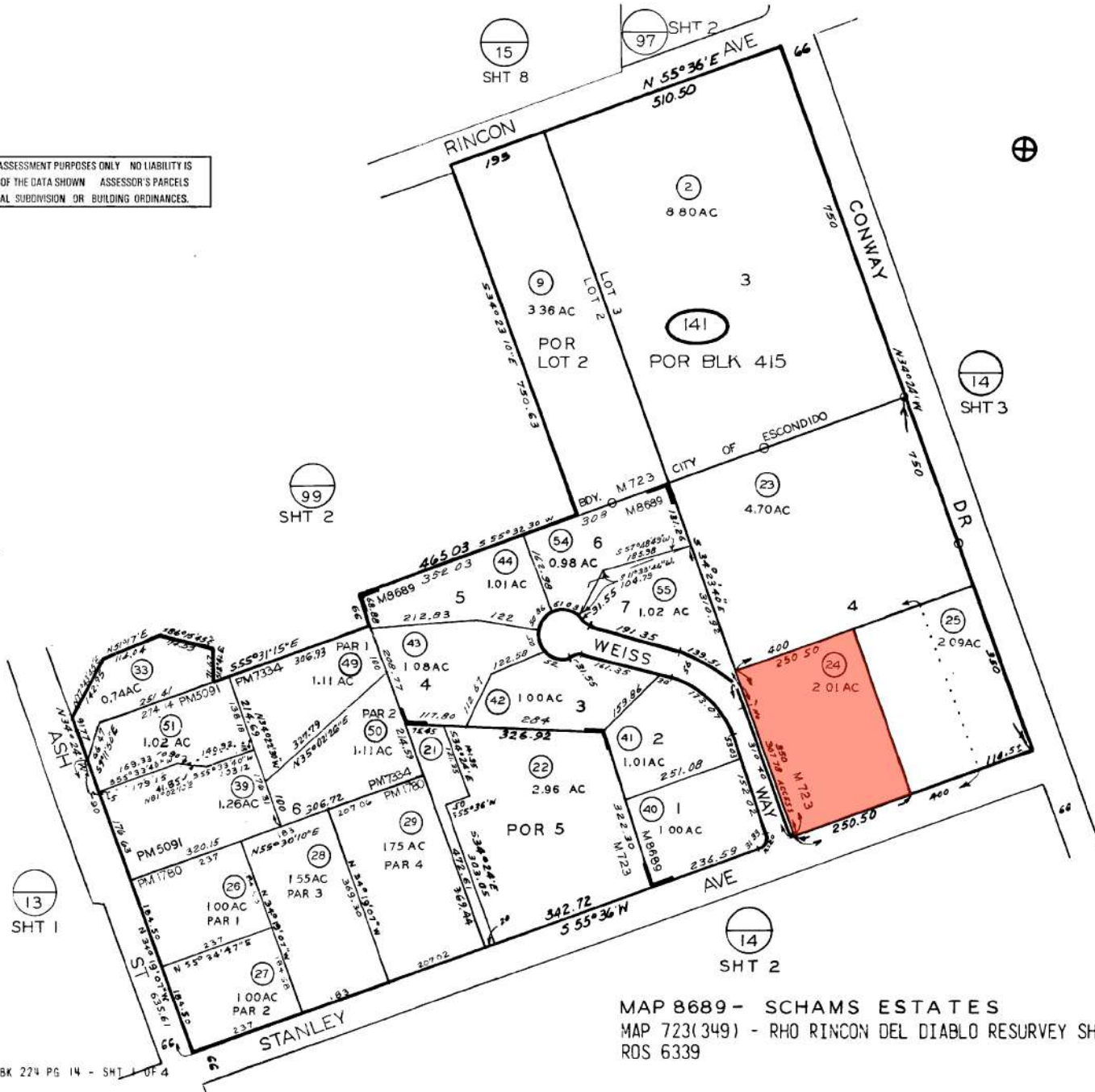
224-14
 SHT 1 OF 5



09/12/01 JAM ✓

CHANGES				
BLK	OLD	NEW	YR	CUT
	6	26-29	74	3069 cc
	27, 28	30-33	77	1691
	30	34-37	77	2238
141	34, 35	38, 39	78	642
141	37	40-46	78	180
141	38	47, 48	78	3457
141	36	49, 50	79	658
141	47, 48	51	79	659
141	45, 46	54, 55	80	1344
	31, 32	99	97	28

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.



MAP 8689 - SCHAMS ESTATES
 MAP 723(349) - RHO RINCON DEL DIABLO RESURVEY SHT A
 ROS 6339

224-14

EXHIBIT "C"

STATEMENT OF FACTS

THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH THE APPLICABLE GENERAL OR SPECIFIC PLANS.

THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

THE DESIGN OF THE SUBDIVISION, OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS OR RECORD, OR EASEMENTS ESTABLISHED BY COURT JUDGEMENT, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF, PROPERTY WITHIN THE PROPOSED SUBDIVISION. IN THIS CONNECTION, THE DIRECTOR OF PLANNING AND BUILDING MAY RECOMMEND APPROVAL OF A MAP IF HE FINDS THAT ALTERNATE EASEMENTS, OR ACCESS FOR USE, WILL BE PROVIDED, AND THAT THESE WILL BE SUBSTANTIALLY EQUIVALENT TO ONES PREVIOUSLY ACQUIRED BY THE PUBLIC.

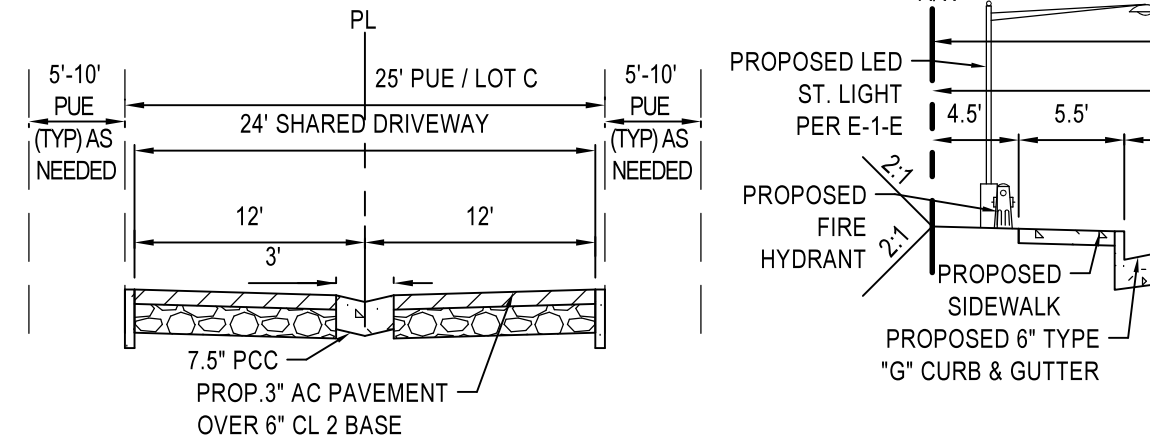
ALL REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT HAVE BEEN MET.

THE DESIGN OF THE SUBDIVISION HAS PROVIDED, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (NOTE: SPECIFIC EXAMPLES TO SUBSTANTIATE THIS FINDING MUST BE PROVIDED. EXAMPLES OF PASSIVE OR NATURAL OPPORTUNITIES IN SUBDIVISION DESIGN INCLUDE LOT SIZE OR CONFIGURATION, TO PERMIT ORIENTATION OF A STRUCTURE IN AN APPROPRIATE ALIGNMENT FOR SOUTHERN EXPOSURE, ETC.)

ALL OVERHEAD UTILITIES WITHIN THE SUBDIVISION BOUNDARY OR ALONG FRONTING STREETS SHALL BE RELOCATED UNDERGROUND IN ACCORDANCE WITH THE CITY'S SUBDIVISION ORDINANCE.

ANY PUE CONTAINING BOTH PUBLIC SEWER AND WATER MAINS SHALL BE 25' MINIMUM IN WIDTH WITH ADDITIONAL 5'X5' PUE AREAS FOR EACH WATER METER AND ARV, AND 10'X10' PUE AREAS FOR FIRE HYDRANTS, DDCAS.

PUBLIC STORM DRAIN TO BE SIZED TO ACCOMMODATE THE 100 YEAR STORM EVENT.

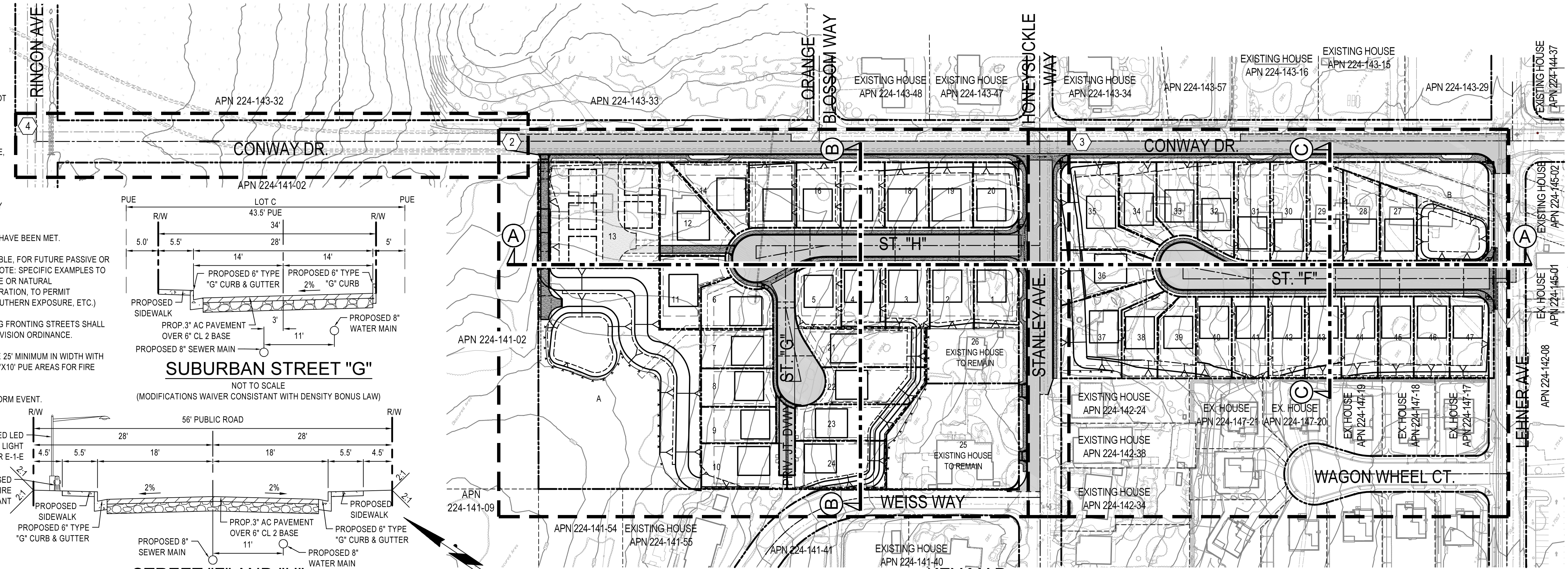


PRIVATE JOINT DRIVEWAY NOT TO SCALE

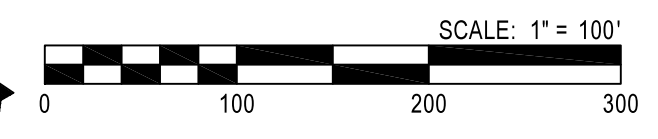
SUBURBAN STREET "G" NOT TO SCALE

STREET "F" AND "H" NOT TO SCALE

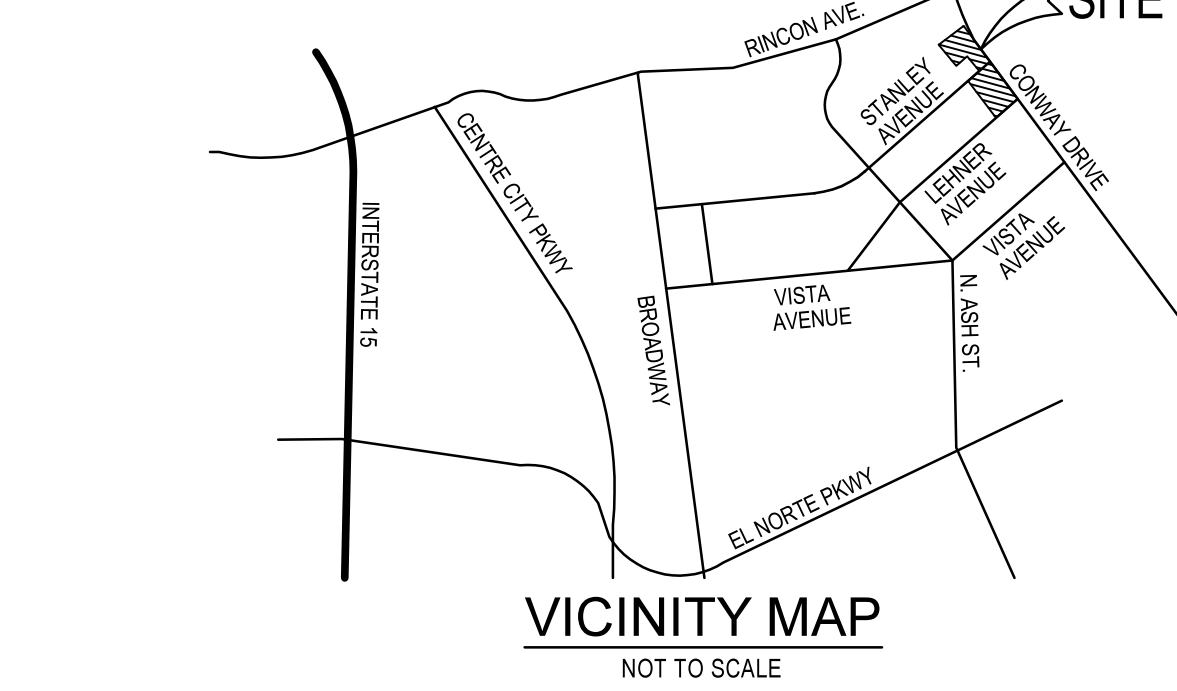
CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



KEY MAP



LEGEND table listing symbols for existing and proposed features: RW or PL, Unit Line, Setback Line, Lot Number, Contours, Slope, Cutoff Lines, Sewer Lines, Lateral, Catch Basins, Storm Drains, Water Lines, Hydrants, Air Valves, Gate Valves, Thrust Blocks.



OWNERS CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THE TENTATIVE SUBDIVISION MAP AND THAT SAID MAP SHOWS ALL OUR CONTIGUOUS OWNERSHIP IN WHICH WE HAVE ANY DEED OR TRUST INTEREST, WE UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS-OF-WAY.

OWNER

CONWAY STANLEY PROPERTIES, LLC
C/O JOHN BAKER PROPERTY MANAGEMENT, INC
344 E. GRAND AVE
ESCONDIDO, CA 92026

MARK AND CRYSTAL BURT
943 STANLEY AVE.
ESCONDIDO, CA 92026

CHARLES R. AND COREAN TATE
916 STANLEY AVE.
ESCONDIDO, CA 92026

ENGINEER OF WORK

WILLIAM J. SUITER
RCE NO. 68964

SUBDIVIDER

ESCONDIDO NORTH LLC
30200 RANCHO VIEJO RD., SUITE B
SAN JUAN CAPISTRANO, CA 92675

JOHN KAYE - MANAGER, AS AGENT FOR OWNER



ASSESSOR'S PARCEL NO.

224-141-23-00, 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, 224-142-33-00, AND 224-141-24-00

LEGAL DESCRIPTION

PORTIONS OF LOT H IN BLOCK 418 OF RESUBDIVISION OF BLOCKS 418 & 419, AND PORTIONS OF LOT 4 IN THE BLOCK 415, OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1920

FIRE: CITY OF ESCONDIDO

SCHOOL: ESCONDIDO UNION SCHOOL DISTRICT
ESCONDIDO UNION HIGH SCHOOL DISTRICT

SEWER: CITY OF ESCONDIDO

WATER: CITY OF ESCONDIDO

TOPOGRAPHY: AERIAL TOPOGRAPHIC SURVEY PERFORMED BY DON READ CORPORATION ON APRIL 15, 2014.

SITE ADDRESS

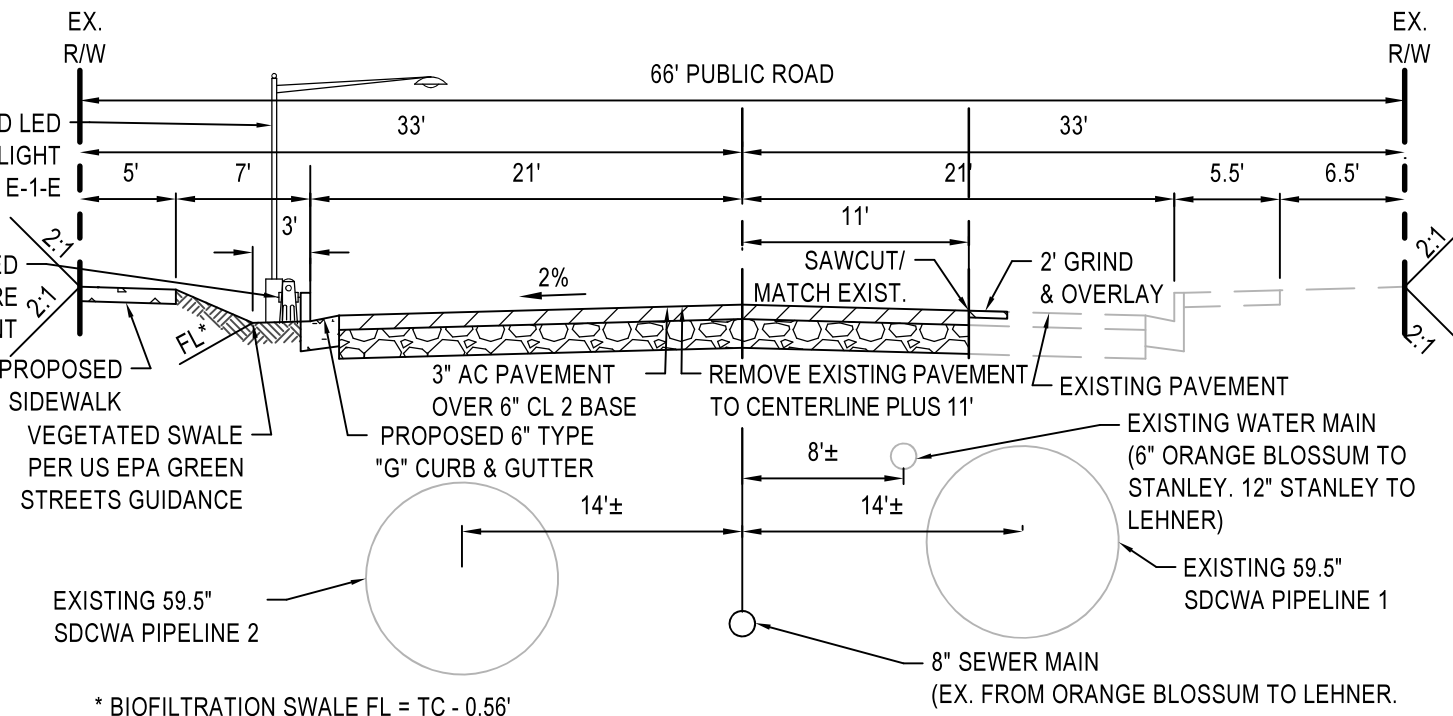
0 CONWAY DR., 942 STANLEY AVE., 943 STANLEY AVE., 2045 CONWAY DR., 2019 CONWAY DR., 2005 CONWAY DR., AND 918 STANLEY AVE.
ESCONDIDO, CA 92026

GENERAL NOTES

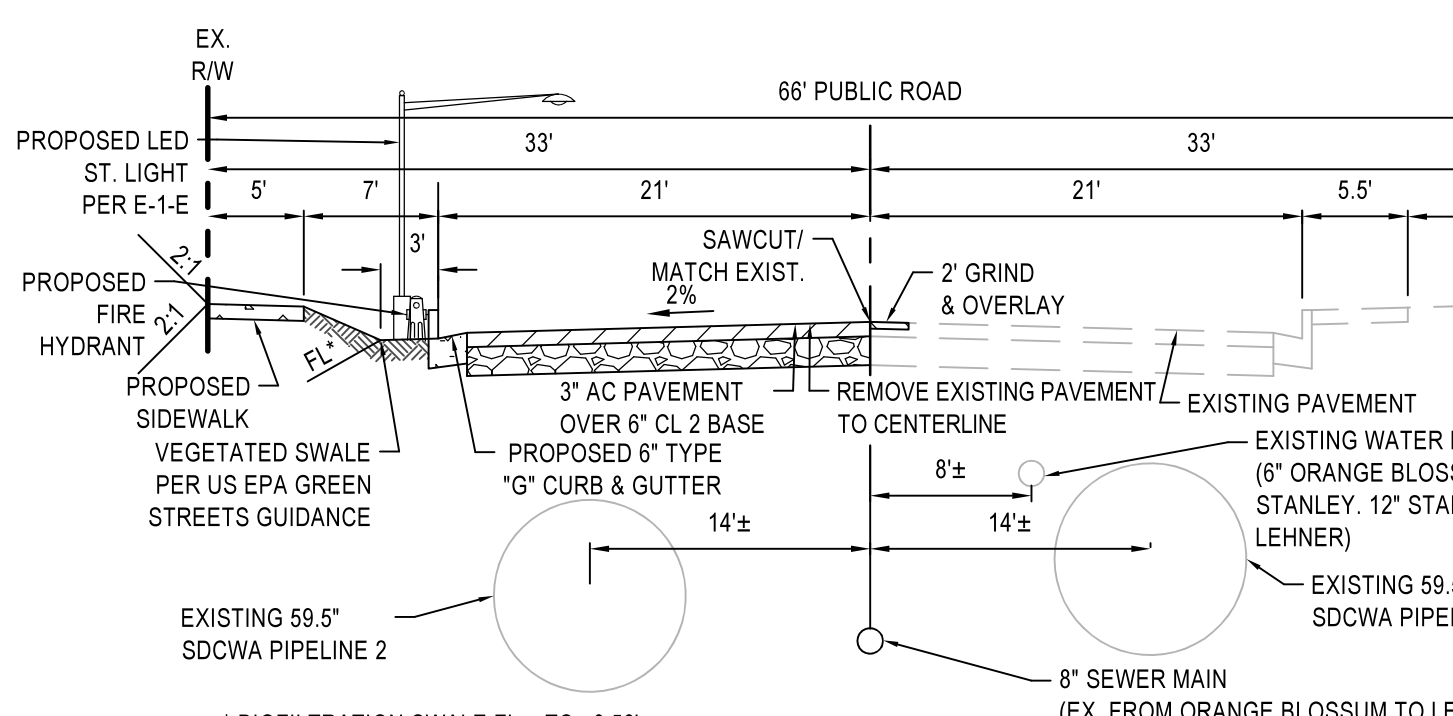
- ALL STREETS ARE PUBLIC.
GRADING AND IMPROVEMENTS SHALL BE IN ACCORDANCE WITH CITY OF ESCONDIDO STANDARDS.
EASEMENTS OF RECORD NOT SHOWN HEREON SHALL BE HONORED, ABANDONED AND/OR RELOCATED TO THE SATISFACTION OF ALL INTERESTED PARTIES, AND PUBLIC UTILITY EASEMENT NECESSARY TO SERVE THIS PROJECT WILL BE COORDINATED WITH SERVING UTILITY COMPANIES.
LOT DIMENSIONS AND AREAS SHOWN HEREON ARE APPROXIMATE. THE DIMENSIONS MAY BE ADJUSTED TO BE CONSISTENT WITH THE FINAL MAP.
TOTAL AREA OF SUBDIVISION: 14.07 AC. GROSS
TOTAL LOTS: 47 NUMBERED LOTS AND 2 LETTERED LOTS
LOT 13 OF THIS MAP IS A FUTURE CONDOMINIUM PROJECT WITH 10 PROPOSED CONDOS AND 1 OPEN SPACE LETTERED LOT.
ZONE: R-1-10 (SINGLE-FAMILY RESIDENTIAL) AND RE-20 (RESIDENTIAL ESTATES)
GENERAL PLAN: S: SUBURBAN (3.33 DUS/AC) AND E2: ESTATE II (2.00 DUS/AC)
ALL LOTS ARE PROPOSED TO BE ON A SANITARY SEWER SYSTEM.

PROPOSED DENSITY

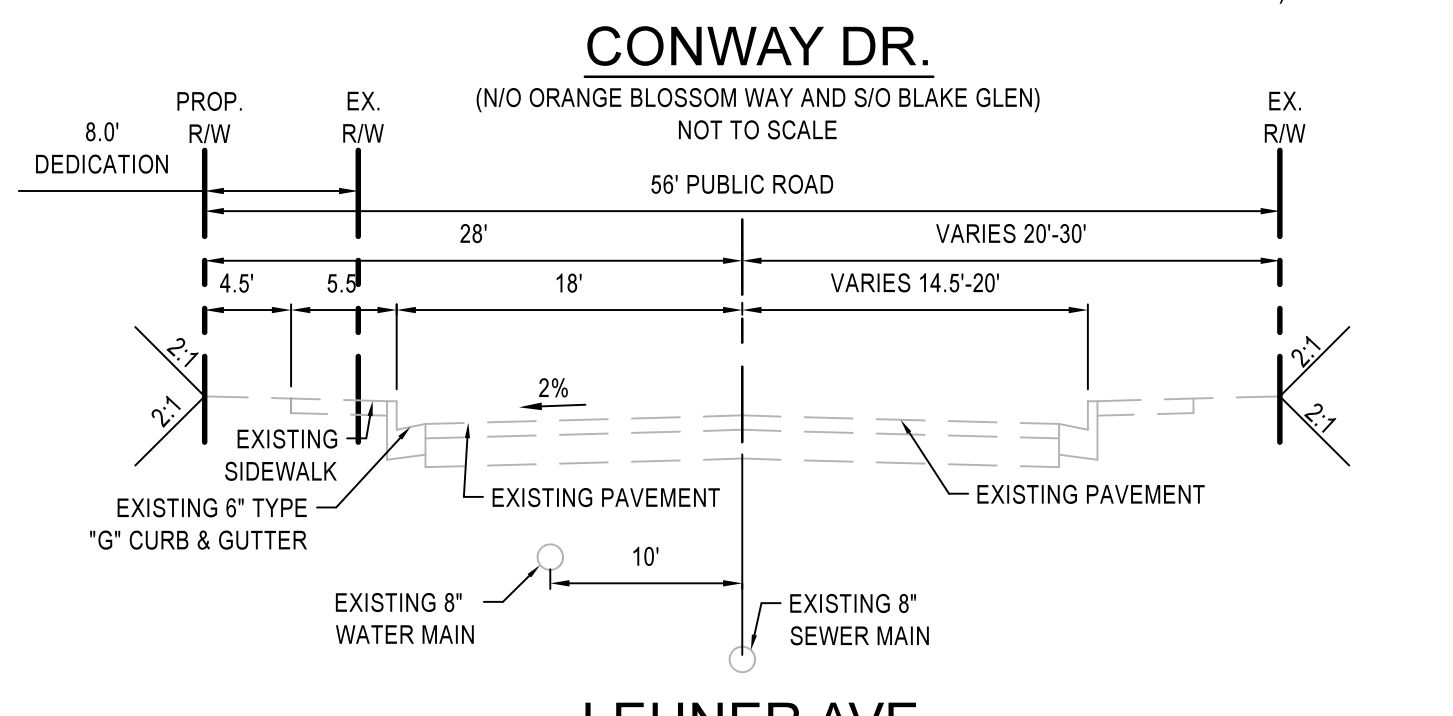
Table showing density calculations for streets F, G, H, and Stanley Ave, including gross acreage, density bonus units, and total units allowed.



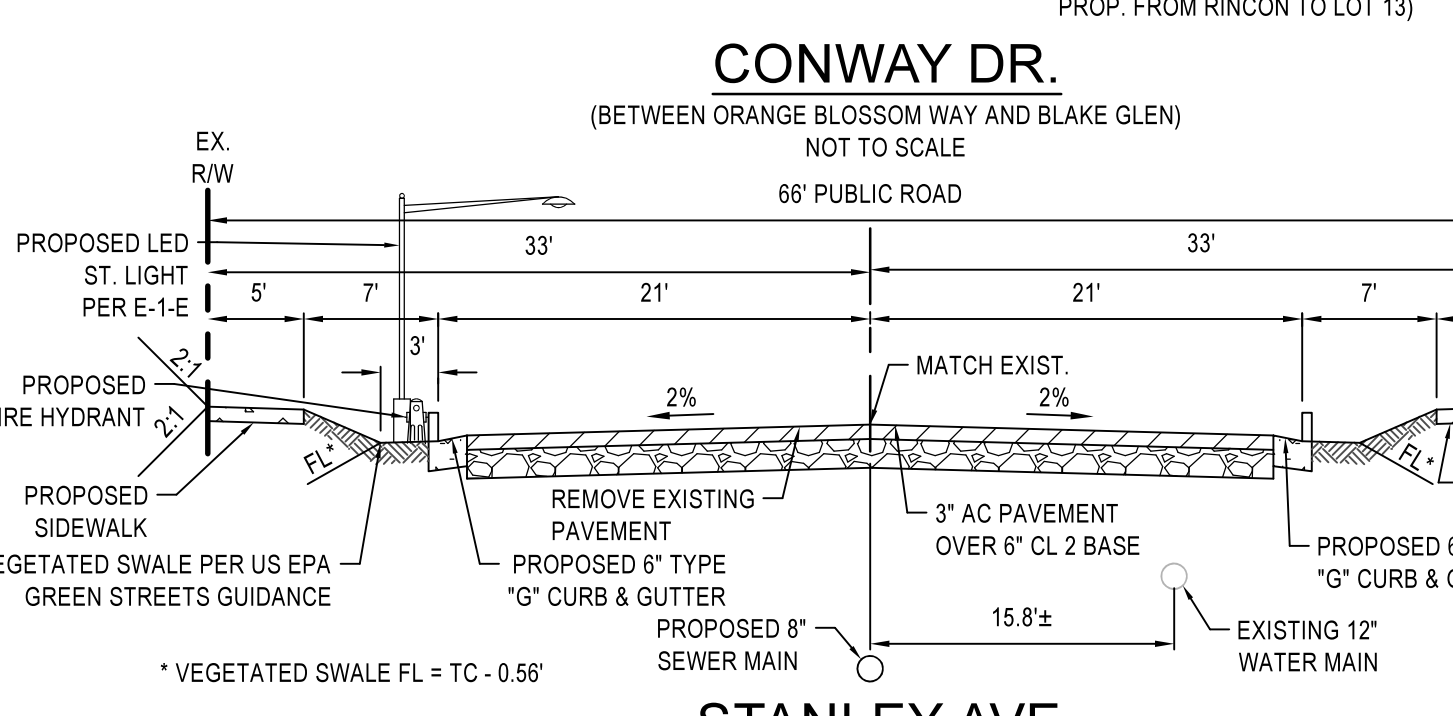
CONWAY DR. (N/O ORANGE BLOSSOM WAY AND S/O BLAKE GLEN) NOT TO SCALE



STANLEY AVE. (APN 224-142-24 TO CONWAY DR.) NOT TO SCALE



LEHNER AVE. (STREET "F" TO CONWAY DR.) NOT TO SCALE



STANLEY AVE. (WEISS WAY TO APN 224-142-24) NOT TO SCALE

Table showing proposed setbacks for single-family and multi-family lots, including front, side, and rear yard requirements.

Table of abbreviations used in the map, such as FH for Fire Hydrant, RW for Retaining Wall, and PUE for Public Utility Easement.

Table showing earthwork quantities (cut, fill, net) for streets F, G, and H, and a sheet index listing map sections and building plots.

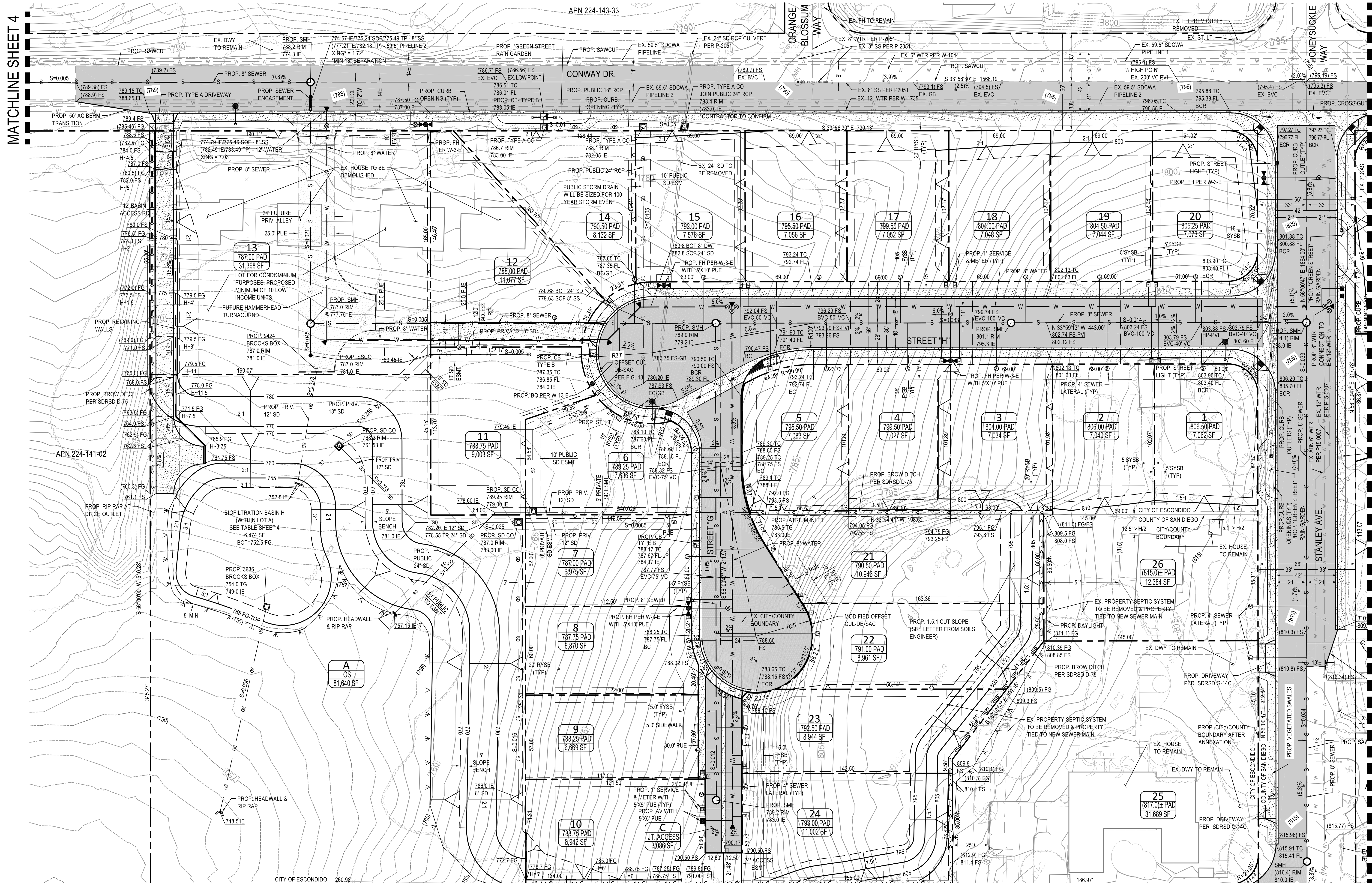
PASCO LARET SUITER & ASSOCIATES logo and contact information: San Diego | Solana Beach | Orange County, Phone 949.661.6695 | www.pascoengineering.com

SAVE DATE: 05/09/22 ~ PLOT DATE: 05/12/22 ~ FILE NAME: J:\ACTIVE JOBS\537 ESCO ASSEMBLY\CIVIL\DRAWING\DISCRETIONARY PLANS\F&H\3537-F-H-FIM.dwg

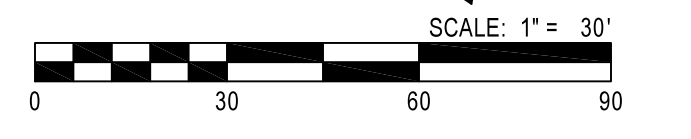
CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP

MATCHLINE SHEET 4

MATCHLINE SHEET 3



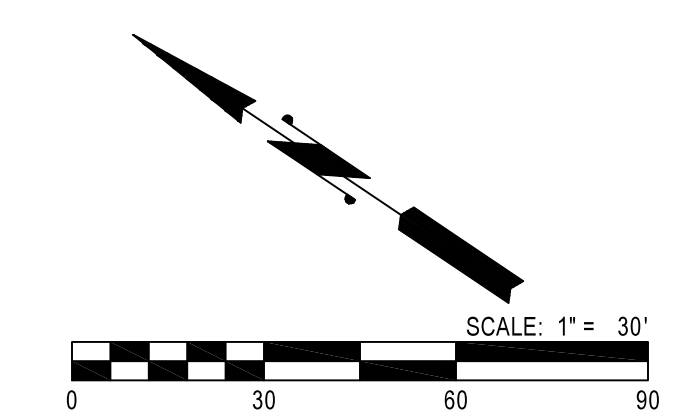
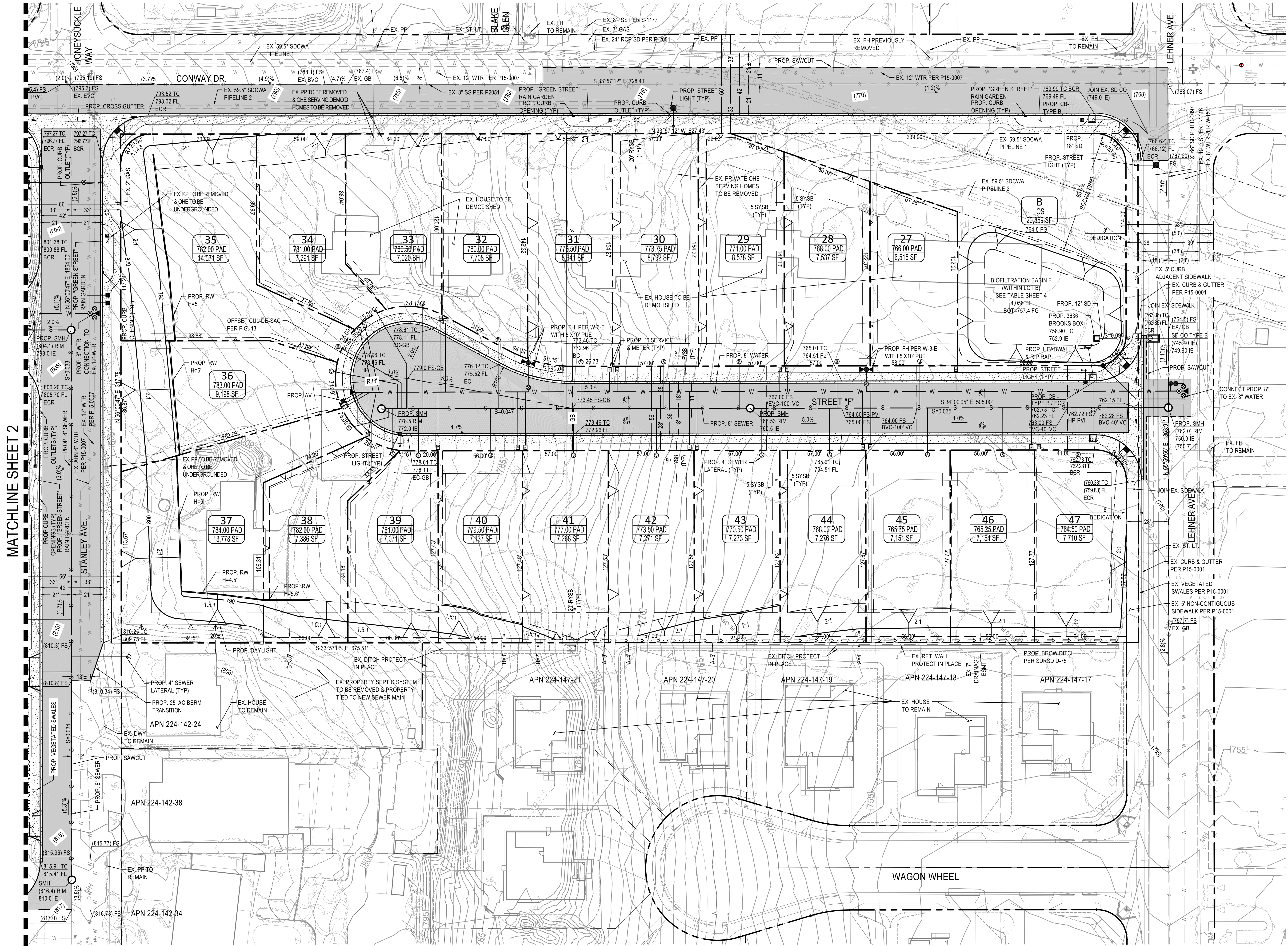
APN 224-143-33
 APN 224-141-02
 APN 224-141-09
 APN 224-141-54
 APN 224-141-55



PASCO LARET SUITER & ASSOCIATES
 San Diego | Solana Beach | Orange County
 Phone 949.661.6695 | www.plsaengineering.com

SAVE DATE: 05/09/22 ~ PLOT DATE: 05/12/22 ~ FILE NAME: J:\ACTIVE\0053\537 ESCO\DRAWING\DISCRETIONARY PLANS\F&H\3537-F-H-PTM.dwg

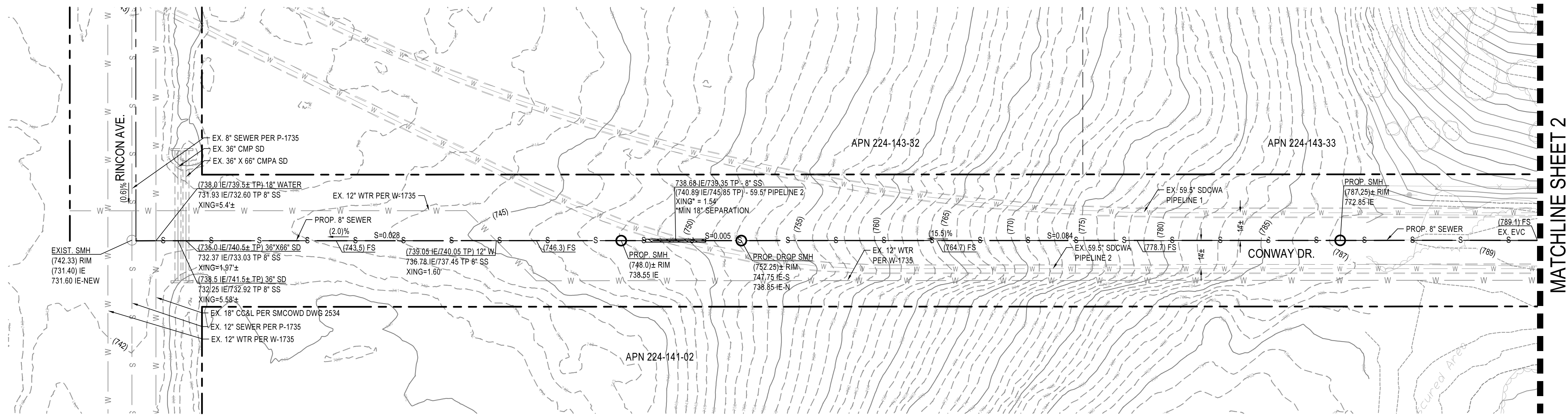
CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



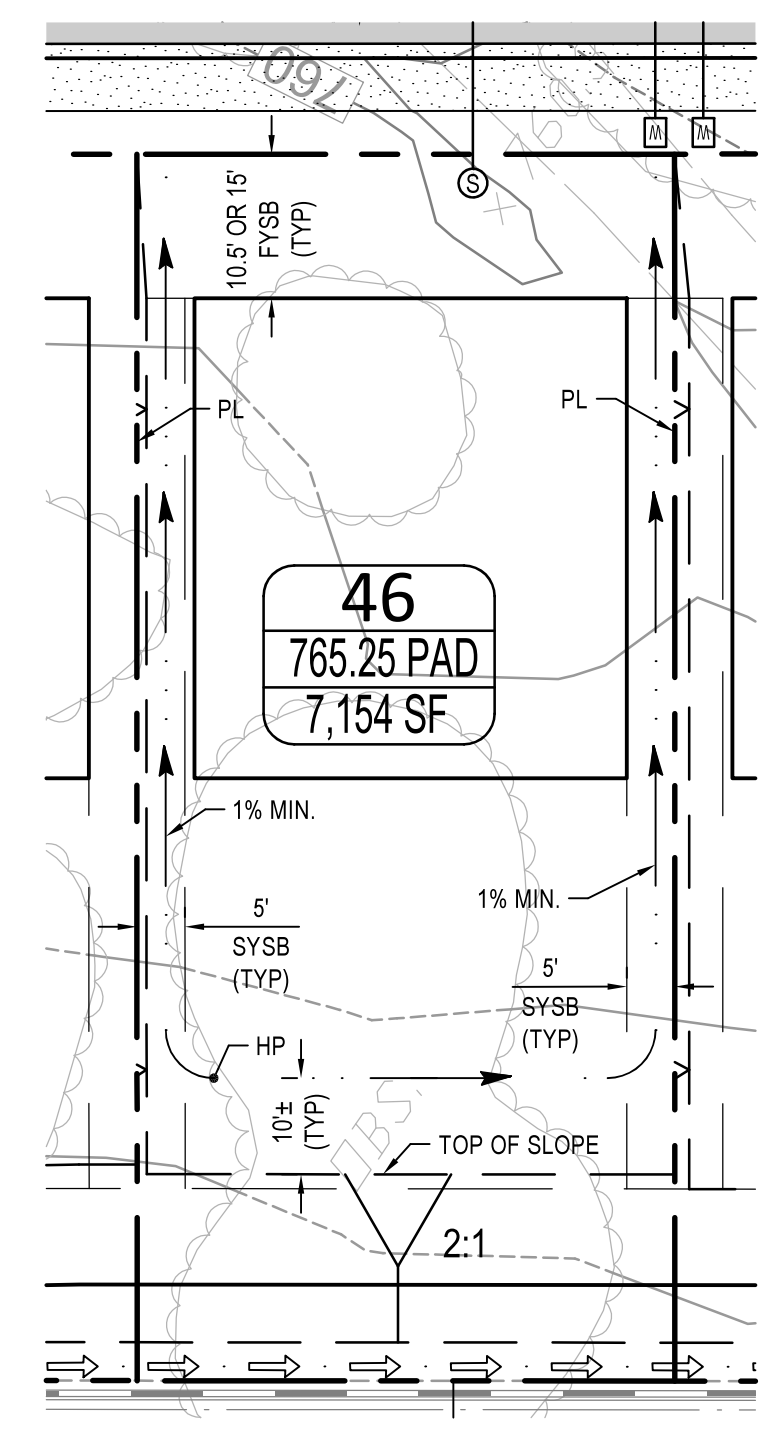
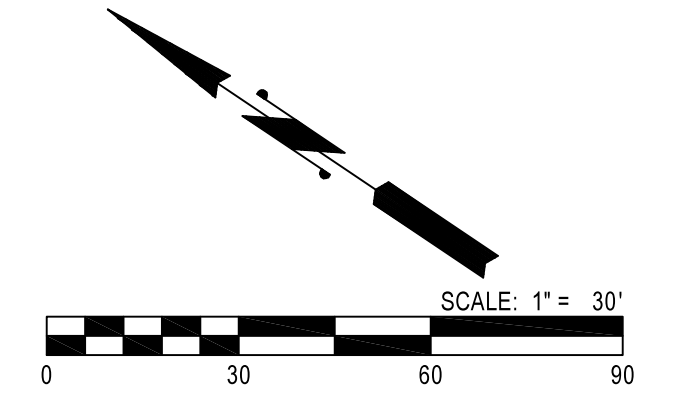
PASCO LARET SUITER & ASSOCIATES
 San Diego | Solana Beach | Orange County
 Phone 949.661.6695 | www.plsaengineering.com

SAVE DATE: 05/05/22 ~ PLOT DATE: 05/06/22 ~ FILE NAME: J:\ACTIVE_JOBS\3537 ESCO ASSEMBLAGE CIVIL DRAWING DISCRETIONARY PLANS\3537-F-PTM.dwg

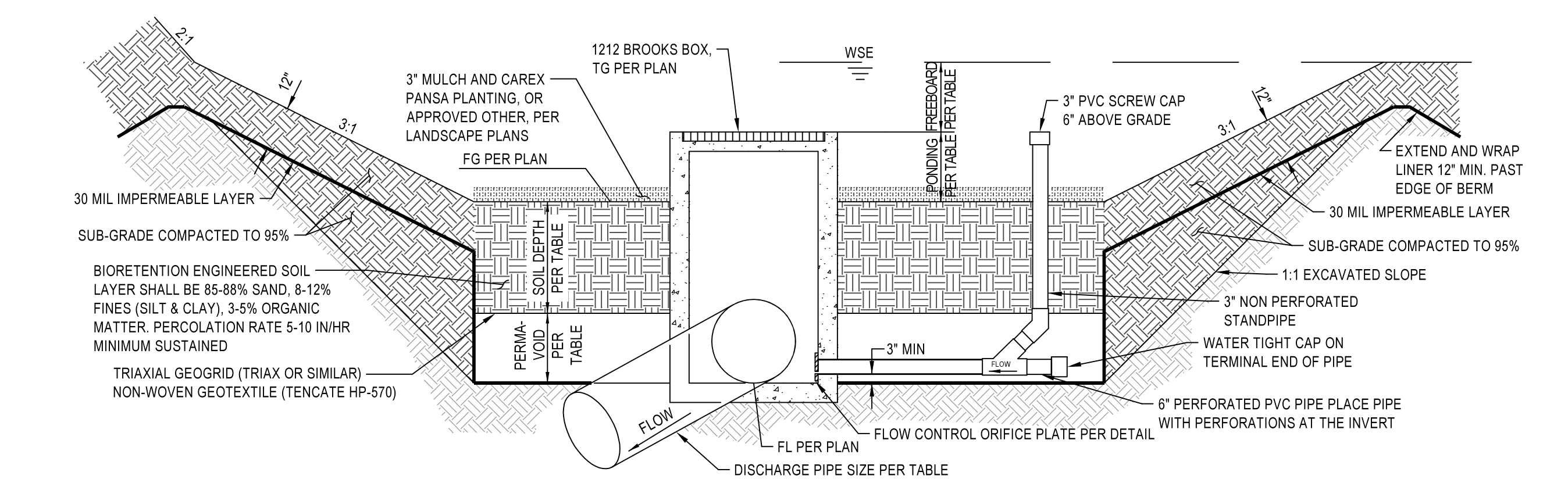
CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



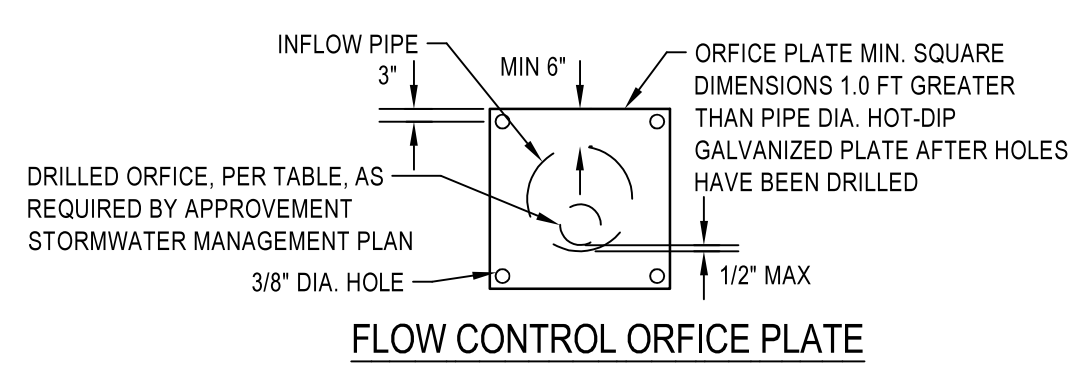
MATCHLINE SHEET 2



TYPICAL LOT DRAINAGE
SCALE: NTS



***NOTE: BACKFILL FOR STORM DRAIN PIPES ENTERING OR EXITING BASIN SHOULD BE BACKFILLED WITH A 2-SACK MIX OF SLURRY



BIOFILTRATION BASIN TABLE							
BASIN NAME	ENGINEERED SOIL LAYER DEPTH	PERMAVOID LAYER DEPTH	PONDING DEPTH	FREEBOARD DEPTH	BROOKS BOX SIZE	DISCHARGE PIPE SIZE	ORIFICE DIA. SIZE
F	18 INCH	36 INCH	18 INCH	12 INCH	36X36	12 INCH	1.7 INCH
H	18 INCH	24 INCH	18 INCH	12 INCH	36X36	12 INCH	2 INCH

BIOFILTRATION BASIN DETAIL
SCALE: NTS

BIORETENTION SOIL MEDIA (BSM) PROPERTIES:

BSM SHOULD ACHIEVE A LONG-TERM, IN PLACE INFILTRATION RATE OF 5 IN/HR. BSM SHOULD HAVE AN APPROPRIATE AMOUNT OF ORGANIC MATERIAL TO SUPPORT PLANT GROWTH (E.G. LOAMY SAND MIXED THOROUGHLY WITH AN ORGANIC MATERIAL). THE BSM SHOULD BE A MIXTURE OF SAND, FINES, AND COMPOST. THE FOLLOWING COMPOSITION INCLUDES THE MEASUREMENTS FOR DETERMINING THE BSM BY VOLUME AND WEIGHT.

BSM COMPOSITION	SANDY LOAM			
	SAND	SILT	CLAY	COMPOST
VOLUME	65%	20%	15%	
WEIGHT	75-80%	10%	3% MAX.	9% MAX*

*9% COMPOST BY WEIGHT RESULTS IN APPROXIMATELY 5% ORGANIC MATTER BY WEIGHT.

IN ADDITION, THE BSM SHOULD MEET THE FOLLOWING STANDARDS:

ORGANIC CONTENT (OC) 2-5%, PH BETWEEN 6.0-8.0, CARBON-NITROGEN RATIO BETWEEN 10:1-20:1, CATION EXCHANGE CAPACITY (CEC) > 5 MILLIEQUIVALENT (MEQ)/100 G SOIL.

SOIL MEDIA THAT IS BROUGHT TO THE SITE MUST MEET THE STANDARDS SET FORTH IN THE COUNTY OF SAN DIEGO BMP DESIGN MANUAL: APPENDIX F.3- BIOFILTRATION SOIL MEDIA COMPOSITION, TESTING, AND INSTALLATION (NOV 2018), ALSO CONTAINED IN THE COUNTY OF SAN DIEGO LOW IMPACT DEVELOPMENT HANDBOOK: APPENDIX G- BIORETENTION SOIL SPECIFICATION (JULY 2014, UNLESS SUPERSEDED BY MORE RECENT EDITION).

NUTRIENT SENSITIVE MEDIA DESIGN:

IN CASES WHERE THE BMP DISCHARGES TO RECEIVING WATERS WITH NUTRIENT IMPAIRMENTS OR NUTRIENT TMDLS, THE BSM SHOULD BE DESIGNED TO MINIMIZE THE EXPORT OF NUTRIENTS FROM THE MEDIA. HIGH LEVELS OF PHOSPHORUS IN THE MEDIA HAVE BEEN IDENTIFIED AS THE MAIN CAUSE OF BIOFILTRATION AREAS EXPORTING NUTRIENTS. ALL BSM SHOULD BE ANALYZED FOR BACKGROUND LEVELS OF NUTRIENTS. TOTAL PHOSPHORUS SHOULD NOT EXCEED 15 PPM. THE CARBON-NITROGEN RATIO OF BSM SHALL BE BETWEEN 15 AND 40 TO REDUCE THE POTENTIAL FOR NITRATE LEACHING. IN ADDITION TO ADHERING TO THE COUNTY MEDIA SPECIFICATIONS, THE GUIDELINES SET FORTH IN THE COUNTY OF SAN DIEGO BMP DESIGN MANUAL: APPENDIX E.20- BF-2 NUTRIENT SENSITIVE MEDIA DESIGN (NOV 2018) SHOULD BE FOLLOWED.

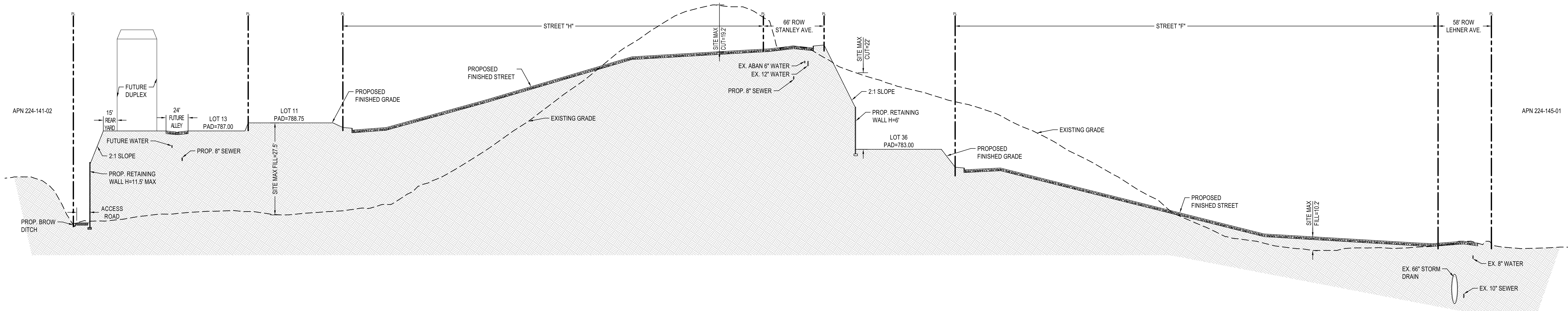
STRUCTURAL SOIL PROPERTIES:

ORGANIC CONTENT (OC) > 5 PERCENT, PH BETWEEN 6-8, CATION EXCHANGE CAPACITY (CEC) > 5 MILLIEQUIVALENT (MEQ)/100 G SOIL. INFILTRATION RATES OF 0.5 IN/HR OR GREATER. SOIL MEDIA MUST HAVE AN APPROPRIATE AMOUNT OF ORGANIC MATERIAL TO SUPPORT PLANT GROWTH (E.G. LOAMY SAND MIXED THOROUGHLY WITH AN ORGANIC MATERIAL). IF THE EXISTING SOILS MEET THE CRITERIA, IT CAN BE USED AS THE SOIL MEDIA. IF THE EXISTING SOILS DO NOT MEET THE CRITERIA, A SUBSTITUTE MEDIA MUST BE USED. SOIL MEDIA THAT IS BROUGHT TO THE SITE MUST MEET THE STANDARDS SET FORTH IN COUNTY OF SAN DIEGO BMP DESIGN MANUAL AS WELL AS THE FOLLOWING CRITERIA:

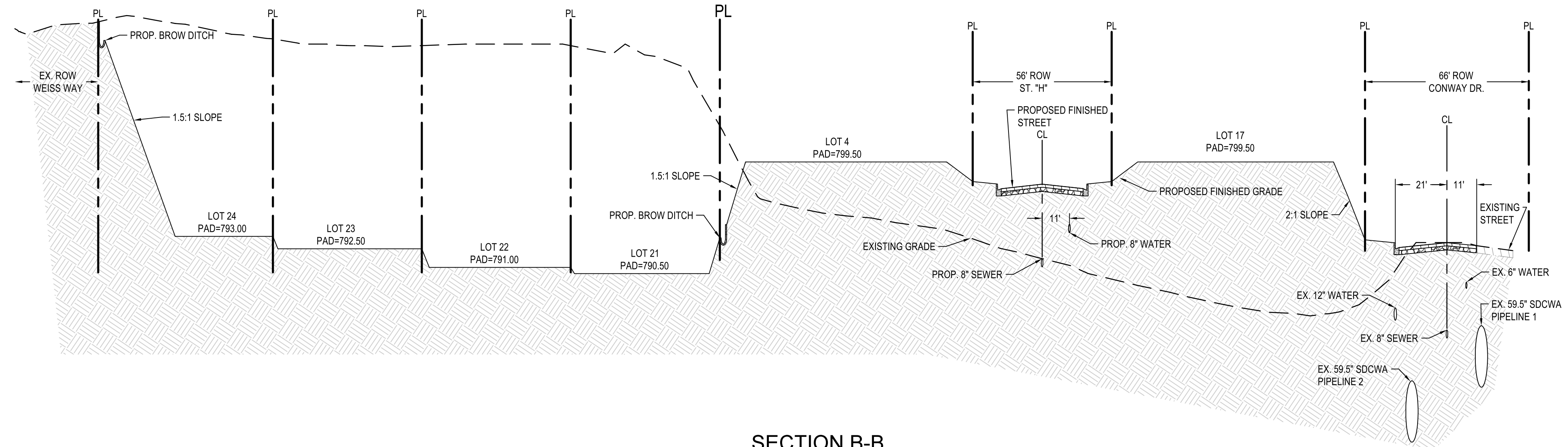
- SOIL MEDIA CONSISTS OF 85 PERCENT WASHED COURSE SAND, 10 PERCENT FINES (RANGE: 8-12 PERCENT; 8 PERCENT = 2 IN/HR INFILTRATION RATE, 12 PERCENT = 1 IN/HR INFILTRATION RATE), AND 5 PERCENT ORGANIC MATTER.
- THE SAND PORTION SHOULD CONSIST OF CONCRETE SAND (PASSING A ONE-QUARTER-INCH SIEVE), MORTAR SAND (PASSING A ONE-EIGHTH-INCH SIEVE) IS ACCEPTABLE AS LONG AS IT IS THOROUGHLY WASHED TO REMOVE THE FINES.
- FINES SHOULD PASS A # 270 (SCREEN SIZE) SIEVE.
- ORGANIC MATTER IS CONSIDERED AN ADDITIVE TO ASSIST VEGETATION IN INITIAL ESTABLISHMENT AND CONTRIBUTES TO SORPTION OF POLLUTANTS BUT GENERALLY SHOULD BE MINIMIZED (5 PERCENT). ORGANIC MATERIALS WILL OXIDIZE OVER TIME CAUSING AN INCREASE IN PONDING THAT COULD ADVERSELY AFFECT THE PERFORMANCE OF THE BIOFILTRATION AREA. ORGANIC MATERIAL SHOULD CONSIST OF AGED BARK FINES, OR SIMILAR ORGANIC MATERIAL. ORGANIC MATERIAL SHOULD NOT CONSIST OF MANURE OR ANIMAL COMPOST. STUDIES HAVE ALSO SHOWN NEWSPAPER MULCH TO BE AN ACCEPTABLE ADDITIVE (KIM ET AL. 2003; DAVIS 2007).
- HIGH LEVELS OF PHOSPHORUS IN THE MEDIA HAVE BEEN IDENTIFIED AS THE MAIN CAUSE OF BIOFILTRATION AREAS EXPORTING NUTRIENTS (HUNT AND LORD 2006). ALL STRUCTURAL SOIL SHOULD BE ANALYZED FOR BACKGROUND LEVELS OF NUTRIENTS. TOTAL PHOSPHORUS SHOULD NOT EXCEED 15 PPM.

SAVE DATE: 05/05/22 ~ PLOT DATE: 05/06/22 ~ FILE NAME: J:\ACTIVE\065\3537 ESCO ASSEMBLAGE\CIVIL\DRAWING\DISCRETIONARY PLANS\4-H\3537-F-F-PTM.dwg

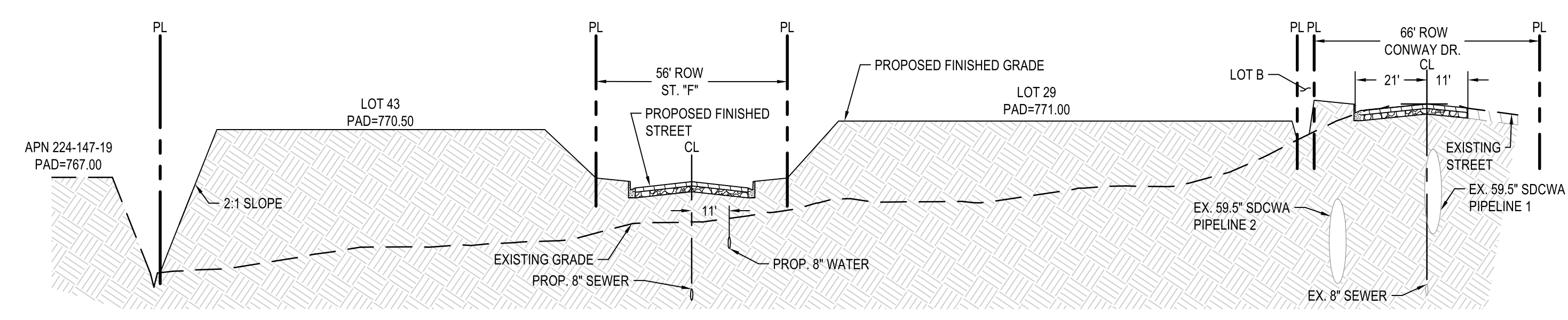
CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



SECTION A-A
HORIZ. SCALE: 1"=50'



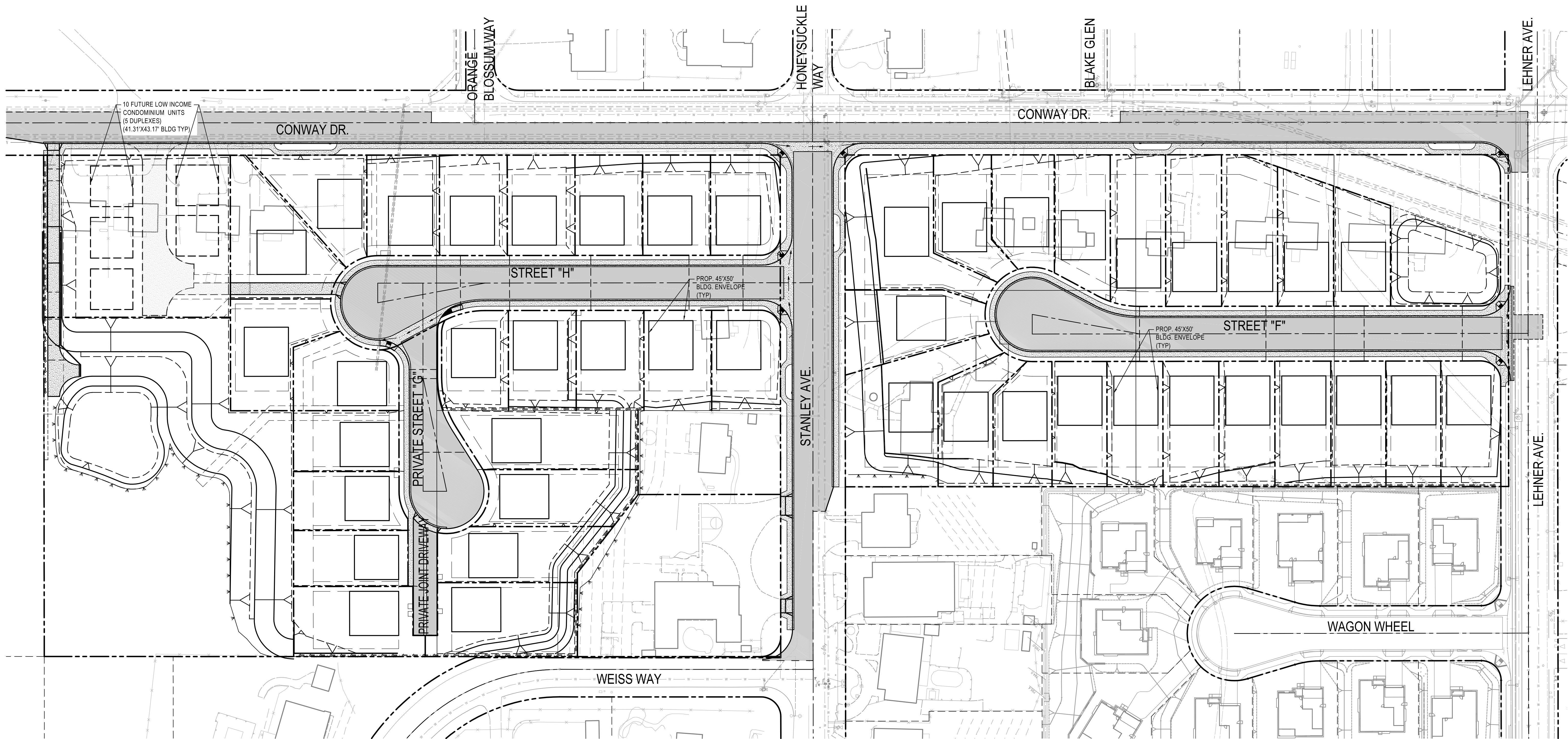
SECTION B-B
HORIZ. SCALE: 1"=50'



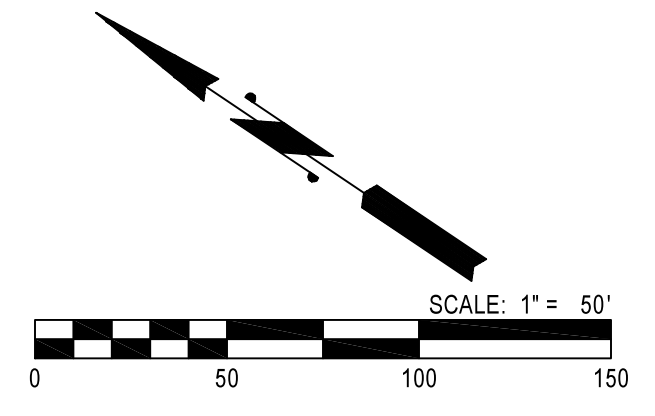
SECTION C-C
HORIZ. SCALE: 1"=50'

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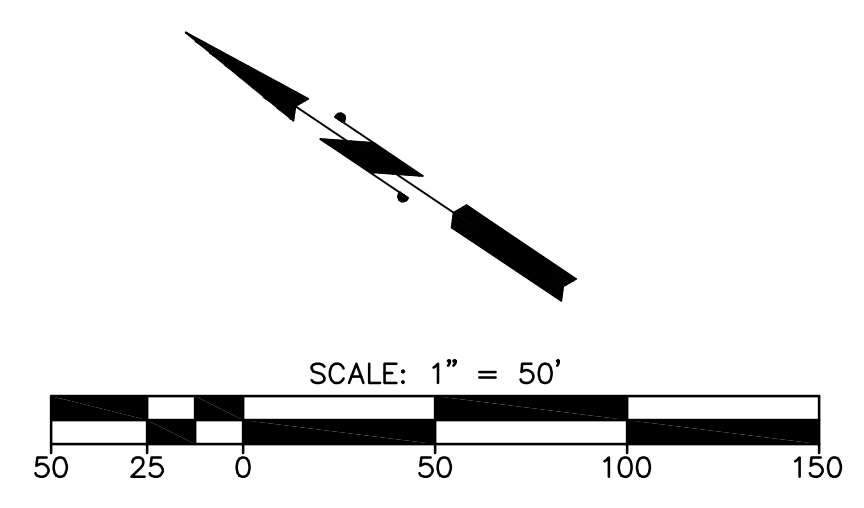
CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



TYPICAL BUILDING FOOTPRINTS



SAVE DATE: 12/06/22 -- PLOT DATE: 12/06/22 -- FILE NAME: J:\ACTIVE JOBS\5537 ESCO ASSEMBLAGE\CIVIL\DRAWINGS\DISCRETIONARY PLANS\F&H\SLOPE EXEMPTION EXHIBIT.dwg



PREPARED BY:
PASCO LARET SUITER
 & ASSOCIATES
 San Diego | Solana Beach | Orange County
 Phone 949.661.6695 | www.plsaengineering.com

ESCONDIDO, CA
STREET F & STREET H
GRADING EXEMPTION
SLOPE ANALYSIS

DATE: 12/06/2022

DRAWING:
 SHEET 1 OF 1

EXHIBIT "E"

FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

PL21-0269, PL21-0278, PL22-0584

Due to the number of pages of Exhibit "E," a link has been provided to review the document electronically on the City's website at:

<https://www.escondido.org/conway-drive-subdivision>

EXHIBIT F
MITIGATION MONITORING AND REPORTING PROGRAM
ENVIRONMENTAL DOCUMENT REFERENCE NUMBER (SCH 2022100635)

PROJECT NAME: Conway Residential Subdivision

PROJECT LOCATION: 916, 942, and 943 Stanley Avenue, and 2005 – 2175 Conway Drive (odd-numbered addresses only)
 Escondido, San Diego County, California 92026

PROJECT DESCRIPTION: The Proposed Project includes the construction of 44 new single-family detached residences, the construction of 10 new affordable attached duplex residences, retention of 2 existing single-family residences, 2 biofiltration basins, common open space areas, annexation to the City of 2.01 acres, and the demolition of 13 existing single-family residences on approximately 14.07 acres.

LEAD AGENCY: City of Escondido

CONTACT PERSON/ TELEPHONE NO.: Adam Finestone, City Planner

APPLICANT: Escondido North, LLC

CONTACT PERSON/ TELEPHONE NO.: Dylan Bird & John Kaye (Argus Land Company, Inc.) | (949) 233-4086

No.	Mitigation Measure	Time Frame for Implementation	Responsible Agency/Party	Verification of Compliance		
				Initials	Date	Remarks
Air Quality						
MM AQ-1	The Proposed Project shall utilize low emission "clean diesel" equipment with new or modified Tier 4 engines that include diesel oxidation catalysts, diesel particulate filters or Moyer Program retrofits that meet CARB best available control technology for all feasible off-road diesel powered construction equipment.	During all construction activities	Contractor			

Exhibit "F" - Mitigation Monitoring and Reporting Program

Biological Resources						
MM BIO-1	<p>Prior to ground disturbances that would impact potentially suitable nesting habitat for avian species, the project applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the extent feasible to avoid potential impacts to nesting birds and/or ground nesters. 2. Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat, on-site and within 300-feet surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist <u>within three days</u> before commencement ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work 	Prior to Grading/Ground disturbance	Project Biologist			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.</p>					
MM BIO-2	<p>Prior to issuance of the grading permit, the Project Applicant shall purchase 3.33-acres (0.5:1 ratio to the 6.65 acres of NNG impacts) of Non-Native Grasslands at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.</p>	Prior to grading permit	Project Applicant			
MM BIO-3	<p>Prior to issuance of the grading permit, the Project Applicant shall purchase 0.78-acres, (2:1 ratio to the 0.39-acres of Oak Woodland impacts) of Coast Live Oak Woodland at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.</p>	Prior to grading permit	Project Applicant			

Exhibit "F" - Mitigation Monitoring and Reporting Program

<p>MM BIO-4</p>	<p>The Project Applicant shall replace impacted mature trees at a minimum of 1:1 ratio, a total of 175 trees, unless other biologically equivalent or superior mitigation has been determined by the City. Trees may be replaced either on or off-site. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the Development Services Director pursuant to Escondido Municipal Code Section 33-1069.</p> <p>The Project Applicant shall replace impacted protected trees at a minimum of 2:1 ratio, a total of 22 trees, unless other biologically equivalent or superior mitigation has been determined by the City. Protected trees may be replaced on or off-site. The size of the replaced protected trees shall be a minimum of 24-inch box or as determined by the Development Services Director and shall be replaced in-kind with the same species as impacted.</p> <p>To avoid double counting mitigation of oak trees since Mitigation Measure MM BIO-3 requires mitigation for coast live oak woodland habitat that includes individual oak trees subject to this mitigation measure, the number of oak trees associated with the purchase of oak woodland habitat (either actual or estimate) mitigation credits may also be used to satisfy the individual tree replacement mitigation requirement found in this Mitigation Measure MM BIO-4.</p>	<p>Prior to grading permit</p>	<p>Project Applicant</p>			
<p>Cultural Resources</p>						

Exhibit "F" - Mitigation Monitoring and Reporting Program

MM CUL-1	<p>If cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered during grading or construction activities in the Project area, work shall be halted immediately within 50 feet of the discovery, the City Planning Department shall be notified, and a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history shall be retained to determine the significance of the discovery.</p> <p>The City shall consider mitigation recommendations presented by a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history for any unanticipated discoveries. The City and the Project applicant of the site where the discovery is made shall consult and agree on implementation of a measure or measures that the City deems feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The Project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.</p>	During Grading/Ground Disturbances	Archaeologist / City Planning Department			
MM CUL-2	If human remains are encountered during excavation activities, all work shall halt and the County Coroner shall be notified (California Public Resources Code §5097.98). The Coroner will determine whether the remains are of forensic interest. If the Coroner, with the aid of the County-approved Archaeologist,	During Construction	Project Archaeologist/ County Coroner			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>determines that the remains are prehistoric, s/he will contact the Native American Heritage Commission (NAHC). The NAHC shall be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD shall make his/her recommendation within 48 hours of being granted access to the site. The MLD's recommendation shall be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials (California Health and Safety Code §7050.5). If the landowner rejects the MLD's recommendations, the landowner shall rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (California Public Resources Code §5097.98).</p>					
Geology and Soils						
MM GEO-1	<p>The Project Applicant shall implement the recommendations contained in the Updated Geotechnical Due-Diligence Assessment, Parcel H, Assessor Parcel Numbers (APN) 224-141-23-00 and 224-141-25-00, Northwest Corner of Stanley Avenue and Conway Drive, City of Escondido, San Diego County, California, dated April 7, 2021, and Geotechnical Due-Diligence Assessment, Parcel F, Assessor Parcel Numbers 224-142-30-00; -31-00; -32-00 and -33-00, Adjacent Northwest Corner of Lehner Avenue and Conway Drive, City of Escondido, San</p>	During Grading	Project Geologist/ Public Works Department			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	Diego County, California, dated April 15, 2021) to reduce geologic hazards during implementation of the Proposed Project. Included in the reports are site-specific recommendations involving such topics as, grading and earthwork, slope stability, retaining walls, seismic design, construction materials, geotechnical observation, and testing and plan reviews.					
MM GEO-2	Prior to the issuance of a grading permit, the Applicant shall prepare a final geotechnical report based on the final rough grading plans and the final geotechnical report shall incorporate all of the recommendations included in the preliminary geotechnical reports included in Appendices D and E. The geotechnical reports included in Appendices D and E have established that the site is geotechnically suitable for development and a final geotechnical report is required to ensure all construction-level geotechnical recommendations and design parameters are included on the final rough grading plans.	Prior to Grading Permit	Project Geologist/ Public Works Department			
Hazards and Hazardous Materials						
MM HAZ-1	Prior to the demolition of existing structures, a survey for asbestos containing materials (ACM), lead based paint (LBP), and polychlorinated biphenyl (PCBs) shall be conducted, and any such materials shall be removed and disposed of properly by qualified certified technicians in accordance with State regulations.	Prior to Demolition of Buildings	Project Applicant/ City Public Work			

Exhibit "F" - Mitigation Monitoring and Reporting Program

Noise						
MM NOI-1	<p>Construction Noise. Prior to issuance of construction permits, the City's Building Division shall verify that all construction plans include the following measures. The measures may include but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ Staging areas should be placed as far as possible from sensitive receptors. ▪ Place stationary equipment in locations that will have a lesser noise impact on nearby sensitive receptors. ▪ Turn off equipment when not in use. ▪ Limit the use of enunciators or public address systems, except for emergency notifications. ▪ Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured to prevent rattling and banging. ▪ Schedule work to avoid simultaneous construction activities that both generate high noise levels. ▪ Use equipment with effective mufflers. ▪ Minimize the use of backup alarms. 	During Construction	Project Contractor/ City Public Works Department			
Transportation/Traffic						
MM TRANS-1	Prior to the issuance of the 34th certificate of occupancy for new construction on the Project site, the Applicant shall complete construction of all the following improvements to reduce VMT below the	Prior to the issuance of the 34th certificate of occupancy	Project Applicant/ City's Public			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>threshold of significance. Prior to beginning construction of the improvements, the Applicant shall submit construction plans to the City for review and approval and obtain all necessary permits, such as an encroachment permit, for construction of said improvements. The Applicant shall make the following improvements and receive VMT reduction credits:</p> <ul style="list-style-type: none"> • <u>N. Ash Street / Vista Avenue</u> - install high visibility crosswalks and accessible pedestrian signals on all four legs. VMT reduction equates to 60 VMT per measure - total reduction for this intersection is 120 VMT. • <u>N. Broadway / Rincon Avenue</u> - install high visibility crosswalks on the north, south and east legs, and install accessible pedestrian signals on all four legs. VMT reduction equates to 60 VMT per measures - total reduction for this intersection is 120 VMT. • <u>Stanley Avenue / Conway Drive</u> - install high visibility crosswalks on the west leg and curb ramps on the northwest and southwest corner. VMT reduction equates to 15 VMT for the high visibility crosswalk and 8 VMT per curb ramp - total reduction for this intersection is 31 VMT. • <u>Lehner Avenue / Conway Drive</u> - install high visibility crosswalks on the west and south legs, and curb ramps on the northwest corner. VMT reduction equates to 30 VMT for the high 		<p>Works Department</p>			
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Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>visibility crosswalks and 8 VMT for the curb ramp - total reduction for this intersection is 38 VMT.</p> <ul style="list-style-type: none"> • <u>New sidewalk</u> - approximately 1 mile of new sidewalk equates to 303 VMT reduction. The Proposed Project proposes to construct approximately 2,111 feet of new sidewalk along its project frontage. Total VMT reduction for this improvement is 121 VMT. 					
Tribal Cultural Resources						
MM TRC-1	<p>Prior to the issuance of a grading permit, 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"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and</p>	Prior to Grading Permit	Project Applicant/ Project Archaeologist/ Native American Monitor			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>procedures set forth in mitigation measures MM TRC-2 through MM TRC-10, and the following information:</p> <ul style="list-style-type: none"> • Parties entering into the agreement and contact information. • Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors. • Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement. • Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials. • Treatment of identified Native American cultural materials. • Treatment of Native American human remains and associated grave goods. • Confidentiality of cultural information including location and data. • Negotiation of disagreements should they arise. 					
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Exhibit "F" - Mitigation Monitoring and Reporting Program

	<ul style="list-style-type: none"> Regulations that apply to cultural resources that have been identified or may be identified during project construction. 					
MM TRC-2	<p>Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	Prior to Grading Permit	Project Applicant/ Project Archaeologist/ Native American Monitor			
MM TRC-3	<p>The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.</p>	Prior to Grading	Project Applicant/ Native American Monitor			
MM TRC-4	<p>During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the top soil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring</p>	During Construction	Project Archaeologist/ Native American Monitor			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring 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. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring would be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).</p>					
MM TRC-5	<p>In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not</p>	During Grading	Project Applicant/ Project Archaeologist/ Native American Monitor			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected, and monitored grading can immediately proceed. All unearthen archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.</p>					
<p>MM TRC-6</p>	<p>If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), 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(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) though (c), appropriate treatment measures would be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under</p>	<p>During Grading</p>	<p>Project Archaeologist/ Native American Monitor</p>			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.</p>					
<p>MM TRC-7</p>	<p>All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Development Services Department (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using</p>	<p>During Grading</p>	<p>Project Archaeologist/ Native American Monitor</p>			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>					
<p>MM TRC-8</p>	<p>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 a temporary 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. If the Coroner determines the remains are</p>	<p>During Grading</p>	<p>Project Applicant/ Project Archaeologist/ Native American Monitor/ County Coroner</p>			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>Native American and not the result of a crime scene, the Coroner would notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.</p>					
MM TRC-9	<p>If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any 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</p>	During Grading	Project Archaeologist/ Native American Monitor			

Exhibit "F" - Mitigation Monitoring and Reporting Program

	<p>resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>					
<p>MM TRC-10</p>	<p>Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions 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. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.</p>	<p>Post- Grading</p>	<p>Project Applicant/ Project Archaeologist/ Native American Monitor</p>			

EXHIBIT "G"
FINDINGS OF FACT
PL21-0269, PL21-0278, PL22-0586

Environmental Determination(s)

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), 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. An Initial Study/Mitigated Negative Declaration ("IS/MND") for the Project was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the CEQA Guidelines, and the local environmental procedures. The decision-making body of the Lead Agency shall adopt the proposed IS/MND only if:
 - It finds on the basis of the whole record before it that there is no substantial evidence the project will have a significant effect on the environment, and
 - The IS/MND reflects the Lead Agency's independent judgment and analysis.
3. The Final IS/MND and Mitigation Monitoring and Reporting Plan ("MMRP"), collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the project, and shall be referred to herein collectively as the "CEQA Documents."
4. The Planning Commission has received the material record supporting all of the CEQA documents for the project. The Planning Commission, finds the following:
 - The Final IS/MND reflects the City's independent judgment and analysis.
 - That there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts, or that cannot be fully mitigated. All previously identified impacts have been mitigated to less than a significant level.
 - The Planning Commission also finds that the mitigation measures listed in the MMRP will not cause any potentially significant effects.
 - The Final IS/MND has been completed in compliance with CEQA and it constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA.
5. Mitigation measures are recommended to be incorporated as part of the adoption of the Mitigated Negative Declaration. The recommended approval of the Project also includes the adoption of the MMRP, attached hereto this Resolution.

6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

Tentative Subdivision Map Determination(s)

1. The location, design, and residential density of the proposed 47-lot residential subdivision is consistent with the goals and policies of the Escondido General Plan because residential development is permitted and encouraged within the Suburban and Estate II land-use designation. As a result of a concession requested pursuant to State Density Bonus Law and the Escondido Zoning Code, the inclusion of multi-family dwelling on property with an Estate II land use designation does not necessitate an amendment to the General Plan, nor does the increase in density beyond what would otherwise be allowed in the Suburban and Estate II General Plan land use designations. Further, the proposed map would be in conformance with goals and policies in the Housing Element of the General Plan which detail the need to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs. The provision of 10 units for low-income households assists the City in meeting its affordable housing goals established by the Regional Housing Needs Assessment.
2. The proposed subdivision as designed encourages a compact, efficient residential form that promotes a variety of mobility forms, supports nearby commercial establishments and takes advantage of infrastructure improvements.
3. The Project site is physically suitable for the proposed density of development because the property is within the urban fringe area developed with a mixture of similar single-family residential subdivisions. The Suburban land use designation allows up to 3.3 dwelling units per acre and the Estate II land use designation allows up to 2.0 dwelling units per acre. While the subdivision would be developed at a net density of approximately 4.43 dwelling units per net acre, it is consistent with State Density Bonus Law and applicable provisions of the Escondido Zoning Code. Additionally, the subdivision has been designed to provide residential uses in a suburban setting, consistent with the surrounding area. Any deviations from zoning standards are consistent with State Density Bonus Law and the Escondido Zoning Code and are required to accommodate the affordable housing development.
4. The approval of the proposed Project would be based on sound principles of land use and is well integrated with its surroundings near similar residentially developed properties because adequate access, utilities, stormwater detention and landscaping would be provided, as

detailed in the staff report. The Project also would not be out of character for the area, which contains other suburban residential development. All vehicular traffic generated by the Project will be accommodated safely, enhanced with public improvements and without degrading the level of service on the adjoining streets or intersections.

5. 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. The proposed map has been designed to minimize impacts associated with grading, and findings required to allow exemptions from slope provisions of the Grading and Erosion Control Ordinance of the Escondido Zoning Code have been made.
6. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the Tentative Subdivision Map would not violate the requirements, goals, policies, or spirit of the General Plan. The site is suitable for this residential type of development and density as detail in the Planning Commission staff report dated December 13, 2022, and noted in the above sections.
7. The Project would be compatible with the surrounding uses because the subject site is within a suburban residential area developed with a variety of residential developments of varying density, lot sizes and design. All utilities will be installed underground, with water and sewer service provided by the City of Escondido. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. 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; lot configuration; traffic and emergency access; and grading; were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage, would avoid injury to fish or wildlife, or their habitat due to the site's location. In addition, the site does not contain any sensitive or protected biological or natural resources.
9. The design of the Tentative Subdivision 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. The design of the Tentative Subdivision Map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provide opportunities for passive/solar heating.

11. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code and the Conditions of Approval, included as Exhibit "E" to this resolution, will have been obtained prior to the recordation of the Final Map.
12. The proposed Tentative Subdivision Map and associated permits will not conflict with regional or local housing goals and the proposed 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. 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 will be provided to the site.
13. In consideration of the above, the 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 Municipal Code, including the Escondido Zoning Code, as detailed in the staff reports, the Escondido General Plan, and above findings.

No Net Loss

1. The purpose of Government Code section 65863 ("No Net Loss Law"), is to ensure development opportunities remain available throughout the planning period to accommodate a jurisdiction's regional housing need allocation ("RHNA"), especially for lower- and moderate-income households. Jurisdictions also cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels "lost" as a result of the approval.
2. The Project site contains seven parcels, three of which are identified in the Housing Element's suitable sites inventory. Those sites contain nine existing dwelling units and are capable of accommodating an additional six units. While the Project would demolish the nine existing units, as well as four additional units on parcels not identified in the suitable sites inventory, it would construct 54 new units for a net increase of 41 units. Geographically, at least 31 of the new units, including the 10 affordable units, will be on the three suitable sites inventory parcels. Therefore, the Project would result in no net loss pursuant to the Government Code.
3. The Project would assist the City in meeting its RHNA by providing more units than identified for the Project site in the suitable sites inventory, including 10 affordable housing units where none are identified.

Grading Exemption

1. The Project includes a request for a Grading Exemption for two fill slopes greater than 10 feet in height which are closer than 50 feet to a property line, as well as a cut-slope greater than 2:1 which has been determined by the Director to have a potential impact on adjacent properties. Because the Project includes a request for various waivers, as permitted by Density Bonus Law and the Escondido Zoning Code, the only finding that must be made is related to health and safety considerations due to slope stability. The preliminary geotechnical report prepared for the Project has indicated that the slopes do not pose a health and safety risk. Detailed plans and technical reports will be reviewed by the City as part of the grading plan submittal to ensure that the information contained in the preliminary geotechnical report is adequately incorporated into the final design, and all slopes would be landscaped in accordance with the zoning code.

Annexation Determinations:

1. The proposed annexation conforms to the annexation policies established in the Escondido General Plan Land Use and Community Form Element that are intended to guide development to meet present and future needs, achieve a vibrant community, and enhance the character of Escondido.
2. The one parcel proposed to be annexed into the City of Escondido is located within the Escondido Sphere of Influence and Escondido Planning Area.
3. The reorganization includes annexation to the City of Escondido and detachment from County Service Area No. 135 (Regional Communications). The parcels also will be excluded from the Rincon Municipal Water District, Improvement District "E" for fire services.
4. The City of Escondido will provide fire and emergency response to the proposed annexation territory. City sewer service would be available to the subject parcel. The City of Escondido Police Department, which already patrols the general area and works cooperatively with the San Diego County Sheriff, would assume responsibility for law enforcement. The annexation would not introduce new service providers to the area or become a departure from the existing pattern of service delivery in this portion of Escondido.
5. The proposed annexation will not conflict with any specific development plans for the properties. Development will be subject to the provisions of the Escondido General Plan and Zoning Code upon annexation.
6. The public health, safety and welfare will not be adversely affected by the proposed change because the parcel has already been pre-zoned as RE-20, consistent with its General Plan land use designation.

7. The requirements of the California Environmental Quality Act (CEQA) have been met because it was determined the Project will not have a significant effect on the environment because mitigation measures and project design features will avoid or reduce potential impacts to less than a significant level, as demonstrated in the Final IS/MND prepared for the project.

EXHIBIT "H"

CONDITIONS OF APPROVAL PL21-0269, PL21-0278, PL22-0584

This Project is conditionally approved as set forth on the application received by the City of Escondido on July 16, 2021, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on January 11, 2023, and shall not be altered without express authorization by the Development Service Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, or its successors 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.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall **expire 36 months** from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map or Planned Development application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

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. 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 building/grading permit issuance, 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 Development Services Department.

Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code.

- 11. **Costs of Municipal Services.** In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with the special tax levy adopted annually by the City Council based on the project density, unless another amount is approved 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"). Projects that elect to

annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. 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.

12. 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.

13. Clerk Recording.

- a. State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.
- 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.

14. 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.

15. 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.

16. 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 such terms, covenants, or conditions or seek damages for their violation. The Applicant 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.

17. 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 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. 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 Development Services, 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 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) with roof 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 are 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 Development Services 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.

- 16. Phasing.** A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

C. Parking and Loading/Unloading

1. Each residential unit shall be provided with two covered parking spaces.
2. 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 striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
3. Parking for disabled persons (including "Van Accessible" spaces) and electric vehicle parking shall be provided in full compliance with the State Building Code.
4. 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.
5. No parking shall be permitted on cul-de-sacs on Streets "F," "G," and "H," and parking shall only be permitted on one side of Street "G," as shown on the Project plans.
6. Driveways shall be placed in a manner that allows for the largest number of on-street parking spaces to be provided.

D. Landscaping

The property owner or owners' association 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 retaining walls, stormwater improvements, right of way enhance 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 Department 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 Department 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 (mixture of native, fire resistant & drought tolerant plants and trees) and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code and the Fire Protection Plan (Undesirable Plant Materials List), except where stricter requirements are imposed by the State of California.
 - b. Screen fencing, retaining walls, stormwater basin 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 Development Services.
- 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. The Applicant shall be responsible for ensuring that all mitigation measures identified in the Mitigation Monitoring and Reporting Program, included as Exhibit "C" to this resolution, are implemented.
2. The Project shall be managed by a professional management company. A self-managed Home Owners Association ("HOA") shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project Covenants, Conditions, and Restrictions ("CC&Rs").
3. The Project will be required to obtain a Vegetation/Tree Removal Permit from the Planning Division for any removal not undertaken in conjunction with a grading permit.
4. The Project will be required to obtain a demolition permit for the existing structures, and shall comply with construction waste management requirements.
5. Prior to issuance of building permits, the Project will be subject to the design review by the Planning Commission for the single-family residences on Lots 1 – 12, 14 – 24, and 27 – 47.
6. Prior to issuance of a precise grading plan for Lot 13, the Applicant shall submit and obtain approval for Plot Plan application for the proposed duplexes on that lot.
7. The Project shall be consistent with the approved design waivers included in Attachment 2 to the Planning Commission staff report, dated December 13, 2022.
8. The design and appearance of the target units shall be consistent or compatible with the design of the total housing development in terms of appearance, materials, and finished quality.
9. The market-rate developer shall provide assurances through inclusion of notes on the Final Map that the all affordable housing units are constructed prior to construction of market-rate units in a quantity which exceeds that which would otherwise be permitted on the Property, inclusive of the

two existing units to remain. Certificates of occupancy shall be issued for all of the affordable housing units prior to issuance of the building permit for the 39th market-rate unit.

10. The Applicant shall prepare a Vector Management Plan (VMP). The VMP shall include the following measures:
 - a. Trash and debris collection and removal shall occur continuously during all construction activities.
 - b. Temporary ponds or depressions shall be maintained by the routine removal of depressions, vegetation, sediment, trash, standing water and debris.
 - c. Application of standard BMPs in accordance with requirements of the City of Escondido.
 - d. The Applicant shall implement an active management plan to control mosquitos and vectors as described below:
 1. During the wet season (October through March) any biofiltration basins shall be visually inspected monthly by the Homeowner Association for the presence of vectors. If necessary, corrective measures shall be initiated, including more frequent inspections if vector issues are identified by the public and/or routine inspections.
 2. In the dry season (July through September) biofiltration basins shall be visually inspected weekly by the Homeowner Association for the presence of vectors, including more frequent inspections if vector issues are identified by the public and/or routine inspections.
 - e. Corrective Measures may include but not limited to:
 1. The removal of emergent vegetation (e.g., cattails, sedges, etc.).
 2. Emergent vegetation shall be controlled by hand labor, mechanical means or by frequent clear cutting, as the Proposed Project site is a recharge area for the groundwater aquifer.
 3. Vegetation clearing is intended to prevent habitat for mosquito larvae.
 4. Removal of the vegetation by hand shall be the preferred method in order to lessen the re-growth frequency and density.

F. Specific Building Division Conditions

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

G. Housing and Neighborhood Services Conditions:

1. The Project shall provide a minimum of 10 affordable dwelling units for low income households (those earning less than 80% of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to issuance of a building permit, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements, and notes shall be added to the Final Map to this effect. It is anticipated that the affordable dwelling units will be for-sale units, however if they are rented, the affordable housing agreement shall require that the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits. If the affordable dwelling units are rented, the agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for all target units as described in Government Code section 65915(c)). Income-qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.

If the affordable dwelling units are for-sale units, the affordable housing agreement shall ensure that the initial occupants are persons and families of low income (as defined in Section 50052.5 of the Health and Safety Code), and will enter into an equity sharing agreement in compliance with Government Code Section 65915(c)(2).

2. All affordability agreements shall run with the land and be binding on the applicant and its heirs, transferees, assigns, successors, administrators, executors, and other representatives, and recorded on the applicable property for the requisite period of time.

H. Specific Engineering Conditions of Approval

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering all subject properties.
2. The location of all existing on-site and adjacent utilities and drainage 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 and Improvement plans, and Final Map. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Grading Plan or Final Map.

4. 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 Grading and Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. 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 Initial Submittal Checklists. Landscaping Plans shall be prepared by a Licensed Landscape Architect.
6. The Developer shall submit to the Planning Division a copy of the tentative map as presented to the Planning Commission and the City Council. The tentative map will be certified by the Planning Department that it is an accurate reproduction of the approved tentative map and must be uploaded with the first final engineering submittal to the Engineering Department.
7. This subdivision is contiguous to the facilities of the San Diego County Water Authority (SDCWA) and the SDCWA may be required to review and/or sign the improvement plans. It will be the responsibility of the developer to pay all SDCWA fees for plan checking and permit approval. All agency approvals shall be submitted to the City Engineer and verified prior to issuance of construction permits or map recordation.
8. No Building Permits shall be issued for any construction within this Subdivision until the Final Map is recorded and either:
 - a) All conditions of the Tentative 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.
9. 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.

10. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS and TRAFFIC

1. Public street and drainage improvements shall be constructed to City Standards as required by the Subdivision Ordinance 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, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
3. Prior to first occupancy, the Developer shall construct street improvements, including but not limited to, concrete curb, gutter, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

STREET

CLASSIFICATION

Conway Drive	Local Collector (42' curb to curb)
Stanley Avenue	Local Collector (42' curb to curb)
Lehner Avenue	Residential Street (18' CL to curb)
Streets F and H	Residential Street (36' curb to curb)
Street G	Rural Residential (28' curb to curb)
Lots 9, 10, 23, 24 Access	Private Alley (25' wide)
Lot 13 (10 condo. units) Access	Private Alley (24' min. wide)

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

4. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards. The sidewalk will be allowed to be noncontiguous in the segments designated and constructed as "Green Street" storm water treatment areas.
5. All cul-de-sacs shall have a 38' curb face radius and shall conform to the current City of Escondido Design Standards.
6. Driveway access to the 10 condominium units on Lot 13 shall be improved with alley-type driveway apron in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
7. To mitigate the project's Vehicle Miles Traveled (VMT) impacts, the Developer has identified and shall design and construct prior to first occupancy, the following mobility improvements at their sole expense:
 - Intersection of N. Ash Street and Vista Avenue: Install high visibility crosswalks and accessible pedestrian signals on all four legs.
 - Intersection of N. Broadway and Rincon Avenue: Install high visibility crosswalks on the north, south and east legs, and install accessible pedestrian signals on all four legs.
 - Intersection of Stanley Avenue and Conway Drive: Install high visibility crosswalks on the west leg and curb ramps on the northwest and southwest corner.

- Intersection of Lehner Avenue and Conway Drive: Install high visibility crosswalks on the west and south legs, and curb ramps on the northwest corner.

For these VMT mitigation improvements, the Developer shall submit separate traffic signal and signing and striping modification improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. Traffic signal modifications shall be per current City, Caltrans, and CaMUTCD Standards and shall include all necessary equipment, hardware, and software. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating the traffic signal modification and signing and striping work with the Developer's contractor(s) and equipment suppliers and City staff.

8. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved roadways including those within the adjacent school zone. The Developer will be responsible for removal of all existing and construction of all new signing and striping in compliance with the new CaMUTCD standards and to the satisfaction of the City Engineer.
9. The address of each dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer and Fire Marshal.
10. The Developer will be required to provide a detailed "Detour and Traffic Control Plan", for all construction within existing rights-of-way, to the satisfaction of the City Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
11. Construction in the public rights-of-ways may be restricted during school peak hours (typically 7:00 to 8:30 am and 2:00 to 3:30 pm), unless a traffic management plan that proposes no conflict between construction and school traffic is approved by the City Engineer prior to issuance of an Encroachment Permit.
12. The Developer may be responsible for additional overlay of Conway Drive, Lehner Avenue, and Stanley 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.
13. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
14. The Developer is required to design, furnish and install LED street lighting per Escondido Standard Drawing E-1-E and in accordance with the City Design Standards and the requirements of the City Engineer.

15. Street lighting is required on all on-site private drives serving 3 or more lots or units. It shall be the responsibility of the Homeowner's Association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.

GRADING

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 a copy 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. 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.
3. 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.
4. Slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls fencers, and/or brow ditches.
5. Increased cut slope setbacks may be required along the project boundary to avoid disrupting any existing septic systems in the adjoining residential areas and may be required to avoid encountering ground water problems. Actual setbacks to be used will be based on recommendations of the soils engineer. The requirements of the San Diego County Health Department should be consulted in this regard. In lieu of these requirements, or if the County Health Department requirements cannot be met, the Developer must arrange to connect adjoining existing dwelling units, now on private septic systems, to the public sewer system. In this regard, the developer will be required to make necessary arrangements for all main extensions, easements, and payment of all connection and permit fees. Any dwellings in the unincorporated areas must have special approval of the City Council before being connected to the City sewer system. This requirement shall also apply to off-site road and utility improvements where existing septic systems are jeopardized as a result of these improvements.
6. It shall be the responsibility of the Developer to pay all plan check and inspection fees required by the San Diego County Health Department.

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. The Developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
11. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.
12. All private driveways 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.
13. 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 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. Lot drainage shall meet the requirements of current Escondido Design Standards and the City Engineer and shall include the construction of necessary brow ditches.
3. The project shall limit peak drainage flows to their pre-construction rates. Details and calculations for this retention and attenuation shall be submitted and approved as part of the Drainage Study submittal and review.
4. 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 calculations for treatment, hydromodification, and storage volumes. The SWQMP shall include detailed maintenance requirements and responsibilities for all onsite conveyance, diversion, treatment, and bio-retention facilities. The SWQMP shall demonstrate how any

proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.

5. All site drainage with emphasis on the roadway, parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention basins as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement. A copy of this recorded Agreement will need to be included in the CC&Rs.
7. All on-site storm drains and stormwater treatment facilities are considered private. The responsibility for maintenance of these storm drains, storm water treatment facilities and any "Green Street" facilities constructed in the right-of-way to treat the street improvements required of project shall be that of the Homeowners Association (HOA). Provisions clearly dictating this responsibility shall be included in the approved Storm Water Quality Management Plan and ultimately in the recorded CC&Rs.
8. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect 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.
9. The Homeowner's Association shall perpetually maintain all 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 Homeowners Association will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD 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 or will be required to transition the project to a priority storm water development project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.

WATER SUPPLY

1. The Developer is required at their sole expense to design and construct looped 8-inch public water mains within the project. An 8-inch water main shall be designed and constructed to loop through the project beginning at the intersection of Lehner Avenue and proposed Street F and

shall extend north in proposed Street F and shall connect to the existing 12-inch water main in Stanley Avenue. An 8-inch water main shall also be designed and constructed to loop through the project beginning at the intersection of Stanley Avenue and proposed Street H and shall extend north in Street H and continue through Lot 13 and then with a 90 degree bend to the east connect to the existing 12-inch water main in Conway Drive. These 8-inch water mains 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 Utilities Engineer and Fire Marshal.
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 DDCA shall be considered a private water system. The Homeowners Association shall be responsible for all maintenance of these water lines and appurtenances.
6. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or within paved private drive areas.
7. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.
8. There shall be no permanent structures located within the City's Public utility Easements.
9. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
10. Backflow prevention assemblies are private and should be located on private property. Backflow prevention assemblies shall be located directly behind the public water meter.
11. 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.

12. 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.
13. 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. The Developer is required at their sole expense to design and construct onsite and offsite 8-inch public sewer mains. An offsite 8-inch sewer main shall be designed and constructed to connect to the existing 8-inch sewer manhole at the intersection of Rincon Avenue and Conway Drive and extend south in Conway Drive and enter the project at the Lot 13 driveway off Conway Drive. Additional offsite sewer main shall be designed and constructed in Stanley Avenue from the intersection of Stanley Avenue and proposed Street H westerly to the intersection of Stanley Avenue and Weiss Way. On-site sewer mains shall be designed and constructed through the project to connect the two above noted offsite sewer mains. All 8-inch sewer 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. A private 4-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utility Easement or public right-of-way shall be designed and constructed for each single-family lot on the Improvement plans and shall be shown on the Grading plans. A private 6-inch minimum PVC sewer lateral for each multi-unit building on Lot 13 together with a standard clean-out within 18-inches of the Public Utility Easement or public right-of-way shall be designed and constructed on the Improvement plans and shown on the Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye or Inserta-Tee. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code for the portion outside of the public right-of-way or Public Utility Easement.
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 property owner and/or Homeowners Association shall be responsible for all maintenance of sewer laterals to the public sewer main.
5. All 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's "Vactor" 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.

LANDSCAPE

1. Project Landscaping and Irrigation plan(s) and Project Wall and Fencing Plan(s) shall be submitted to the Engineering Department with the second submittal of the grading plan for approval by the Planning, Engineering, and Fire Departments. The initial submittal of the landscape and fencing plans shall include the required Planning Division Review fees in effect at the time of the submittal.
2. The Developer shall install permanent landscaping and irrigation on cut and fill slopes within the project.
3. The Developer shall install permanent landscaping and irrigation along the project’s Conway Drive, Stanley Avenue, and Lehner Avenue right-of-way frontages including the fill slopes facing Conway Drive on Lots 15-20.
4. The Developer shall install permanent landscaping and irrigation on the “below pad” fill slopes on Lots 42-47 that face the existing homes on Wagon Wheel Court. All fencing or walls associated with or on these lots shall be designed to prevent general public access to these slope and drainage facility areas while providing adequate controlled/gated access for the Homeowners Association to maintain these landscaped slopes and drainage facilities.
5. The Developer shall fully landscape with irrigation and install all required fencing and walls on Homeowners Association owned Lots A and B, as well as Lot 13 shall be subject to the same landscape and irrigation requirements.
6. All of the landscaping, irrigation, walls, and fencing identified in Landscape Conditions 3 through 5 above shall be maintained by the Homeowners Association. Language and exhibits clearly dictating the separation of maintenance responsibility between the Homeowners Association and individual property owners for all landscaping, irrigation, walls, and fences shall be included in the CC&Rs.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. All easements, both private and public, existing and proposed, affecting subject property shall be shown and delineated on the Final Map and all project final engineering plans.
2. The Developer shall dedicate as public rights-of-way the following streets within the project to bring these streets to the indicated classification.

STREET	CLASSIFICATION
Streets F and H	Residential Street (56’ R/W)
Street G	Rural Residential (34’ R/W w/ 5’ PUE beyond-both sides)

3. The Developer shall grant reciprocal private access easements (totaling 25' width) across Lots 9, 10, 23, 24 for the benefit of these 4 lots. These easement areas shall be plotted and identified on the Final Map and granted upon subsequent transfer of title.
4. The Developer shall dedicate to the public a 20-foot radius corner rounding at the following locations:
 - Northeast corner of Weiss Way and Stanley Avenue.
 - Northwest corner of Conway Drive and Stanley Avenue.
 - Southwest corner of Conway Drive and Stanley Avenue.
 - Northwest corner of Conway Drive and Lehner Avenue
5. Public Utility Easements shall be granted to the City of Escondido on the Final Map for any proposed public water and/or sewer mains proposed to cross private property including any Homeowner's Association property. In addition, Public Utility Easement areas not less than 5' x 5' shall be granted to the City for all fire hydrants, water meters and other public water appurtenance locations. The minimum public utility easement width shall be 20 feet for a single utility and 25' for areas with public sewer and water mains, or the full width of the private easement road, whichever is greater. A reduction in easement width will be allowed where the proposed public water main connects from the end of proposed Street F to the 12-inch water main in Stanley Avenue.
6. Public Storm Drain Easements shall be granted to the City of Escondido on the Final Map for any proposed public storm drains proposed to cross private property including any Homeowner's Association property. The minimum public storm drain easement width shall be 20 feet. A reduction in public storm drain easement width to no less than 15' will be allowed where a public storm drain traverses the side or rear yard of a private lot (Lots 6, 7, 15).
7. The Developer shall grant private drainage easements to the Homeowner's Association for all proposed drainage and stormwater pipes, ditches, and facilities to be owned and maintenance by the Homeowner's Association. The minimum width of these private drainage easements shall be 10 feet. This minimum width may be reduced to 5 feet with approval by the City Engineer and subject to adequate Homeowner's Association access language in the CC&Rs.
8. The Developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed project prior to issuance of Building Permits. 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 Grading plans. 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 water repayment of **\$17,231.00** per repayment file #137 for Assessor Parcel Nos. 224-141-23, 224-141-25, and 224-142-33 is due to the City of Escondido for existing water improvements that will serve this development.
2. A sewer repayment of **\$8,285.16** per repayment file #185 for Assessor Parcel No. 224-142-33 is due to the City of Escondido for existing sewer improvements that will serve this development.
3. A cash security deposit satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of **\$50,000**, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds or such other security as may be approved by the City Engineer and City Attorney.
4. 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.

CC&Rs

1. Copies of the CC&Rs with all exhibits shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map. These City approved CC&Rs with all exhibits shall be executed and recorded with and immediately subsequent to the Final Map recordation.
2. The Developer shall make provisions in the CC&Rs for maintenance by the Homeowners' Association of all private roadways, driveways, parking areas, private utilities (including sewer and water), utility and basin access, all storm water treatment facilities and basins, drainage swales, private street lighting, private storm drains, any common open spaces, and all the landscaping, irrigation, walls, and fences identified in the Landscape Section of these Engineering Conditions of Approval. These provisions must be included, reviewed and approved by the Engineering and Planning Division prior to approval of the Final Map.
3. The CC&Rs must state that the Homeowners' Association assumes liability for damage and repair of City utilities in the event that damage is caused by an individual owner or the Homeowners' Association when repair or replacement of private utilities is done.
4. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the homeowners' association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.

5. 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.
6. The CC&Rs must contain parking restriction provisions for proposed Street G, the private access drive serving Lots 9,10,23,24, and the private access and parking areas within Lot 13, and shall clearly state that the Homeowner's Association will be responsible to manage and enforce the parking restrictions in these areas.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The Developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The Developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The Developer shall sign a written agreement stating that he/she has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

I. Specific Fire Department Conditions

1. Provide an adequate water supply, show location(s), size of connection and approved access shall be provided prior to combustibles being brought to the site.
2. All vegetation clearing as per the approved Fire Protection Report shall be completed prior to combustibles being brought to the site.
3. Minimum hydrant spacing of 500 feet is required.

J. Condition Added by the Planning Commission (December 13, 2022)

1. The sideyard setback on the west side of Lot 10 shall be increased to a minimum of 15 feet, and the slope along the western property line shall be provided with enhanced landscaping.



STAFF REPORT

January 11, 2023
File Number 0800-10

SUBJECT

NORTH IRIS CONDOMINIUMS

DEPARTMENT

Development Services Department, Planning Division

STAFF RECOMMENDATION

Request the City Council conduct a public hearing on the development proposal and take action on the recommendations of City staff and the Planning Commission, which recommends that the City Council:

- 1) Adopt Resolution No. 2023-03 certifying a Final Environmental Impact Report (FEIR), Mitigation Monitoring and Reporting Program and making certain Findings of Fact in conformance with the California Environmental Quality Act (CEQA).

- 2) Introduce Ordinance No. 2023-03 for a Prezone to Planned Development Residential 14.6 (PD-R 14.6) along with a Master and Precise Development Plan for a 102-unit condominium development

- 3) Adopt Resolution No. 2023-04 approving a General Plan Amendment from Suburban to Urban 3, one-lot Tentative Subdivision Map, and Annexation/Reorganization

Staff Recommendation: Approval (Development Services Department: Andrew Firestine)

Presenter: Jay Paul, Senior Planner

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered the project at its December 13, 2022 hearing, and the staff report has been included as Attachment "1". One member of the public submitted written correspondence to the Planning Commission at that meeting (Attachment "2" to this report) and twelve members of the public (including the Project applicant) spoke at the hearing (2 in favor, and 9 expressed concern and/or opposed). Public commenters expressed concern with the project density, neighborhood compatibility and traffic impacts along North Iris Lane. After deliberation, the Planning Commission voted 5-0 (Commissioners Doan and Weiler absent) to recommend that the City Council approve the Project as conditioned.

FISCAL ANALYSIS

The Project is a private development project that will require the payment of development impact fees in effect at the time permits are requested. In addition, as part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon the City's general fund and ability to provide ongoing public services. To avoid the need to subsidize new development, current City policy requires the developer of a



CITY of ESCONDIDO

STAFF REPORT

private development project to establish a special funding mechanism to ensure that new development pays for itself.

Community Facilities District (“CFD”) No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020 as a means by which a developer can offset its impacts to the provision of ongoing public services. The special tax that would be assessed on projects that opt to annex into the CFD is based upon the Fiscal Impact Analysis (FIA) that was prepared to support the creation of CFD No. 2020-01. While other means of offsetting general fund impacts are available, the benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project. This can be accomplished through either formation of a CFD, annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City (“Public Services Funding Agreement”). Should an applicant desire to utilize the streamlined process available through annexation into CFD No. 2020-01, they would be required to sign a Unanimous Consent to Annex, which serves as their authorization to annex. The Applicant declined to sign a Unanimous Consent to Annex at this time. A condition of approval has been included as part of Exhibit “E” to draft City Council Ordinance No. 2023-03 and Exhibit “E” to draft City Council Resolution No. 2023-04 to reflect the requirement to establish a funding mechanism as described above prior to recordation of the Final Map. (It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.)

If the applicant opts to annex into CFD No. 2020-01, the Project would fall into Category 2. The maximum established levy for Category 2 is \$797.33 per unit for tax year 2023/24, subject to annual adjustments which currently are based on the Consumer Price Index or 2%, whichever is greater. The City Council retains the discretionary authority to set the levy each year which could be set an amount less than the maximum levy. The costs for providing ongoing municipal services to the 102-unit Project is estimated at \$81,327.66. If annexation into CFD No. 2020-01 is the way by which the developer opts to provide the ongoing funding source, the housing units would be included in the annexation. Should the developer opt to pursue a funding mechanism other than CFD No. 2020-01, such mechanism, including the assessment rate, would be subject to approval by City Council.

PROJECT DESCRIPTION

The Project consists of Annexation, Pre-zone, General Plan Amendment, Tentative Subdivision Map, and Master and Precise Development Plan for the development of 102 air-space condominium units with a density of approximately 14.6 dwelling units per acre. The design includes 21 two (2) and three (3)-story buildings containing 14 two-bedroom units, 30 three-bedroom units and 58 four-bedroom units, ranging in size from 1,228 square feet to 1,911 square feet. 230 parking spaces are proposed, which includes an enclosed two (2)-car garage for each unit and 27 open parking spaces located throughout the development (“Project”).



CITY of ESCONDIDO

STAFF REPORT

A complete project description can be found in the December 13, 2022, Planning Commission staff report (Attachment “1”).

LOCATION

The 7.7-acre Project site is comprised of 5 parcels located at 2039, 2047, 2085 and 2089 N. Iris Lane (APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00. The location is depicted in Attachment “1” to the Planning Commission staff report.

PREVIOUS ACTION

On June 3, 2020, the City Council authorized staff to process an application to annex 5 parcels to the City of Escondido and change the General Plan land-use designation from Suburban (S) to Urban II (U2), facilitating the development of up to 12 dwelling unit per acre. On November 18, 2020, the City Council authorized a proposed modification to the request to change the General Plan land-use designation from Suburban (S) to Urban III (U3), facilitating the potential development of the property up to 18 dwelling units per acre.

In 1998, voters of the City approved Proposition S, which established and affirmed various General Plan policies limiting the intensification of residential land uses. In addition, Proposition S specified that certain future amendments to the General Plan which affect the intent of the policies established and reaffirmed by Proposition S would require approval by vote of the public. In particular, Proposition S requires voter approval of any General Plan Amendment which would increase residential densities, change, alter or increase the General Plan Residential Land Use categories, or change any residential designation to a commercial or industrial designation on any property designated as Rural, Estate, Suburban, or Urban.

The Project applicant’s position is that the proposed Project is not subject to the provisions of Proposition S because the adopted Proposition only applies to changes or intensification of existing zoning. The subject site currently is not within the City’s jurisdiction, but is instead subject to the underlying County zoning designation of VR-24 (Village Residential, up to 24 dwelling units per acre). Therefore, the Applicant’s position is that Proposition S does not apply in this instance because the project is proposing a lesser density of Urban III, which allows up to 18 dwelling units per acre, as opposed to the higher density County zoning of VR-24. This Proposition S issue was presented to the City Council twice (June 3, 2020, and November 18, 2020) and the Council authorized the project to be processed under the proposed Urban III General Plan land-use designation.

ANALYSIS

The Project is located within the Suburban General Plan land-use of the City’s General Plan which is a single-family residential designation that allows a density of up to 3.3 dwelling units per acre. The underlying County Zoning Designation of Village Residential – 24 (up to 24 dwelling units per acre). The Project includes a request for a General Plan Amendment to Urban III, which would allow multi-family/condominium type development with a maximum density up to 18 dwelling unit per acre. The



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STAFF REPORT

Project includes 102 air-space, for sale condominium units with a density of 14.6 dwelling units per acre. The County does not provide sewer service and connection to City sewer facilities would require annexation to Escondido and development in accordance with the City’s General Plan and zoning requirements. The approximately 7.7-acre annexation/reorganization includes annexation to the City of Escondido, detachment from CSA No. 135 and exclusion from the RDDMWD-Improvement District (ID) “E”, which funds fire and emergency services that are provided within ID “E” by contract with the City of Escondido. A Prezone designation of Planned Development-Residential (PD-R 14.6) would be applied to the subject site and would be designed PD-R 14.6 upon annexation that requires final approval by the Local Agency Formation Commission (LAFCO). A complete analysis of the Project can be found in the Planning Commission staff report Attachment “1.”

ENVIRONMENTAL REVIEW

A draft Environmental Impact Report (State Clearing House Number 2021060702) was circulated for 45-day public review period from September 20, 2022, to November 3, 2022. Comments letters/emails were received during and after this review period from various state and local agencies and members of the public. Responses to all correspondence received have been incorporated into the final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts with respect to biology, cultural resources and tribal cultural resources, geology and soils, hazards and hazardous materials, noise and transportation. A Final EIR has been prepared for the Project that includes project comments and response to comments, mitigation measures, errata section noting any corrections/modifications to the final environmental document, along with CEQA findings. The Draft and Final EIR, technical appendices, response to comments and CEQA findings can be viewed at the following link: <https://www.escondido.org/north-iris-condominiums>.

CONCLUSION

The Project is consistent with the General Plan, as proposed to be amended, as well as with the development standards proposed by the Master Development Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. The Final EIR contains mitigation measures designed to minimize or eliminate possible significant environmental effects. The location, size, design, and operating characteristics of the proposed project will not be incompatible with, or will adversely affect, or will be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use or development which is proposed. Both the Planning Commission and staff recommend the City Council certify the Final Environmental Impact Report, approve the proposed Project, and make application to LAFCO for annexation/reorganization.

RESOLUTIONS

- A. Resolution No. 2023-03
- B. Resolution No. 2023-03 Exhibit A, B, C and D
- C. Resolution No. 2023-04



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- D. Resolution No. 2023-04, Exhibits A, B, C, D, E and F

ORDINANCES

- A. Ordinance No. 2023-03
- B. Ordinance No. 2023-03, Exhibits A, B, C, D and E

ATTACHMENTS

- A. Attachment 1 – December 13, 2022, Planning Commission staff report
- B. Attachment 2 – December 13, 2022, Planning Commission written correspondence
- C. Attachment 3 – Written correspondence

PLANNING COMMISSION

Agenda Item No.: **G.2**
Date: December 13, 2022

PROJECT NUMBER / NAME: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

REQUEST: Tentative Subdivision Map and Master and Precise Development Plan for the development 102 air-space condominium units. General Plan Amendment from Suburban (S) to Urban III (U3), along with Annexation of 7.7 acres and Prezone to Planned Development-Residential (PD-R 14.6).

LOCATION: 2039, 2047, 2085 and 2089 N. Iris Lane

APPLICANT: Hallmark Communities, Inc.

APN / APNS: 224-310-05-00, 224-310-06-00, 224-310-07-00, 24-310-08-00 and 224-310-20-00

PRIMARY REPRESENTATIVE:
Hallmark Communities (Mariana McGrain).

GENERAL PLAN / ZONING: Suburban (S) / County Zoning VR24 (Village Residential, 24 dwelling units per acre)

DISCRETIONARY ACTIONS REQUESTED: Tentative Subdivision Map, Master and Precise Development Plan, General Plan Amendment, Prezone and Annexation

PREVIOUS ACTIONS: The City Council authorized the intake and processing of the application on June 3, 2020 and modified request on November 18, 2020

PROJECT PLANNER: Jay Paul, Senior Planner

CEQA RECOMMENDATION: Certification of the Final Environmental Impact Report (EIR)

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2022-14

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS:

- Andrew Finestine, Director of Development Services
- Adam Finestone, City Planner

BACKGROUND:

The approximately 7.7-acre (6.98 net acres) Project site is comprised of 5 parcels and has been previously developed with 4 single-family homes and an animal/horse corral. Before any application for a General Plan Amendment and Annexation may be submitted to the Planning Division, the City Council must consider the applicant’s initiation request, and authorize Planning staff to accept and process the application. On June 3, 2020, the City Council authorized staff to process an application to annex 5 parcels to the City of Escondido and change the General Plan land-use designation from Suburban (S) to Urban II (U2), facilitating the development of up to 12 dwelling unit per acre. On November 18, 2020 the City Council authorized a proposed modification to the request to change the General Plan land-use designation from Suburban (S) to Urban III (U3), facilitating the potential development of the property up to 18 dwelling units per acre. Authorizing the request does not reflect whether the City Council would ultimately approve the annexation or the project, as formal action would be taken at future public hearings after consideration of the appropriate environmental and project analysis with a recommendation from the Planning Commission.

A. SUMMARY OF REQUEST:

Hallmark Communities (“Applicant”) submitted an application on August 6, 2020 to develop the Project site to include Annexation and Prezone, General Plan Amendment and Tentative Subdivision Map, and Master and Precise Development Plan for the development of 102 air-space condominium units with a density of approximately 14.6 dwelling units per acre. The design includes 21 two and three-story buildings containing 14 two-bedroom, 30 three-bedroom and 58 four-bedroom units ranging in size from 1,228 square feet to 1,911 square feet. 230 parking spaces are proposed, which includes an enclosed two-car garages for each unit and up to 27 open parking spaces located throughout the development.

B. SUPPLEMENTAL DETAILS OF REQUEST:

1. Property Size: 7.7 acres (gross acres) 6.98 acres (net acres) includes dedication of 15’ Iris Lane right-of-way

2. Number of Units: 102 air-space condominium units

	<u>Required:</u>	<u>Provided:</u>
3. Unit Sizes:	N/A	Range from 1,228 sq. ft to 1,911 sq. ft.

4. Buildings/Types		52 two- and three-story interlocking alley type 50 two- and three-story with private rear yards
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5. Unit Types:		14 two-bedroom 30 three bedroom <u>58 four bedroom</u> 102 total units
6. Density:	18 du/ac maximum (based on Urban III land-use designation)	14.6 du/ac net acreage
7. Building Height:	Determined through PD process (Urban III and R-3-18 zoning allows up to 3 stories and 35 feet)	2 and 3 stories, up to 37' to ridgeline of certain roof elements.
8. Vehicle Parking:	228 required (Including one covered space per unit required)	230 provided includes a two-car garage per each unit (204 spaces) and up to 27 open guest (includes ADA and EV spaces per CBC).
9. Bicycle Parking:	Per CBC	Per CBC
10. Setbacks	R-3 code	Planned Development
a) Front Yard (Robin Hill Lane)	15' min.	15' min.
b) Street Side (Iris Lane)	10' min.	10' min.
c) Rear Yard (south)	10' min. Additional 5' for structures over two stories	10' min. The third-story element on select bldgs. set back 15' or greater from rear P/L
d) Interior Side Yard (west)	5' min. Additional 5' for structure over two stories	5' min. Third-story element on select structures set back min. 10' from P/L along west
11. Useable Open Space	90,400 SF min. (400 sq. ft. per unit plus 200 sq. ft. for every bedroom over one)	97,040 SF total 11,364 recreation areas 21,434 private patios/decks 64,242 common areas with grades less than 10% Average 951 sq. ft. per unit

- 12. Signage: Wall signs Per R-3 side code allowances (Article 66)
- 13. Trash: Individual trash pickup per unit to be provided
- 14. Heating and Ventilation: Ground-mounted HVAC units with appropriate screening proposed for each unit.

C. PROJECT ANALYSIS:

1. General Plan Conformance:

The City's General Plan land-use designation for the Project site is Suburban (S) which is a single-family residential designation that allows a density of up to 3.3 dwelling units per acre with a maximum height of two stories and 35 feet. Based on the property size of 6.98 net acres, the site could support a theoretical yield of up to 23 single-family lots. The provisions of SB9 and City Ordinance No. 2022-19R ("Two-Family Dwellings) could allow the development of up to 4 units per lot (2, two-family units and 2 Accessory Dwelling Units) or a theoretical maximum of 92 separate units on 23 traditional single-family lots. The applicant is requesting a General Plan Amendment to Urban III (U3) that allows a maximum density of up to 18 dwelling units per acre, which would allow a theoretical yield of up to 125 units. The applicant is requesting an actual yield of 102 unit or 14.6 dwelling units per acre. The underlying County zoning designation of VR-24 would allow a theoretical yield of up to 184 units (7.7 gross acres) if the property were developed under the current County jurisdiction. However, in order to achieve this density of development under the County's jurisdiction, sewer service would need to be provided. The County does not provide sewer service and connection to City sewer facilities would require annexation to Escondido and development in accordance with the City's General Plan and zoning requirements. Therefore, development to the maximum density under the County's VR24 designation generally would not be feasible.

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City's share of regional housing needs, consistent with Government Code section 65584. As noted previously, the applicant proposes to construct 102 units on the subject property. The current City Suburban land-use designation would allow up to 23 dwelling units per acre. Although the subject property permits residential development through its underlying land use/zoning designation, the Project site is not identified in the vacant/underutilized sites land inventory of the City's Sixth Cycle Housing Element. Because the provision of "no net loss" applies to housing located on any site listed in the City's 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.

2. Proposition S:

In 1998, voters of the City approved Proposition S, which established and affirmed various General Plan policies limiting the intensification of residential land uses. In addition,

Proposition S specified that certain future amendments to the General Plan which affect the intent of the policies established and reaffirmed by Proposition S would require approval by vote of the public. In particular, Proposition S requires voter approval of any General Plan Amendment which would increase residential densities, change, alter or increase the General Plan Residential Land Use categories, or change any residential designation to a commercial or industrial designation on any property designated as Rural, Estate, Suburban, or Urban.

The Project applicant's position is that the proposed Project is not subject to the provisions of Proposition S because the adopted Proposition only applies to changes or intensification of existing zoning. The subject site currently is not within the City's jurisdiction, but is instead subject to the underlying County zoning designation of VR-24 (Village Residential, up to 24 dwelling units per acre). Therefore, the Applicant's position is that Proposition S does not apply in this instance because the project is proposing a lesser density of Urban III, which allows up to 18 dwelling units per acre, as opposed to the higher density County zoning of VR-24. This Proposition S issue was presented to the City Council twice (6-3-20 and 11-18-20) and the Council authorized the project to be processed at Urban III.

3. Annexation/Reorganization

The approximately 7.7-acre annexation/reorganization includes annexation to the City of Escondido, detachment from CSA No. 135 and exclusion from the RDDMWD-Improvement District (ID) "E", which funds fire and emergency services that are provided within ID "E" by contract with the City of Escondido. The annexation area includes 5 parcels located adjacent to the City of Escondido jurisdiction on the north, south and east. With the annexation of the subject parcels, a small County island would remain on the west. Staff conducted a survey of the adjacent County property owners to gauge support to be included in the annexation request. Staff did not receive sufficient support from affected County residents to include any additional parcels in the annexation. Approving the proposed annexation/reorganization with a county island remaining, but reduced in size will meet the requirements of Government Codes Section 56375(m) and will not create significant environmental impacts for the following reasons:

- a. The proposed Escondido General Plan land-use designation of Urban III and County land-use designation of VR-24 would maintain similar density provisions and would allow for multi-family residential development.
- b. The subject parcels remaining in the County cannot be reasonably annexed to another jurisdiction or incorporated as a separate jurisdiction because they are located within the Escondido Sphere of Influence and Planning Area.
- c. Annexation will not significantly change the arrangement by which public services are delivered in the N. Iris Lane area or to the subject parcels, as detailed in the Final EIR prepared for the Project.

The Local Agency Formation Commission (LAFCO), which oversees all annexation activity, has reviewed the proposed annexation boundary, and has not raised any concerns regarding the annexation area and the ability to provide adequate public and emergency services to the site. The proposed annexation/reorganization would require final approval from the San Diego Local Agency Formation Commission (LAFCO). The proposed annexation/reorganization would allow for the orderly development of the City without adversely affecting adjacent properties. As part of the annexation process, a Prezone designation of Planned Development-Residential (PD-R 14.6) would be established and upon annexation, the property would be zoned Planned Development Residential (PD-R 14.6) to reflect the density of the project.

4. Site Design:

a) Project Access, Circulation and Parking:

The project site fronts onto N. Iris Lane on the east, which is classified as a Local Collector roadway on the City's Circulation Element map, and Robin Hill Lane on the north and west, which is a private access road. The Project would improve N. Iris Lane across the project frontage and include a gated driveway for emergency and exit only access. Primary access into the project would be provide from a single-gated driveway from Robin Hill Lane. Robin Hill Lane would be improved to provide a 32-foot curb-to-curb width along the project frontage that would be maintained by the Project homeowner's association (HOA). Internal project driveways (24 feet in width) would be private and also maintained by the HOA.

The overall unit mix would require a minimum of 226 parking spaces with one covered parking space per units, which includes 25 open guest spaces. A total of 231 parking is proposed to be provided for residents and guests to include a two-car garage for each unit (102 garages/204 spaces) and up to 27 open guest parking spaces located throughout the project site. North Iris Lane would be widened to Local Collector Road standards along the project frontage which may allow limited on-street parking opportunities based on the final design and striping of the street. North Iris Lane north and south of the site along the western side was constructed to previous Collector Road standards that allows for on-street parking. Iris Lane along the east side does not allow on-street parking and is signed accordingly.

b) Open Space and Landscaping:

The medium density R-3 code requires a minimum of 400 square feet of open space is required per unit, and an additional 200 square feet for every bedroom over one. The project is required to provide a minimum of 90,400 square feet of open space for the 102-unit Project. The Project would provide a combination of private and common open space areas totaling 97,040 square feet. Common open space areas include 11,359 square feet of recreational areas and pathways and 64,247 square feet of more passive/landscape areas with grades less than 10 percent. The Project also includes

private patios and decks, including private rear yards for select building groups. A variety of perimeter fencing would be provided to include decorative masonry walls along the Iris Lane frontage and portion of Robin Hill Lane, decorative open tube metal fencing along portions of Robin Hill Lane and main project entry, and 6-foot-high vinyl fencing along the western and southern perimeters. Both entries would be gated to control access.

5. Building Design:

a) Architectural Design, Colors/Materials and Unit Mix:

The Project consists of 21 separate two- and three-story buildings containing 4, 5 and 6-unit designs. A range of unit size and number of bedrooms are proposed to include 14 one-bedroom, 30 two-bedroom and 58 four-bedroom units ranging in size from 1,228 square feet to 1,911 square feet. The project incorporates typical R-3 development standards (e.g., height, setbacks, etc.), where appropriate, which is typically associated with the Urban III land-use designation. The Planned Development zone allows for deviations from typical development requirements. A comparison of R-3 development requirements and Project proposal is provided in the above details of request section of the report. The buildings range in height from 35 feet to 37 feet in height to the top of ridgelines. The third-story elements generally are limited to the center portion of the building to reduce the overall mass and scale of the buildings, especially adjacent to the typical single-family residential lots on the south and west. The Project utilizes a multi-story farmhouse/ranch style of architecture with varying wall planes and rooflines, composition roofing, two color palettes, and exterior materials such as stucco and vertical and horizontal wood/composite siding exteriors, darker trim colors, exposed rafter tails, and window and door awnings at select areas. Private ground floor fenced rear yards are provided for certain units. Project plans are included with this staff report as Attachment 2 to the staff report and Exhibit "D" to draft Planning Commission Resolution No. 2022-14.

D. FISCAL ANALYSIS:

The proposed Project is a private development project that will require the payment of fees in effect at the time permits are requested. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency's general fund and the city or county's ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself.

Community Facilities District ("CFD") No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020. The special tax that will be assessed on properties as a result of the development of new residential units is based upon the Fiscal Impact Analysis (FIA) that was prepared to support the creation of CFD No. 2020-01. Developers to whom these residential project entitlements are assigned are responsible to establish a funding mechanism to provide a

source of funds for the on-going municipal services required for the project. The benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project and the Project has been conditioned accordingly. This can be accomplished through either formation of a CFD, annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Should an applicant desire to utilize the streamlined process available through annexation into CFD No. 2020-01, they would be required to sign a Letter of Intent ("LOI") to do so, which serves as their authorization to annex. (It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.)

If the developer opts to annex into CFD No. 2020-01, the Project would fall into Category 2 (5.5-18 du/ac). The current rate for Category 2 is \$797.33 per unit through the end of this fiscal year (June 30, 2023), subject to annual adjustments which currently are based on the Consumer Price Index or 2%, whichever is greater. The total annual cost for the 102-unit Project would be approximately \$81,327.66. If annexation into CFD No. 2020-01 is the way by which the developer opts to provide the ongoing funding source, the housing units would be included in the annexation. Should the developer opt to pursue a funding mechanism other than CFD No. 2020-01, such mechanism, including the assessment rate, would be subject to approval by City Council.

E. ENVIRONMENTAL STATUS:

A Notice of Preparation (NOP) was issued for the Project on July 1, 2021 in compliance with section 15082 of the California Environmental Quality Act (CEQA) guidelines. A virtual public scoping meeting was conducted on July 22, 2021 for the project and members of the public participated in the meeting. Staff received responses from three responsible/trustee agencies (San Diego County Archaeological Society, California Department of Fish and Wildlife, and Native American Heritage Commission) during the public NOP review process.

A draft Environmental Impact Report (State Clearing House Number 2021060702) was circulated for 45-day public review period from September 20, 2022 to November 3, 2022. Comments letters/emails were received during and after this review period from various state and local agencies and members of the public. Responses to all correspondence received have been incorporated into the final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts with respect to biology, cultural resources, hazards and hazardous materials, noise and traffic. A Final EIR has been prepared for the Project that includes project comments and response to comments, mitigation measures, errata section noting any corrections/modifications to the final environmental document, along with CEQA findings. The Draft and Final EIR, technical appendices, response to comments and CEQA findings can be viewed at the following link: <https://www.escondido.org/north-iris-condominiums>

As part of the environmental review process, Planning staff issued consultation invitations to a list of tribal groups maintained by the California Native American Heritage Commission, as required

by state law (SB18 for all projects involving an amendment to the General Plan. Additionally, staff issued separate consultation invitations to a small subset of tribal groups, as required by another state law (AB52) for all projects subject to the California Environmental Quality Act. A total of 3 tribal groups (Rincon Band of Luiseno Indians, San Luis Rey Band of and San Pasqual) requested formal consultation pursuant to SB18 and/or AB52. Consultation activities with these 3 tribal groups took the form of virtual meetings, emails/letters and phone calls with City staff. During consultation activities, tribal representatives were given the opportunity to review the project plans, technical studies and ask questions, and discuss mitigation measures to address potential impacts to historic, cultural and tribal cultural resources. Their recommendations regarding the inclusion of mitigation measures to address inadvertent discoveries of tribal cultural resources during grading/construction operations have been incorporate into the final EIR and Mitigation Monitoring and Reporting Program (MMRP) to include Native American monitor(s) during ground-disturbing activities.

F. PUBLIC INPUT:

Staff received comments from the public and County of San Diego during the public comment period for the draft EIR, which are included in the Final EIR along with response to comments. Staff received two comments since that time noting support for the project, which is attached with this staff report.

G. CONCLUSION AND RECOMMENDATION:

The Planning Commission is the authorized agency for granting discretionary approval of a Tentative Subdivision Map, and the City Council is the authorized agency for granting approval of an Annexation, Prezone, General Plan Amendment, Master and Development Plan. When one concurrent application is filed for all of these approval types, the full project is brought to Planning Commission first for a recommendation on approval or denial, and is then brought to City Council for a final decision. The proposed project is consistent with the General Plan, as proposed to be amended, as well as with the development standards approved under the Master Development Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. The Final EIR contains mitigation measures designed to minimize or eliminate possible significant environmental effects. The location, size, design, and operating characteristics of the proposed project will not be incompatible with, or will adversely affect, or will be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use or development which is proposed. Staff recommends that the Planning Commission recommend approval of the Project based upon the factors/findings, conditions and mitigation measures as described in this staff report and as detailed in Exhibits "A" through "D" to Draft Planning Commission Resolution No. 2022-14.

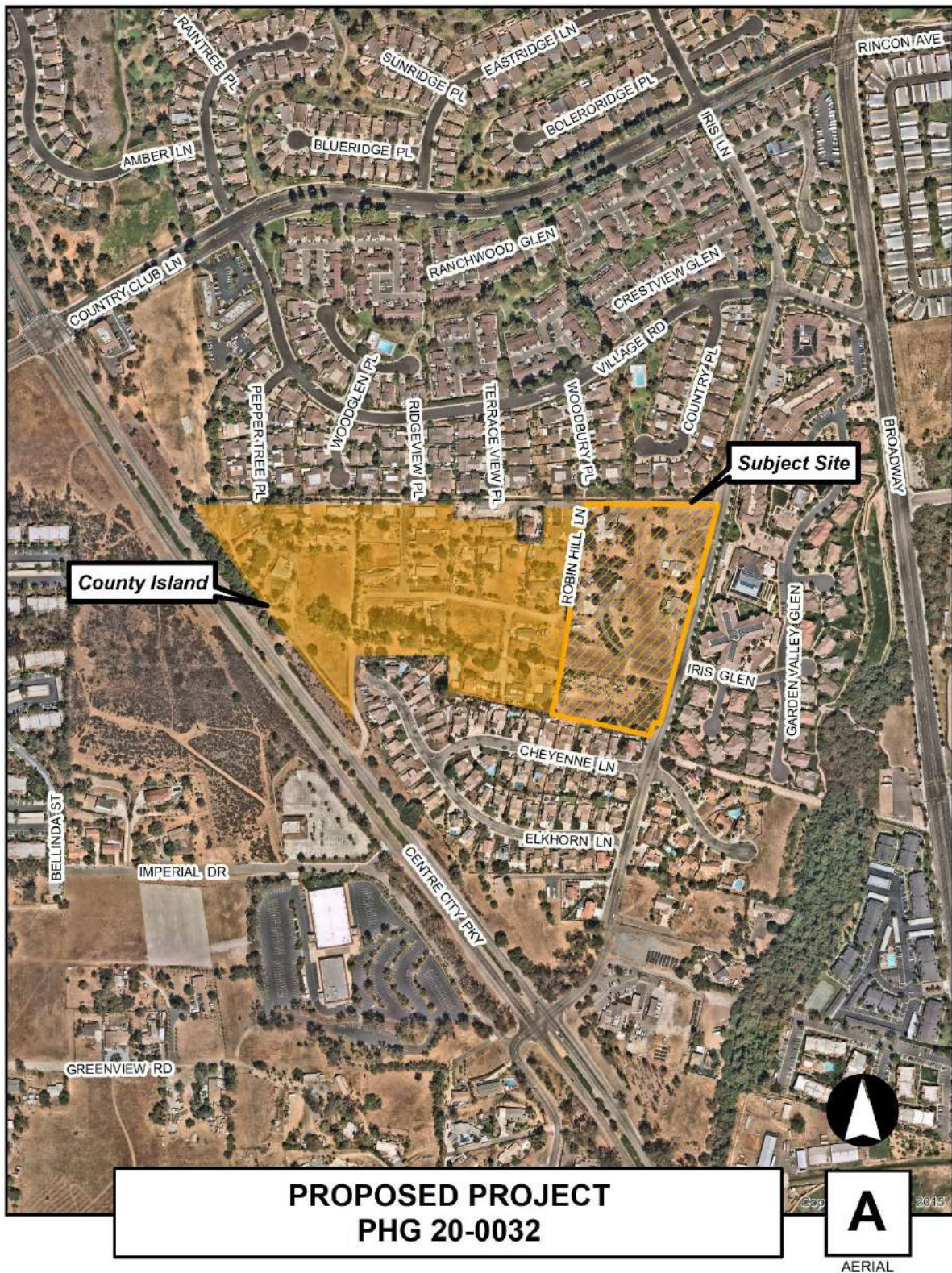
ATTACHMENTS:

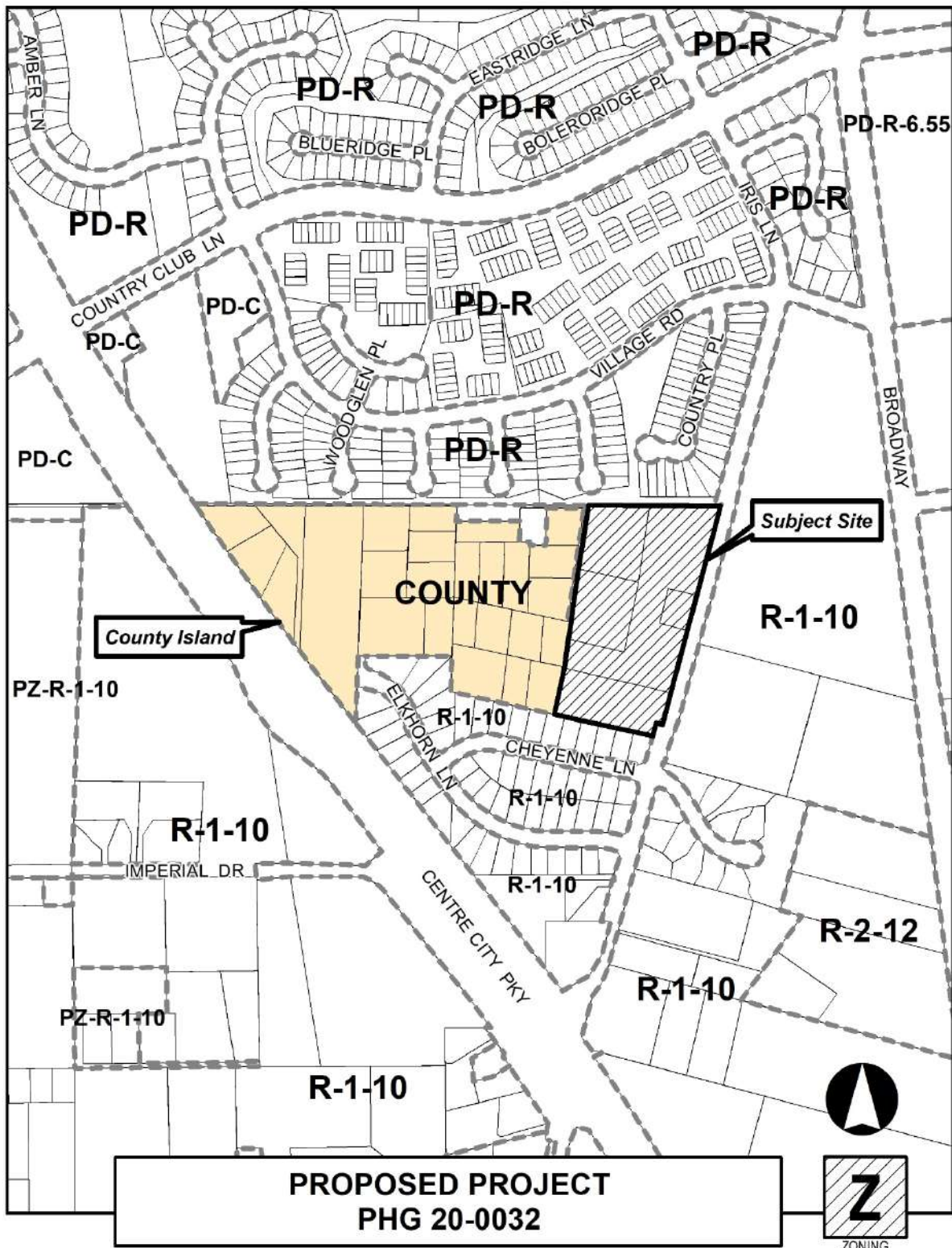
1. Location and General Plan Map
2. Project Plans
3. Correspondence
- ~~4. Planning Commission Resolution No. 2022-14 Exhibits A, B, C, D, E, F and G~~

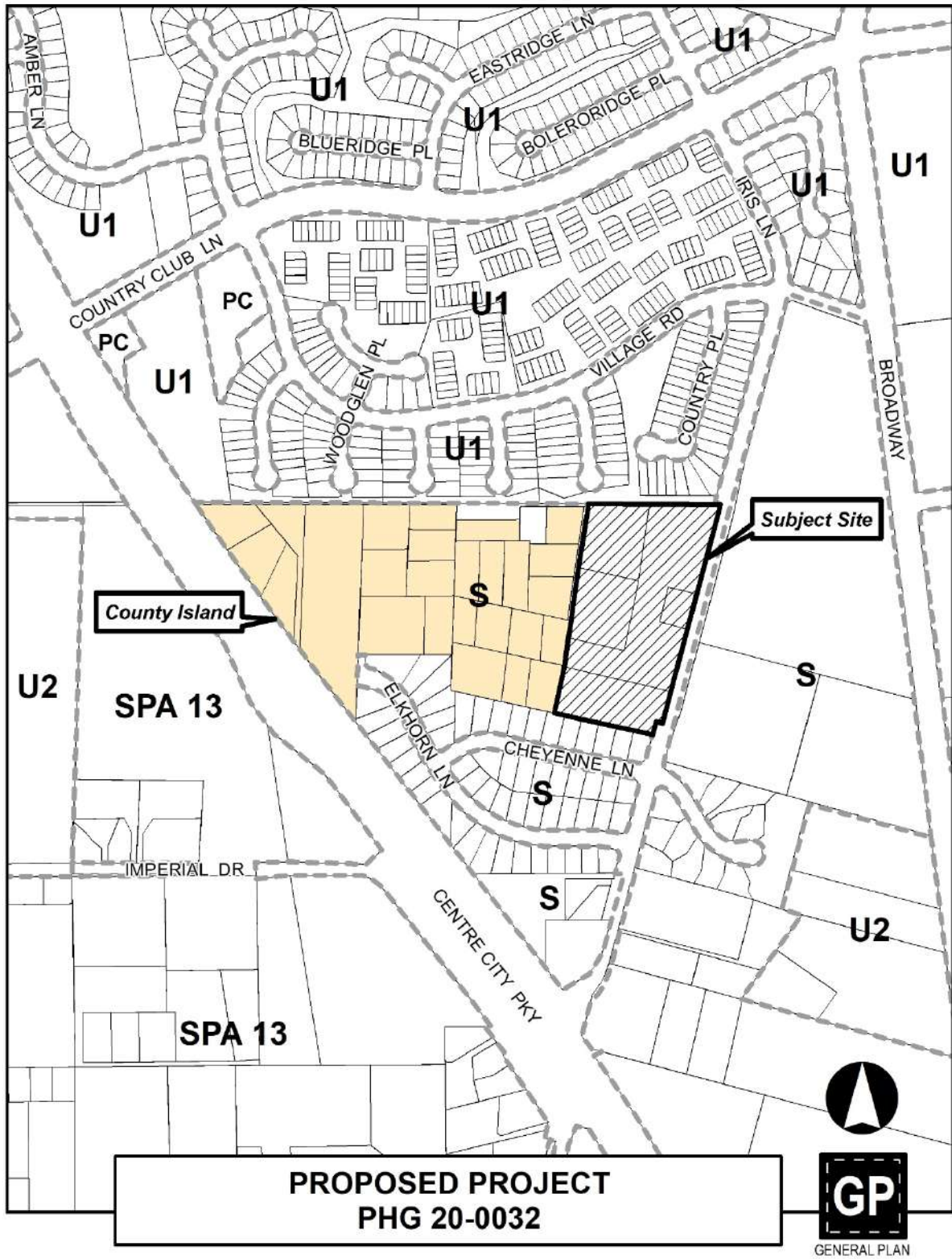
Project Name: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128
Planning Commission Meeting
Date: December 13, 2022

Item 7.

Attachment 1

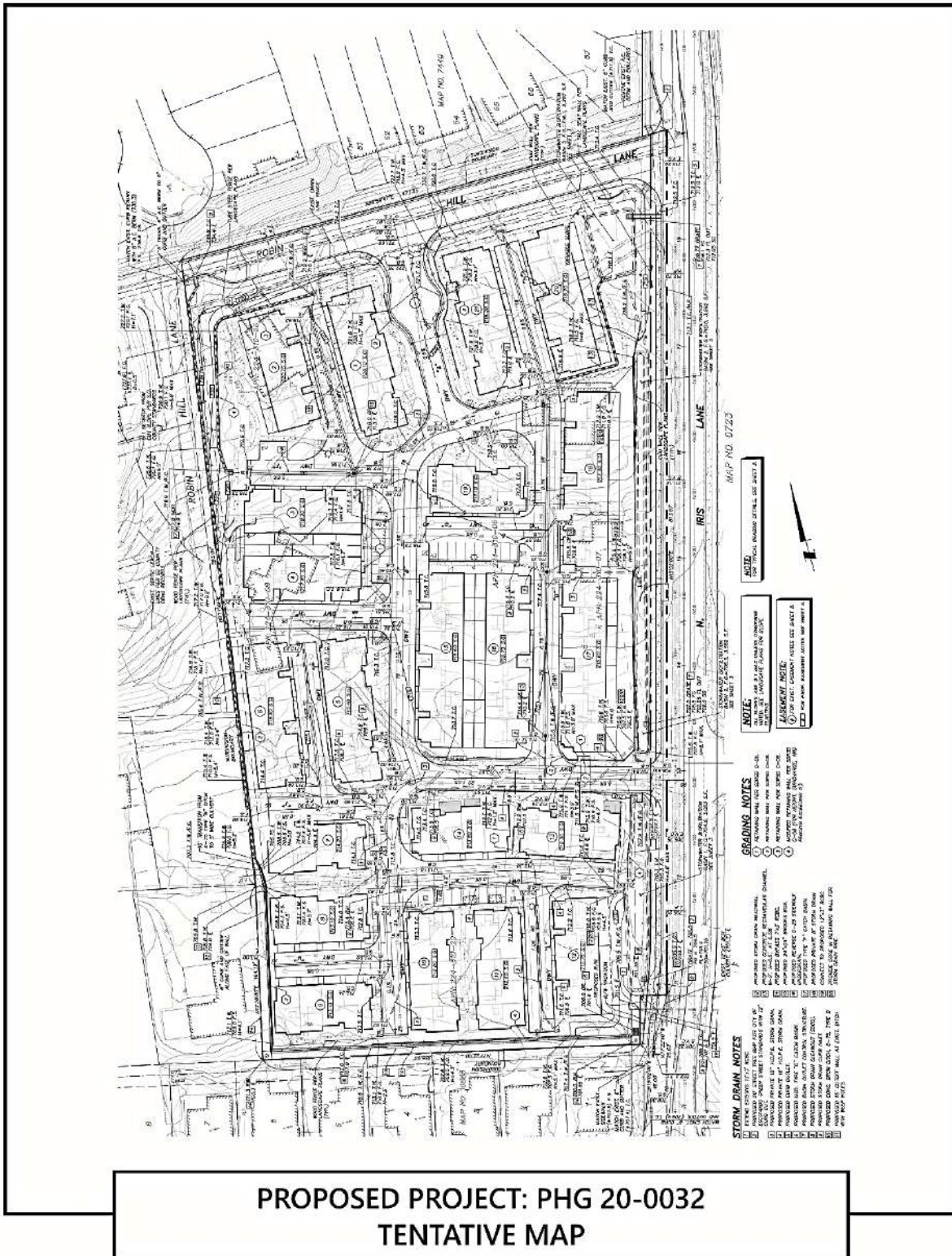


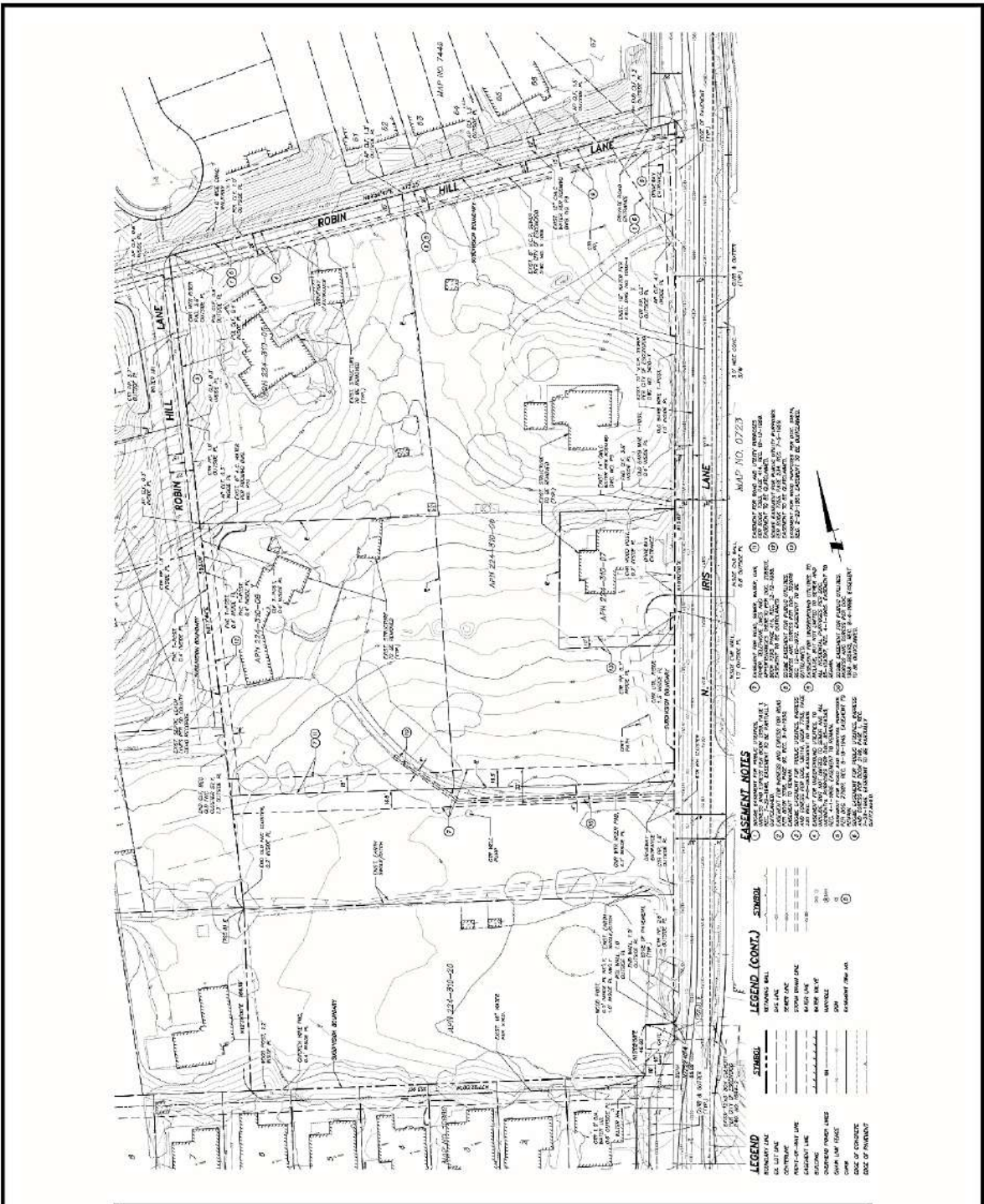




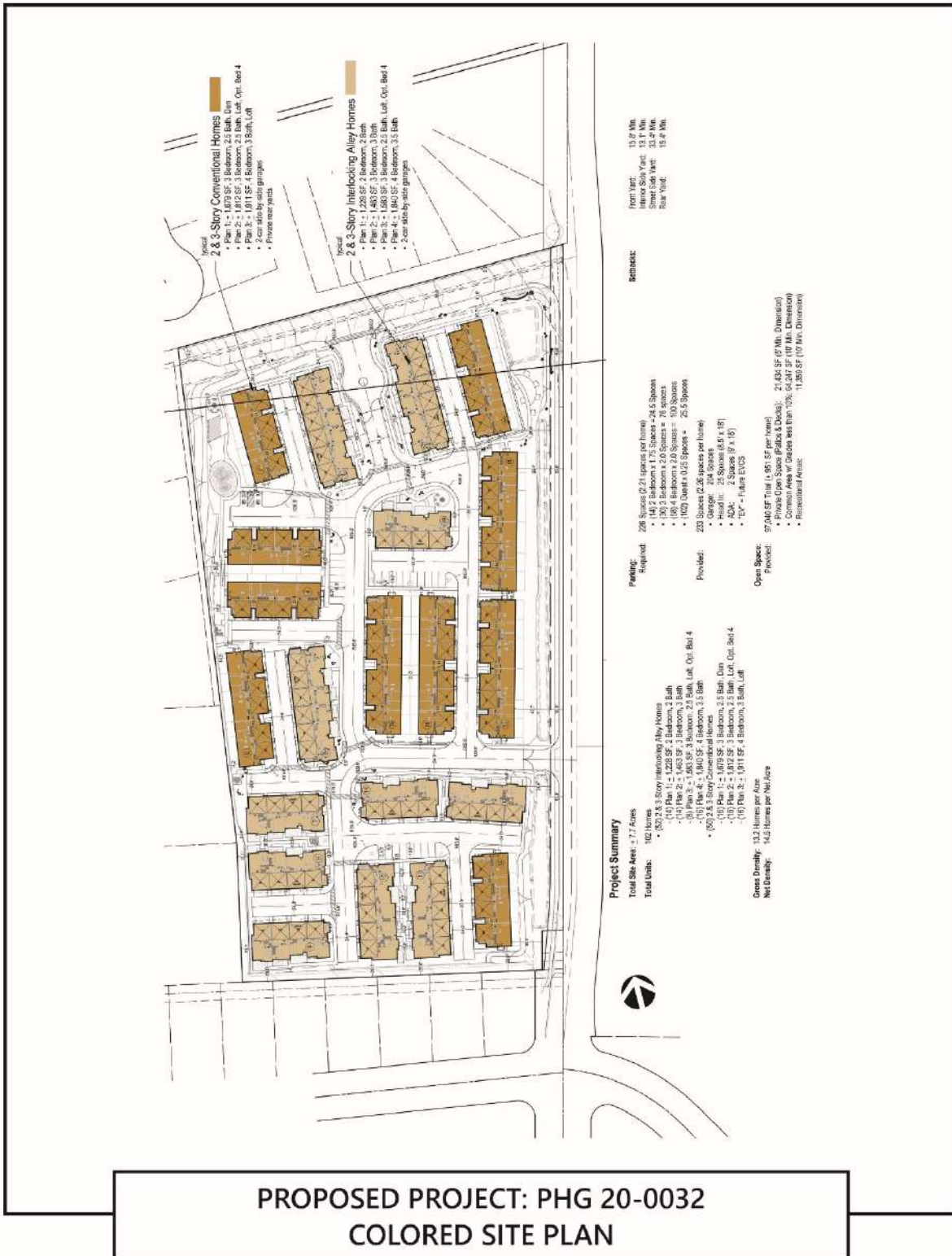
**PROPOSED PROJECT
PHG 20-0032**

Attachment 2





**PROPOSED PROJECT: PHG 20-0032
 EXISTING CONDITIONS**



PROPOSED PROJECT: PHG 20-0032
 COLORED SITE PLAN



Looking south and east towards intersection of Iris/Robin Hill Lane



Looking west and northwest along Iris Lane towards secondary gated access

Representative example of the architecture, colors, materials for the project.

Rear

Front

Right

Left

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco, Fiber Cement Siding
- Accents: Plaster
- Windows: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

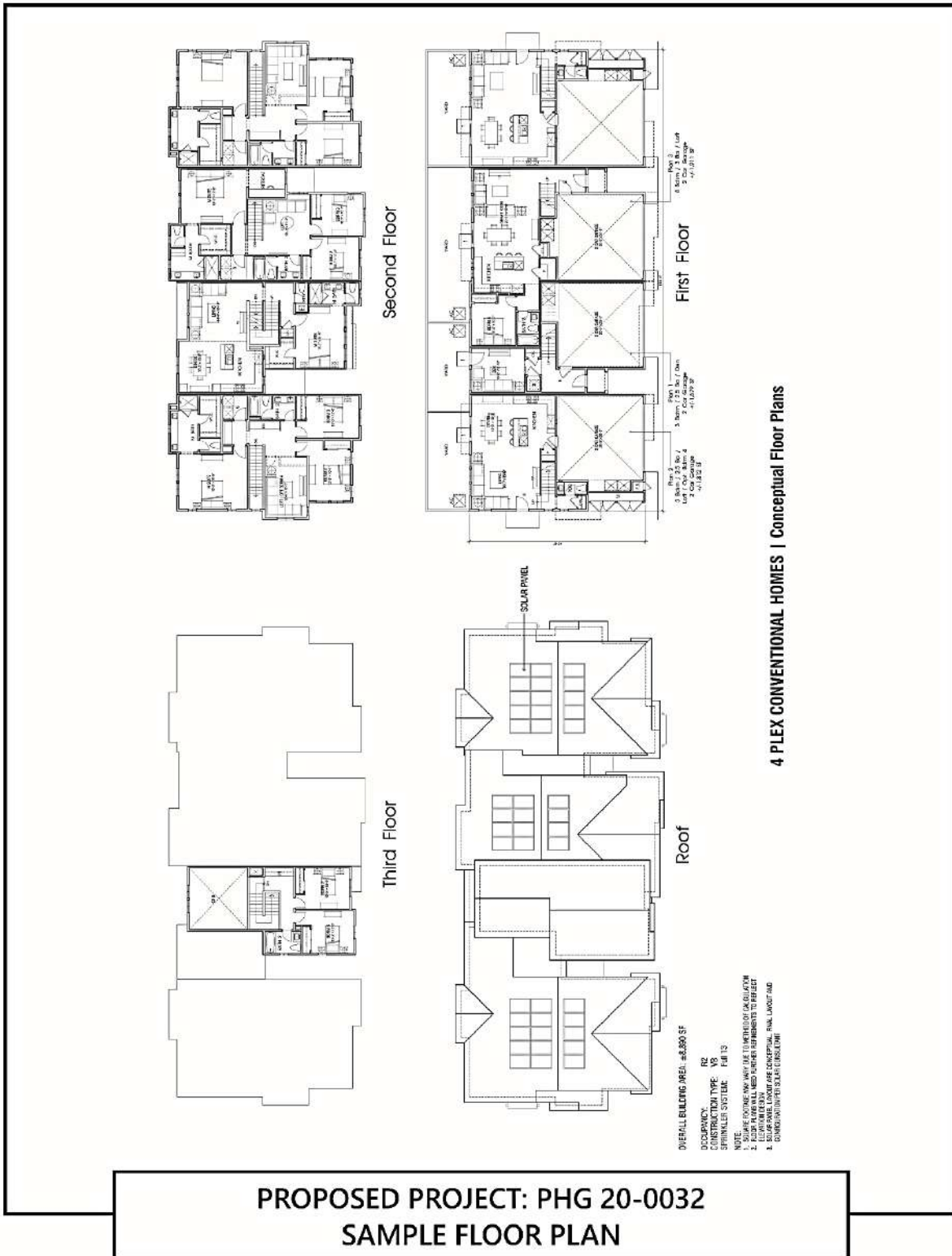
4 PLEX CONVENTIONAL HOMES | Conceptual Elevations

**PROPOSED PROJECT: PHG 20-0032
 COLORED ELEVATIONS**

Color Scheme 2 Shown, Refer to Sheet CUI-1

Note: Artist's conception, colors, materials and application may vary.

This is a representative example of the floor plans for the project



ESCONDIDO SITE
 Esccondido, California
 HALLMARK COMMUNITIES
 March 1, 2021 | 20200715

Exterior Color & Materials
 SCHEME 1 OF 2

Material	Color	Manufacturer
Roofing: Composition Shingles	Charcoal	GAF
Stucco Color #1 (applied to): Stucco Garage Doors	SW 7031 Mega Greige	Sherwin Williams
Stucco Color #2 (applied to): Stucco	SW 7057 Cityscape	Sherwin Williams
Siding Color #1 (applied to): Barge Boards Corner Boards Eaves Fascia Lap Siding Outlookers Trim	SW 7005 Pure White	Sherwin Williams
Siding Color #2 (applied to): Board & Battens Corner Boards	SW 9141 Waterloo	Sherwin Williams
Accent Color (applied to): Metal Railing Unit Doors	SW 7048 Urbane Bronze	Sherwin Williams
Garage Door Weatherstrip (factory finish)	Match Garage Door Color	TBD

NOTE: Verify VMA-II any material sources between these schemes and the construction documents prior to purchase. Contact Doree Black (949) 755-0107.

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Exterior Color & Materials
 SCHEME 2 OF 2

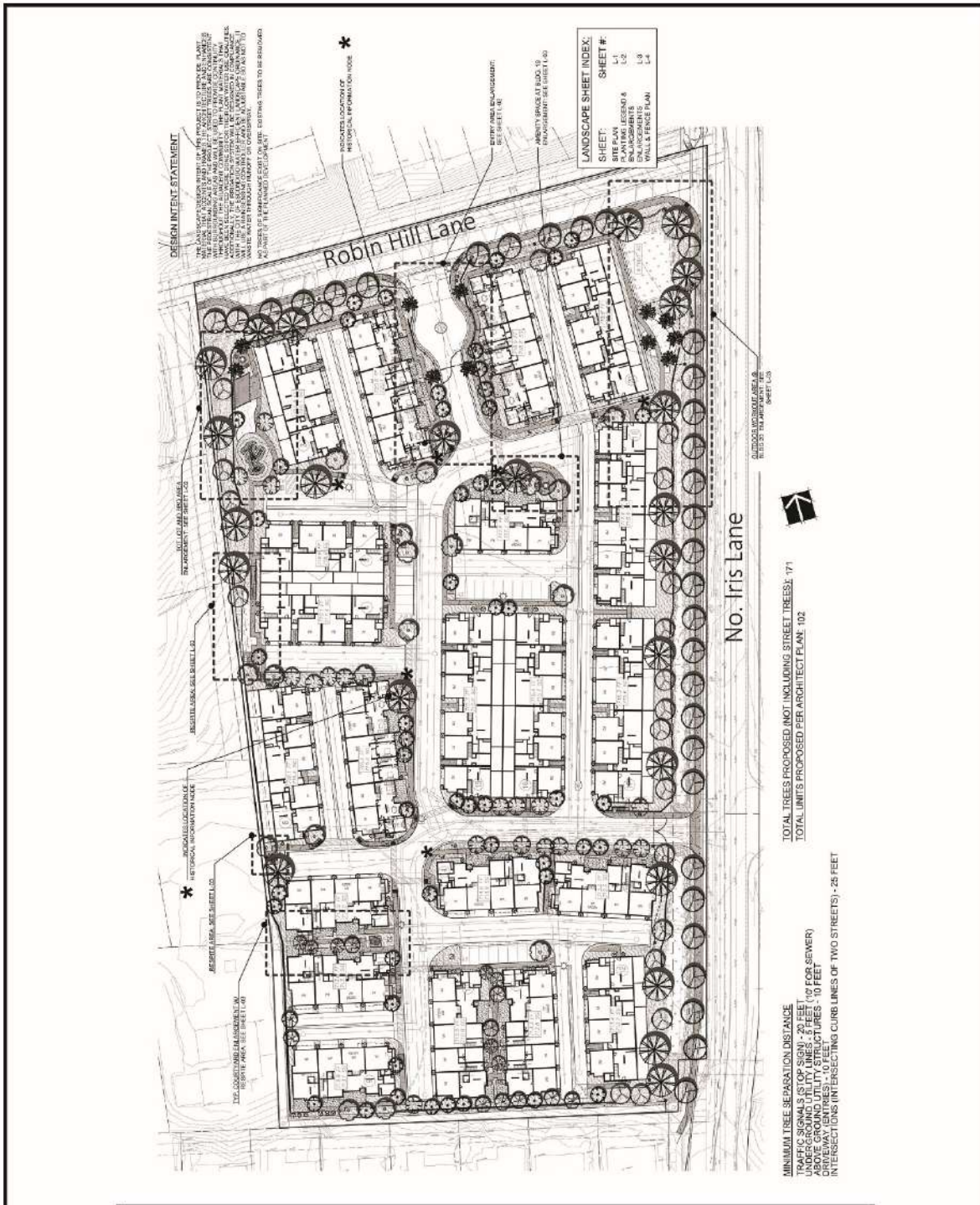
Material	Color	Manufacturer
Roofing: Composition Shingles	Sagewood Timberline HD Reflector Series	GAF
Stucco Color #1 (applied to): Board & Battens Stucco Trim	SW 7005 Pure White	Sherwin Williams
Stucco Color #2 (applied to): Garage Doors Stucco	SW 7031 Mega Greige	Sherwin Williams
Siding Color #2 (applied to): Corner Boards Lap Siding	SW 9141 Waterloo	Sherwin Williams
Accent Color (applied to): Barge Boards Eaves Fascia Outlookers Trim Unit Doors	SW 7048 Urbane Bronze	Sherwin Williams
Garage Door Weatherstrip (factory finish)	Match Garage Door Color	TBD

NOTE: Verify VMA-II any material sources between these schemes and the construction documents prior to purchase. Contact Doree Black (949) 755-0107.

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ESCONDIDO SITE
 Esccondido, California
 HALLMARK COMMUNITIES
 March 1, 2021 | 20200715

PROPOSED PROJECT: PHG 20-0032
COLOR MATERIALS LIST




**PROPOSED PROJECT: PHG 20-0032
 CONCEPT LANDSCAPE PLAN**



Attachment 3

Correspondence received after DEIR public comment period

 Wed 11/16/2022 11:31 AM
Kerri Benecke <kbenecke4@gmail.com>
[EXT] N. Iris Ln. condo project

To: Jay Paul
Retention Policy: COE 90 Days Delete - Inbox (3 months)
You forwarded this message on 11/16/2022 12:36 PM.

Expires: 2/15/2023

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Dear Jay,

I'm writing to express my support of the Iris project. My husband and I recently purchased a home in Escondido and chose to do so because this city was an affordable place to move with a promising downtown area. At the time, finding a home in this city proved challenging as there aren't many homes for sale on the market here. I think adding condominiums at a reasonable price will help the city gain valuable housing while over time keeping them within reach for young couples and families who want to start a life in this city. Projects such as these will make people excited to move to Escondido and will also help support our city's business growth, making it a thriving community. I support this project and urge our decision makers to approve this community. Please keep Escondido growing.

Thank you,
Kerri Benecke

 Thu 12/1/2022 5:47 PM
Sara Duggan <saraduggan7272@gmail.com>
[EXT] Concerns about PHG20-0032

To: Jay Paul
Retention Policy: COE 90 Days Delete - Inbox (3 months)

Expires: 3/2/2023

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hi Jay,

I live on South Iris lane in unincorporated Escondido. I drive along North Iris lane daily to take my kids to school at North Broadway elementary and Rincon Middle School. It came to my attention yesterday that signs have been posted along the properties on North Iris about the city trying to annex the properties there, rezone, and build a 102 unit condominium complex. I have major concerns about this.

We bought our house because we like our large property for gardening and animals and the fact that we don't have neighbors looking in our windows. Aside from the road noise, our property and our neighbor's properties feel like a little bit of the country. I'm concerned that further down the road the same thing might happen to my house; that it's a big lot that somebody might want to build condos on. I'm concerned that this sets a precedent in this area for annexing county property and building high density housing.

In the more immediate future, I am concerned about the amount of traffic that is going to be coming down South Iris Lane. It is already a struggle in the mornings to pull out of my driveway to get my kids to school because of the amount of vehicles that use South Iris Lane as a thoroughfare between center City parkway and El Norte parkway. Another 200 cars driving past my house every morning and afternoon would definitely increase the noise and manageability of getting in and out of my driveway. I already have people lay on their horns when I turn in my driveway even though I turn on my blinker way up the street. I've almost been rear-ended because people see the street as a thoroughfare, not as a street that people actually live on. I can only see that getting worse with an additional 200 units just up the street.

Additionally, as someone who works in education in the local schools, I'm concerned about the impact that that many more students in the area could have on our local schools. North Broadway elementary does not currently have the space to support the number of students that 200 homes may bring to the area. Does school planning and infrastructure play into these plans as well?

Thank you for taking the time to address my concerns. I will be doing my best to make it to the hearing on December 13th.

Sara Duggan



SAN DIEGO NORTH
Economic Development Council

December 9, 2022

Chairperson and Members of the Planning Commission
City of Escondido
201 N. Broadway
Escondido, CA 92025

RE: Letter of Support for December 13, 2022 Planning Commission
N. Iris Lane Townhome Project (PHG20-0032, PL21-0126, PL21-0127, PL21-0128, PL20-0738, PL20-0739)

Dear Chairperson & Members of the Planning Commission,

On behalf of the San Diego North EDC I want to express our support for the proposed Townhome project located along N. Iris and Robin Hill Lane, consisting of 102 townhome-condominium units.

Nearly every employer we talk to in Escondido and throughout North County talks about the high cost of housing as being the greatest challenge they face in doing business in our region. Rents and home prices have been unattainable for too many and threaten the competitiveness of our regional economy. Building more supply of entry level homes, such as the community proposed for North Iris Lane, is an important step in that direction. Moreover, these types of projects benefit the city by helping provide the much-needed housing to The City of Escondido as it strives to meet its Regional Housing Needs Assessment (RHNA) numbers in the coming years.

For these reasons we urge the Planning Commission vote to approve this community when it comes before you.

Sincerely,

W. Erik Bruvold
Chief Executive Officer

Adam Finestone

From: MunicodeEmails
Sent: Thursday, December 29, 2022 6:26 PM
To: Adam Finestone; Jessica Engel; Dare DeLano
Subject: FW: [EXT] Form submission from: Public Comment

From: Escondido Meetings Portal via Municode Portal
Sent: Thursday, December 29, 2022 6:26:04 PM (UTC-08:00) Pacific Time (US & Canada)
To: MunicodeEmails
Subject: [EXT] Form submission from: Public Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Submitted on Thursday, December 29, 2022 - 6:26pm

Submitted by user: Visitor

Submitted values are:

Board or Commission for Public Comment Planning Commission
 Email kfowzer@cox.net
 Council Meeting Date 1/11/2023
 Item # PHG20-0032
 Subject Traffic Safety
 Position No Position
 First and Last Name Karen Fowzer
 Are you an Escondido Resident? Yes
 Comments

I live on Robin Hill Ln and getting out of there to turn left on Iris Ln (to take the kids to school) is treacherous. With cars speeding (not obeying the speed limit), I would suggest putting stop signs at EVERY intersection to mitigate speed and promote safety for residents entering/exiting along Iris, i.e. putting a stop sign at Elkhorn Ln, Cheyenne Ln, Iris Way, and Robin Hill Ln. ALL intersections between Village Dr and Centre City Pkwy. Listening to the most recent council meeting, I would suggest doing a current traffic assessment and not using the 2018 data because there has been waaaaay more growth than there was in 2018 and in 2020 due to Covid, that shouldn't even be equated into the research. In terms of parking along Iris, it's fine as long as we have STOP signs at EVERY intersection along Iris, between Village and Centre City Pkwy. If there are stop signs, people would have to stop. Without stop signs and having public street parking, that would be dangerous because you won't have any visibility when trying to turn on a busy street. I go through this on a daily basis when taking the kids to school. Sometimes people park on the side, north of Robin Hill Ln on Iris, I can't even see, which is hazardous when trying to make that left turn. I believe STOP signs would be the best resort to control speed and help with public safety. I can't reiterate that enough! Another concern I have are cars using the western entrance of Robin Hill Ln from Centre City to get to the new complex. This is a private road and also a dirt, not maintained road, so having that type of traffic on our road would deteriorate it even more. How would you address this issue? Left turns are more difficult than right turns, so if you live on Robin Hill Ln, you'll come through the Centre City entrance to Robin Hill to go around the Iris/Robin Hill intersection - I'm

sure it will happen, so does that mean you'll also fix our dirt road? Was that taken into consideration? GPS you to turn on Robin Hill Ln from Centre City, it doesn't tell you to turn on Iris Ln to get to Robin Hill. Will cars park on Robin Hill Ln on our private road if no parking is available? I don't want random cars parking on our road that shouldn't be there. The parking is really going to be a bad situation. ALL cars along Robin Hill Ln should be a NO Parking zone. Not to mention, with all this traffic, there will be illegal dumping which we've seen plenty of times in front of the parcel mailbox location on Centre City and also on Robin Hill Ln from Iris.

Item7.

RESOLUTION NO. 2023-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT AND A MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR THE N. IRIS CONDOMINIUM PROJECT LOCATED AT 2039, 2047, 2085 AND 2089 N. IRIS LANE

CASE NOS.: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

WHEREAS, Hallmark Communities, Inc., (“Applicant”) filed a land use development application (Planning Case Nos. PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128) constituting a request for an Annexation/Reorganization, Prezone to Planned Development-Residential (PDR-14.6), General Plan Amendment from Suburban (S) to Urban III (U3), Tentative Subdivision Map, and a Planned Development Permit (Master and Precise Development Plan) for the development of 102 condominium units on a 7.7 gross acre (6.98 net acre) site located at 2039, 2047, 2085 and 2089 N. Iris Lane (APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00), as more particularly described in Exhibit “A” to this Resolution, attached hereto and incorporated herein by this reference (“Property”); and

WHEREAS, pursuant to the authority of Government Code sections 65450 – 65457, 65350 et seq., 66410 et. seq., and 65864 – 65869.5, said verified application in its entirety constitutes the project (“Project”); and

WHEREAS, the Project proposes the development of the Property, which includes the demolition of all existing structures on the project site, and construction of a 102-unit air-space condominium project with a resulting residential density of 14.6 dwelling units per acre. The Project would also provide supporting open space and recreational amenities, landscaping, parking and associated site and street improvements; and

WHEREAS, said verified application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, 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 its implementing regulations (14 California Code of Regulations Section 15000 et. seq.) (“CEQA Guidelines”), the City is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, pursuant to CEQA Guidelines section 15063, the City opted to forego the preparation of an Initial Study, and determined that an Environmental Impact Report (“EIR”) would be prepared to address potential direct and cumulative impacts associated with biological resources, cultural/tribal cultural resources, geology and soils, hazards and hazardous, noise, and transportation; and

WHEREAS, in accordance with CEQA Guidelines section 15082, the City issued and distributed a Notice of Preparation (“NOP”) of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on July 1, 2021, for a 30-day comment period, which ended on August 2, 2021. In addition to distribution of the NOP, a public scoping meeting was held on July 22, 2021; and

WHEREAS, the City prepared and circulated a Draft EIR for the Project for review and comment by the public, agencies, and organizations pursuant to the CEQA Guidelines by filing a Notice of Availability (“NOA”) of the Draft EIR for review with the County Clerk of the County of San Diego. The NOA was also mailed to organizations and parties expressing interest in the Project on September 14, 2022, notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on September 20, 2022, and end on November 3, 2022. The NOA was also

filed with the City Clerk, published in the Escondido Times-Advocate, and posted on the City's website; and

WHEREAS, on September 13, 2022, pursuant to CEQA Guidelines section 15085, the City filed a Notice of Completion of the Draft EIR with the Office of Planning and Research through the State Clearinghouse (SCH No. 2021060702), circulating the Draft EIR to State Agencies for review; and

WHEREAS, during the 45-day public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to CEQA Guidelines sections 15086 and 15087; and

WHEREAS, the City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and, pursuant to CEQA Guidelines section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues; and

WHEREAS, the City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and therefore, recirculation of the Draft EIR is not required; and

WHEREAS, the City prepared a Final EIR that contains the information required by CEQA Guidelines section 15132, including the Draft EIR; the technical appendices and referenced documents; revisions and additions to those documents; public and agency comments on the Draft EIR; a list of persons, organizations, and agencies who commented on the Draft EIR; and the City's responses to said comments; and

WHEREAS, the Final EIR concludes that all potentially significant environmental impacts would be mitigated to less-than-significant levels; and

WHEREAS, the Planning Commission did hold a duly noticed public hearing as prescribed by law to consider the certification of the Final EIR on December 13, 2022, during which it considered all factors

relating to the EIR and the Project, including additional evidence and public testimony from those wishing to be heard regarding certification of the Final EIR; and

WHEREAS, at that meeting, the Planning Commission adopted Planning Commission Resolution No. 2022-14, recommending that the City Council certify the Final EIR, adopt the CEQA Findings of Fact, and adopt the Mitigation Monitoring and Reporting Program (“MMRP”), and approve the Project; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided a Notice of City Council Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing in the Escondido Time-Advocate and The Paper, and posted the Notice on the City’s website; and

WHEREAS, on January 11, 2023, the City Council held a duly noticed public hearing as prescribed by law to consider the Planning Commission's recommendation to certify the Final EIR and approve the Project, during which it considered all factors relating to the EIR and the Project, including additional evidence and public testimony from those wishing to be heard regarding certification of the Final EIR; and

WHEREAS, the City Council has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto, contained in Exhibit “B” on file in the Office of the City Clerk and incorporated herein by this reference as though fully set forth herein, and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the CEQA Guidelines; and

WHEREAS, at the January 11, 2023, public hearing, City Council members independently and jointly reviewed and analyzed the Draft and Final EIR, and these documents reflect the independent judgment of the City Council and the City as the Lead Agency for the Project. The City Council considered all significant impacts, mitigation measures, Project alternatives identified in the Final EIR, and considered

all written and oral communications from the public regarding the environmental analysis, and found that all potentially significant impacts of the Project have been reduced to a less-than-significant level; and

WHEREAS, CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects of the project unless the public agency makes certain written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, pursuant to CEQA Guidelines sections 15091 and 15097, the City of Escondido has prepared CEQA Findings of Fact, attached as Exhibit "C," and an MMRP, attached as Exhibit "D," which are incorporated herein by this reference as though fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Escondido, in its independent judgment, hereby finds that:

1. The foregoing recitations are true and correct.
2. In determining whether the proposed Project has a significant impact on the environment, and in adopting these Findings pursuant to Public Resources Code section 21081, the City has based its decision on substantial evidence and has complied with Public Resources Code sections 21081.5 and 21082.2 and CEQA Guidelines section 15901(b). In addition, the City has analyzed the potential for adverse secondary impacts that could result from the mitigation measures proposed as part of the Project pursuant to CEQA Guidelines section 15126.4(a)(1)(D), and finds that no additional significant adverse impacts would result from implementation of Project mitigation measures.
3. The Record of Proceedings upon which the City Council bases its decision includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final EIR and the Project itself; (3) the evidence, facts, findings and other determinations set forth herein; (4) the General Plan and the Escondido Municipal Code; (5) all

designs, plans, studies, data and correspondence submitted to the City in connection with the Final EIR and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and/or elsewhere during the course of the review of the Project itself; (7) the recommendations of the Planning Commission and City staff; and (8) all other matters of common knowledge to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

4. The Final EIR was published on the City's web site, made available for public review on December 8, 2022, and response to comments were forwarded to public agencies and others that provided comments on the draft EIR. The Final EIR also has been made available to the City Council to enable ample opportunity for individual review in advance of the public hearing.

5. The Final EIR is adequate and provides good-faith disclosure of available information on the Project and all reasonable and feasible alternatives thereto.

6. The information provided in the various reports submitted in connection with the Project and in the responses to comments on the Draft EIR, the information added to the Final EIR, and the evidence presented in written and oral testimony at public hearings on the Project, do not constitute significant new information that would require recirculation of the EIR pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

7. The findings of the Planning Commission, contained in Planning Commission Resolution No. 2022-14, on file with the Office of the City Clerk and incorporated herein by reference, are hereby adopted as the findings of the City Council.

8. The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed Project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed Project.

9. The City Council finds and determines that the applicable provisions of CEQA and the State CEQA Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto. The City Council finds and determines that (a) the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State CEQA Guidelines for implementation thereof; (b) the Final EIR was presented to the City Council, and the City Council has fully reviewed and considered the information in Final EIR prior to approving the Project; and (c) the Final EIR reflects the City Council's independent judgment and analysis; and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution. The Final EIR and CEQA Findings of Fact are attached hereto as Exhibit "B" and Exhibit "C," respectively, and are incorporated herein by reference as though fully set forth herein.

10. Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15091(d), the City Council hereby adopts and approves the MMRP with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the MMRP as conditions of approval for the Project. The MMRP is attached hereto as Exhibit "D," which is incorporated herein by reference as through fully set forth herein.

11. This action is final on the date this Resolution is adopted by the City Council. Time limits for judicial review, as governed by Code of Civil Procedure section 1094.6, shall apply.

12. Pursuant to Public Resources Code section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

EXHIBIT "A"

Legal Description
Resolution No. 2023-03
(North Iris Condominium Project)

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

PARCEL 1:

THAT PORTION OF LOT 6 THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 473.25 FEET FROM THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 7°44'30" WEST 243.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7°44'30" WEST 247.08 FEET; THENCE SOUTH 77°33'45" EAST 201.16 FEET; THENCE NORTH 10°15' EAST 246.43 FEET TO A LINE WHICH BEARS SOUTH 77°33'45" EAST FROM THE TRUE POINT OF BEGINNING, THENCE NORTH 77°33'45' WEST 211.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 33.00 FEET IN WIDTH, THE CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1 ABOVE DESCRIBED; THENCE SOUTH 77°33'45" EAST, 399.58 FEET TO THE EASTERLY LINED OF SAID LOT 6, EXCEPTING THAT PORTION LYING IN SAID PARCEL 1.

APN: [224-310-08-00](#)

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

PARCEL 1: APN: [224-310-05-00](#)

THAT PORTION OF LOT 6 (THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER) OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 256.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 6; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°27'30" WEST 217.25 FEET; THENCE SOUTH 7°44'30" WEST 243.16 FEET; THENCE SOUTH 77°33'45" EAST 215.71 FEET; THENCE NORTH 7°44'30" EAST 292.11 FEET TO THE POINT OF BEGINNING.

PARCEL 2: APN: [224-310-06-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 14°30'30" WEST 697.70 FEET; THENCE NORTH 77°33'45" WEST 387.50 FEET TO THE EASTERLY LINE OF LAND DESCRIBED IN DEED TO ADOLPHUS E. HOPKINS, ET UX, RECORDED [SEPTEMBER 6, 1950 AS DOCUMENT NO. 101315 OF OFFICIAL RECORDS](#); THENCE ALONG SAID EASTERLY LINE NORTH 7°44'30" EAST 102.78 FEET TO THE SOUTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO JAMES SWANSON, ET UX, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807 OF OFFICIAL RECORDS](#); THENCE ALONG THE BOUNDARY OF SAID LAND SOUTH 77°33'45" EAST 201.16 FEET AND NORTH 10°15' EAST 246.43 FEET TO THE SOUTHERLY LINE OF LAND DESCRIBED IN DEED TO SHIRLEY L. PRICE RECORDED [MARCH 26, 1957 AS DOCUMENT NO. 44592 OF OFFICIAL RECORDS](#); THENCE ALONG SAID SOUTHERLY LINE SOUTH 77°33'45" EAST 3.72 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND; THENCE ALONG THE EASTERLY LINE THEREOF NORTH 7°44'30" EAST 292.11 FEET TO THE NORTHERLY LINE OF SAID LOT 6; THENCE ALONG SAID NORTHERLY LINE NORTH 89°27'30" EAST 256 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1961 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 2A:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THE SOUTHERLY 15.00 FEET OF THE PROPERTY DESCRIBED IN THE DEED TO JAMES SWANSON AND FRANCES SWANSON, HUSBAND AND WIFE, AS JOINT TENANTS, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807, IN BOOK 7393, PAGE 414 OF OFFICIAL RECORDS](#).

PARCEL 2B:

AN EXCLUSIVE EASEMENT FOR ROAD PURPOSES OVER THE SOUTHERLY 10 FEET OF THE LAND DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1974 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 3: APN: [224-310-20-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 6 FROM WHICH THE NORTHEASTERLY CORNER OF SAID LOT 6 BEARS NORTH 14°30'30" EAST 697.7 FEET; THENCE NORTH 77°33'45" WEST 387.5 FEET; THENCE SOUTH 12°03'40" WEST 164.19 FEET; THENCE SOUTH 77°56'20" EAST 355.59 FEET; THENCE NORTH 14°30'30" EAST 46 FEET; THENCE SOUTH 77°56'20" EAST 25 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID EASTERLY LINE NORTH 14°30'30" EAST 116.8 FEET TO THE POINT OF BEGINNING.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER A STRIP OF LAND 20 FEET WIDE BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE EASTERLY LINE OF THE ABOVE DESCRIBED LOT 6 FROM WHICH THE NORTHEASTERLY CORNER THEREOF BEARS NORTH 14°30'30" EAST A DISTANCE OF 850.5 FEET; THENCE NORTH 77°56'20" WEST A DISTANCE OF 25 FEET.

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

THAT PORTION OF LOT 6, IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 6, DISTANT THEREON SOUTH 14°30'30" WEST 348.96 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE LEAVING SAID EASTERLY LINE NORTH 77°33'45' WEST 104 FEET; THENCE SOUTH 14°30'30" WEST PARALLEL WITH SAID EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 123.21 FEET; THENCE SOUTH 77°33'45" EAST 104 FEET TO A POINT IN SAID EASTERLY LINE OF SAID LOT 6; THENCE NORTH 14°30'30" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 123.21 FEET TO THE POINT OF BEGINNING.

APN: [224-310-07-00](#)

EXHIBIT “B”

Draft and Final Environmental Impact Report
Resolution No. 2023-03
(North Iris Condominium Project)

Due to the number of pages of Exhibit “B,” the following link has been provided to review the documents electronically on the City’s web site:

<https://www.escondido.org/north-iris-condominiums>

The Draft and Final Environmental Impact Report (“EIR”) files available at this link include the following:

- The full text of the Draft EIR
- All technical appendices included with the Draft EIR
- Final EIR
- Final EIR Introduction, Errata, Comments and Response to Comments
- CEQA Findings
- Mitigation Monitoring and Reporting Program

EXHIBIT “C”

CEQA Findings
Resolution No. 2023-03
(North Iris Condominium Project)

Due to the number of pages of Exhibit “C,” the following link has been provided to review the CEQA Findings electronically on the City’s web site and located under CEQA Findings:

<https://www.escondido.org/north-iris-condominiums>

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

North Iris Project (PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 PL21-0128 and PHG20-0032). SCH No. 2021060702

INTRODUCTION AND SUMMARY

Pursuant to Section 21081.6 of the Public Resources Code and the *California Environmental Quality Act (CEQA) Guidelines* Section 15097, public agencies are required to adopt a monitoring or reporting program to assure that mitigation measures and revisions identified in Final Environmental Impact Report (FEIR) are implemented. As stated in Section 21081.6 of the Public Resources Code:

“... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

Pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the F5 makers coincidental to certification of the FEIR. The Mitigation Monitoring and Reporting Program (MMRP) must be adopted when making the findings (at the time of approval of the project).

As defined in the CEQA Guidelines, Section 15097, “reporting” is suited to projects that have readily measurable or quantitative measures or which already involve regular review. “Monitoring” is suited to projects with complex mitigation measures, such as wetland restoration or archaeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time or require careful implementation to assure compliance. Both reporting and monitoring would be applicable to the proposed project.

MITIGATION MATRIX

To sufficiently track and document the status of mitigation measures, a mitigation matrix has been prepared and includes the following components:

- Impact
- Mitigation Measure
- Action
- Timing
- Responsibility

The mitigation matrix is included in Table 0.4-1. Additionally, the project will be required to adhere to the project design and compliance measures listed in Table 0.4-2.

Table 0.4-1. North Iris Residential Project Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
BIOLOGICAL RESOURCES				
<p>BIO-1 The Project has the potential to impact avian species protected under the MBTA if tree removal, vegetation removal, or other construction activities occur during the nesting season.</p>	<p>MM-BIO-1 Trimming, grubbing, and clearing of vegetation shall be avoided during the avian breeding season, which generally runs from February 15 to August 31 (as early as January 1 for some raptors) to the extent feasible. If trimming, grubbing, or clearing of vegetation is proposed to occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist no more than seven days prior to vegetation clearing to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, trimming, grubbing, and clearing of vegetation shall be allowed to proceed. If active bird nests are confirmed to be present during the pre-construction survey, a buffer zone will be established by the biologist. Construction activities shall avoid any active nests until a qualified biologist has verified that the young have fledged, or the nest has otherwise become inactive.</p>	<p>If construction is proposed during the breeding season, conduct a pre-construction survey. If nesting birds are present, implement buffer zone and avoidance measures.</p> <p>If nesting birds are not detected during the preconstruction survey, no further mitigation is required.</p>	<p>For construction activities proposed for the period of February 15 through August 31, conduct survey within seven days prior to the start of construction activities.</p>	<p>Applicant/Land Owner, Project Biologist, Contractor</p>
<p>BIO-2 Direct impact to 0.1 acre of disturbed wetland and 2.5 acres of non-native grassland.</p>	<p>MM-BIO-2 Prior to impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit. Prior to</p>	<p>Provide proof of off-site mitigation credits at a city-approved mitigation bank submitted to the City Director of Development Services</p>	<p>Prior to issuance of grading permit.</p>	<p>Applicant/Land Owner, Project Biologist</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit.</p>			
<p>BIO-3 Direct impact to a total of 0.05 acre (494 linear feet) of USACE/RWQCB jurisdiction (non-wetland water of the US/ water of the State) and to 0.12 acre of CDFW jurisdictional areas consisting of 0.10 acre of disturbed wetland and 0.02 acre of streambed. The 0.05 acre of USACE/RWQCB occur within the CDFW jurisdictional limits.</p>	<p>MM-BIO-3 Prior to any project impacts to potentially jurisdictional resources, demonstration that regulatory permits from USACE, RWQCB, and CDFW have been issued or that no such permits are required shall be provided to the City. Permanent impacts to 0.05 acre of USACE/RWQCB jurisdictional non-wetland waters of the United States/State, 0.10 acre of CDFW jurisdictional habitat, and 0.02 acre of CDFW jurisdictional streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following off-site options, unless otherwise required by the USACE, RWQCB, and/or CDFW during the regulatory permitting process:</p> <ul style="list-style-type: none"> • Purchase of establishment/re-establishment, rehabilitation, enhancement, and/or preservation credits from an off-site mitigation bank with a service area that overlaps the project and that is approved by the USACE, RWQCB, and CDFW, such as the San Luis Rey Mitigation Bank, and Brook Forest Conservation/Mitigation Bank; and/or • Acquisition or use of other off-site mitigation lands in the region to include establishment/re-establishment, rehabilitation, enhancement, and/or 	<p>Provide proof of regulatory permits or documentation that permits are not required. Provide proof of purchase of mitigation credits and /or acquisition or use of other off-site mitigation lands submitted to City Director of Development Services.</p>	<p>Prior to issuance of grading permit.</p>	<p>Applicant/Land Owner, Project Biologist, Contractor</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>preservation of USACE, RWQCB, and CDFW jurisdictional resources.</p> <p>Mitigation for RWQCB-jurisdictional waters shall include a minimum 1:1 establishment/ reestablishment to ensure no-net-loss. Final mitigation requirements shall be determined during the permitting process in coordination with the USACE, RWQCB, and CDFW, as appropriate.</p>			
<p>BIO-4 Potential for impacts to 11 protected oak trees and 12 mature oak trees both on- and off-site.</p>	<p>MM-BIO-4 The project applicant shall replace impacted mature trees at a minimum 1:1 ratio, unless otherwise determined by the City. The project applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development. This condition can be satisfied on-site if the project's landscape plans include the appropriate number of oak trees and other tree species.</p>	<p>Review/approve landscape plans</p>	<p>Prior to certificate of occupancy.</p>	<p>Applicant/Land Owner, Project Biologist, Director of Community Development</p>
<p>BIO-5 Removal of trees on the project site has the potential to result in the spread of tree insect pests and disease leading to expediting the loss of oaks, alders, sycamore, and other trees in California which support a high biological diversity including special status species.</p>	<p>MM-BIO-5 The project applicant shall prepare an infectious tree disease management plan for the project. This plan should include a description of how the infectious tree disease management plan will be implemented. All trees that would be removed by the project should be inspected for contagious tree diseases including, but not limited to, thousand canker fungus (<i>Geosmithia morbida</i>), polyphagous shot hole borer (<i>Euwallacea spp.</i>), and goldspotted oak borer (<i>Agrilus auroguttatus</i>). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the project site without first being treated using best available management practices relevant for each tree disease observed.</p>	<p>Review/approve infectious tree disease management plan. Implement management and avoidance measures.</p>	<p>Prior to issuance of grading permit.</p>	<p>Applicant/Land Owner, Project Biologist or Arborist.</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
CULTURAL RESOURCES/TRIBAL CULTURAL RESOURCES				
<p>CR-1 Due to grading and ground disturbing activities, the Project has the potential to impact unidentified archaeological resources on the Project site.</p>	<p>MM-CR-1 Prior to the issuance of a grading permit, 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"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-CR-2 through MM-CR-10, and the following information:</p> <ul style="list-style-type: none"> • Parties entering into the agreement and contact information. • Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors. • Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement. 	<p>Enter into Tribal Cultural Resources Treatment and Repatriation Agreement.</p>	<p>Prior to issuance of Grading Permit and/or during all earth moving and ground disturbing activity.</p>	<p>Applicant/ Landowner, TCA Tribe</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<ul style="list-style-type: none"> • Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials. • Treatment of identified Native American cultural materials. • Treatment of Native American human remains and associated grave goods. • Confidentiality of cultural information including location and data. • Negotiation of disagreements should they arise. • Regulations that apply to cultural resources that have been identified or may be identified during project construction. 			
	<p>MM-CR-2 Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Provision of written verification that qualified archaeologist and Native American monitor associated with a TCA Tribe.</p>	<p>Prior to issuance of Grading Permit.</p>	<p>Applicant/Land Owner</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>MM-CR-3 The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.</p>	<p>Attend pre-construction meetings</p>	<p>Prior to and during all earth moving and ground disturbing activity.</p>	<p>Applicant/ Landowner, Archaeologist, Native American Monitor.</p>
	<p>MM-CR-4 During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring 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. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. 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 (i.e., soil conditions are comprised solely of fill or granitic bedrock).</p>	<p>Full-time Monitoring and determination of duration and frequency of subsequent monitoring.</p>	<p>During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas)</p>	<p>Archaeologist, Native American Monitor</p>
	<p>MM-CR-5 In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American</p>	<p>If potential tribal cultural resources are found, halt ground disturbance and follow</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Archaeologist, Native American Monitor</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.</p>	<p>procedures listed for discovery.</p>		
	<p>MM-CR-6 If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), 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(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the</p>	<p>If potential tribal cultural resource is determined to be significant, notify the City and follow agreed upon treatment and disposition measures.</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Archaeologist, Native American Monitor, City Director of Development Services</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	approved treatment and disposition measures have been completed.			
	<p>MM-CR-7 All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing 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. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>	<p>If sacred sites, significant tribal cultural resources, and unique archaeological resources are found, halt ground disturbance and follow procedures listed for discovery including avoidance, treatment and disposition.</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Archaeologist, Native American Monitor, City Director of Development Services</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>MM-CR-9 If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any 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 for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<p>Follow procedures for collection of tribal cultural resources.</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Archaeologist, Native American Monitor</p>
	<p>MM-CR-10 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions 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. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.</p>	<p>Preparation of a monitoring report and/or evaluation report if necessary.</p>	<p>Prior to release of Grading Bond.</p>	<p>Archaeologist, Native American Monitor</p>
<p>CR-2 There is a potential for Project construction activities to disturb previously unidentified human</p>	<p>MM-CR-8 As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the</p>	<p>If human remains are found, halt ground disturbance and follow</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Archaeologist</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
<p>remains on the Project site.</p>	<p>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 a temporary 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. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.</p>	<p>procedures listed for discovery.</p>		

Impact	Mitigation Measure	Action	Timing	Responsibility
GEOLOGY AND SOILS				
<p>GEO-1 The Project has the potential to disturb previously unknown paleontological resources during Project grading.</p>	<p>MM-GEO-1 Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.</p>	<p>Site review and if potential for paleontological resources is identified, monitoring of initial cut in any areas that have the potential for resources. construction activities and filing of mitigation report.</p>	<p>Prior to grading and if applicable during initial cut.</p>	<p>Paleontologist</p>
HAZARDS AND HAZARDOUS MATERIALS				
<p>HAZ-1 Improper removal of asbestos-containing materials and lead-based paint during demolition could expose construction workers to a hazardous release of asbestos or lead.</p>	<p>MM HAZ-1a Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that an asbestos survey has been conducted on any buildings that are to be demolished or removed from the project site. If asbestos is found, the Applicant shall follow all procedural requirements and regulations of to properly abate and dispose of all on-site asbestos-containing materials before general demolition activities commence.</p> <p>MM HAZ-1b Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the applicant shall follow all OSHA procedural requirements and regulations for its proper removal and disposal before general demolition activities commence.</p>	<p>Submit verification that asbestos and lead-based paint surveys have been conducted. If found, follow all procedural requirements for abatement, removal and disposal.</p>	<p>Prior to demolition activities.</p>	<p>Applicant/ Landowner/ Contractor</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
<p>HAZ-2 Undocumented fill material located at 2039 North Iris Lane may contain contaminated materials.</p>	<p>MM HAZ-2 Prior to construction activities on the project site, the Applicant shall submit verification that the undocumented fill material placed in front of 2039 North Iris Lane has been removed or evaluated for the potential for contaminants. If contaminated, the soil must be removed and disposed of according to local and state regulations. If contaminated soil is identified, the applicant shall follow all procedural and regulatory requirements for its proper removal and disposal before general construction activities commence.</p>	<p>Submit verification that the undocumented fill has been removed or evaluated for contaminants. If contaminated, follow local and state regulations for removal and disposal.</p>	<p>Prior to construction</p>	<p>Applicant/ Landowner/ Contractor</p>
<p>NOISE</p>				
<p>N-1 If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines.</p>	<p>MM-N-1 If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines. A noise mitigation plan based upon the location of the construction equipment, topography and construction schedule shall be prepared by an acoustical consultant. The noise mitigation plan shall identify measures to reduce sound levels to below 75 dBA. Such measures could include a temporary noise barrier along any property line where the impacts could occur. The proposed noise barrier shall be of solid non-gapping material to adequately reduce construction noise levels below the noise threshold of 75 dBA at the property lines. The noise mitigation plan shall determine the final height and location of a temporary barrier if one is necessary. The mitigation plan may also identify location and timing restrictions on drilling equipment usage. The mitigation plan shall be submitted to the City for review and approval prior to initiation of rock drill staging activities within 160 feet of any occupied noise sensitive land use.</p>	<p>Preparation of noise mitigation plan and implementation of identified measures including construction of temporary noise barriers.</p>	<p>Prior to commencement of rock drilling activities.</p>	<p>Applicant/ Landowner, Acoustical Engineer, City (Planning Division Manager)</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
TRANSPORTATION				
<p>TR-1 The project's per capita VMT exceeds the significance threshold of 15% below regional average.</p>	<p>MM-TR-1a The project shall implement CAPCOA reduction measure T-1 (Increase Residential Density).</p> <p>MM-TR-1b The project applicant shall pay the City of Escondido \$67,500 for pedestrian improvements at the following five intersections to reduce VMT impacts:</p> <ul style="list-style-type: none"> • Intersection of Centre City Pkwy at Iris Lane (Install high visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of El Norte at South Iris Lane (Install high visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of Broadway at Vista Ave (Install high visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of El Norte Parkway at Mountain View (Install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of Country Club Lane at Broadway (Install high visibility crosswalk (3 crosswalks)). 	<p>Implement CAPCOA reduction measure and make payment for pedestrian improvements.</p>	<p>Fee payment shall be made prior to submittal of grading plans.</p>	<p>Applicant/Land Owner</p>

Item 7.

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A PREZONE TO PLANNED DEVELOPMENT-RESIDENTIAL AND MASTER AND PRECISE DEVELOPMENT PLAN FOR A 102-UNIT CONDOMINIUM DEVELOPMENT

The City Council of the City of Escondido ("City"), California, DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council makes the following findings:

- a) Hallmark Communities, Inc., ("Applicant") filed a land use development application (Planning Case Nos. PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128) constituting a request for an Annexation/Reorganization, Prezone to Planned Development-Residential (PD-R 14.6), General Plan Amendment from Suburban (S) to Urban III (U3), one-lot Tentative Subdivision Map, and a Planned Development Permit (Master and Precise Development Plan) for the development of 102 condominium units ("Project") on a 7.7 gross acre (6.98 net acre) site located at 2039, 2047, 2085 and 2089 N. Iris Lane (APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00), as more particularly described in Exhibit "A," which is attached hereto and made a part hereof as though fully set forth herein ("Property"); and
- b) The Application was submitted to, and processed by, the Planning Division of the Development Services Department. The Applicant seeks approval of a Prezone designation of Planned Development-Residential (PD-R 14.6) on 7.7 acres, as shown on Exhibit "B," along with a Master and Precise Development Plan to construct a 102-unit condominium project, as shown on Exhibits "C" (Master Development Plan), and on file in the Planning Division, and incorporated herein as though fully set forth.
- c) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for December 13, 2022. Following the public hearing, the Planning Commission adopted Resolution No. 2022-14, which

recommended that the City Council, among other things, assign a prezone designation of Planned Development-Residential (PD-R 14.6) and approve a Master and Precise Development Plan for the Project.

SECTION 2. The City Clerk, whose office is located at 201 North Broadway, Escondido, California 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

SECTION 3. The City Council did on January 11, 2023, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the project website.
- b) Oral testimony from City staff, interested parties, and the public.
- c) The City Council staff report, dated January 11, 2023, which along with its attachments, is incorporated herein by this reference as though fully set forth herein.
- d) The recommendations of the Planning Commission and City staff.
- d) Additional information submitted during the public hearing.

SECTION 4. The City Council reviewed and certified the Final Environmental Impact Report prepared for the Project in conformance with CEQA, including findings associated therewith, through adoption of City Council Resolution No. 2023-03.

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit "D" and incorporated herein as though fully set forth herein, the City Council approves the Prezone and the Master and Precise Development Plan, subject to the Conditions of Approval attached as Exhibit "E" and incorporated herein as though fully set forth herein.

SECTION 6. Concurrently with the action on this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described in the January 13, 2023, City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective in the manner provided by state law. Therefore, this Ordinance shall become effective and operative only if City Council Resolution No. 2023-03 is adopted prior to adoption of this Ordinance, and Resolution No. 2023-04 .

SECTION 7. All references within this Ordinance to "Applicant" or "Developer," shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors of assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project site.

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 11. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 12. The Ordinance shall become effective 30 days from the date of the passage.

EXHIBIT "A"

Legal Description
Ordinance No. 2023-03
(North Iris Condominium Project)

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

PARCEL 1:

THAT PORTION OF LOT 6 THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 473.25 FEET FROM THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 7°44'30" WEST 243.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7°44'30" WEST 247.08 FEET; THENCE SOUTH 77°33'45" EAST 201.16 FEET; THENCE NORTH 10°15' EAST 246.43 FEET TO A LINE WHICH BEARS SOUTH 77°33'45" EAST FROM THE TRUE POINT OF BEGINNING, THENCE NORTH 77°33'45' WEST 211.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 33.00 FEET IN WIDTH, THE CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1 ABOVE DESCRIBED; THENCE SOUTH 77°33'45" EAST, 399.58 FEET TO THE EASTERLY LINED OF SAID LOT 6, EXCEPTING THAT PORTION LYING IN SAID PARCEL 1.

APN: [224-310-08-00](#)

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

PARCEL 1: APN: [224-310-05-00](#)

THAT PORTION OF LOT 6 (THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER) OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 256.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 6; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°27'30" WEST 217.25 FEET; THENCE SOUTH 7°44'30" WEST 243.16 FEET; THENCE SOUTH 77°33'45" EAST 215.71 FEET; THENCE NORTH 7°44'30" EAST 292.11 FEET TO THE POINT OF BEGINNING.

PARCEL 2: APN: [224-310-06-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 14°30'30" WEST 697.70 FEET; THENCE NORTH 77°33'45" WEST 387.50 FEET TO THE EASTERLY LINE OF LAND DESCRIBED IN DEED TO ADOLPHUS E. HOPKINS, ET UX, RECORDED [SEPTEMBER 6, 1950 AS DOCUMENT NO. 101315 OF OFFICIAL RECORDS](#); THENCE ALONG SAID EASTERLY LINE NORTH 7°44'30" EAST 102.78 FEET TO THE SOUTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO JAMES SWANSON, ET UX, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807 OF OFFICIAL RECORDS](#); THENCE ALONG THE BOUNDARY OF SAID LAND SOUTH 77°33'45" EAST 201.16 FEET AND NORTH 10°15' EAST 246.43 FEET TO THE SOUTHERLY LINE OF LAND DESCRIBED IN DEED TO SHIRLEY L. PRICE RECORDED [MARCH 26, 1957 AS DOCUMENT NO. 44592 OF OFFICIAL RECORDS](#); THENCE ALONG SAID SOUTHERLY LINE SOUTH 77°33'45" EAST 3.72 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND; THENCE ALONG THE EASTERLY LINE THEREOF NORTH 7°44'30" EAST 292.11 FEET TO THE NORTHERLY LINE OF SAID LOT 6; THENCE ALONG SAID NORTHERLY LINE NORTH 89°27'30" EAST 256 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1961 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 2A:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THE SOUTHERLY 15.00 FEET OF THE PROPERTY DESCRIBED IN THE DEED TO JAMES SWANSON AND FRANCES SWANSON, HUSBAND AND WIFE, AS JOINT TENANTS, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807, IN BOOK 7393, PAGE 414 OF OFFICIAL RECORDS](#).

PARCEL 2B:

AN EXCLUSIVE EASEMENT FOR ROAD PURPOSES OVER THE SOUTHERLY 10 FEET OF THE LAND DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1974 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 3: APN: [224-310-20-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 6 FROM WHICH THE NORTHEASTERLY CORNER OF SAID LOT 6 BEARS NORTH 14°30'30" EAST 697.7 FEET; THENCE NORTH 77°33'45" WEST 387.5 FEET; THENCE SOUTH 12°03'40" WEST 164.19 FEET; THENCE SOUTH 77°56'20" EAST 355.59 FEET; THENCE NORTH 14°30'30" EAST 46 FEET; THENCE SOUTH 77°56'20" EAST 25 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID EASTERLY LINE NORTH 14°30'30" EAST 116.8 FEET TO THE POINT OF BEGINNING.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER A STRIP OF LAND 20 FEET WIDE BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE EASTERLY LINE OF THE ABOVE DESCRIBED LOT 6 FROM WHICH THE NORTHEASTERLY CORNER THEREOF BEARS NORTH 14°30'30" EAST A DISTANCE OF 850.5 FEET; THENCE NORTH 77°56'20" WEST A DISTANCE OF 25 FEET.

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

THAT PORTION OF LOT 6, IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF. DESCRIBED AS FOLLOWS:

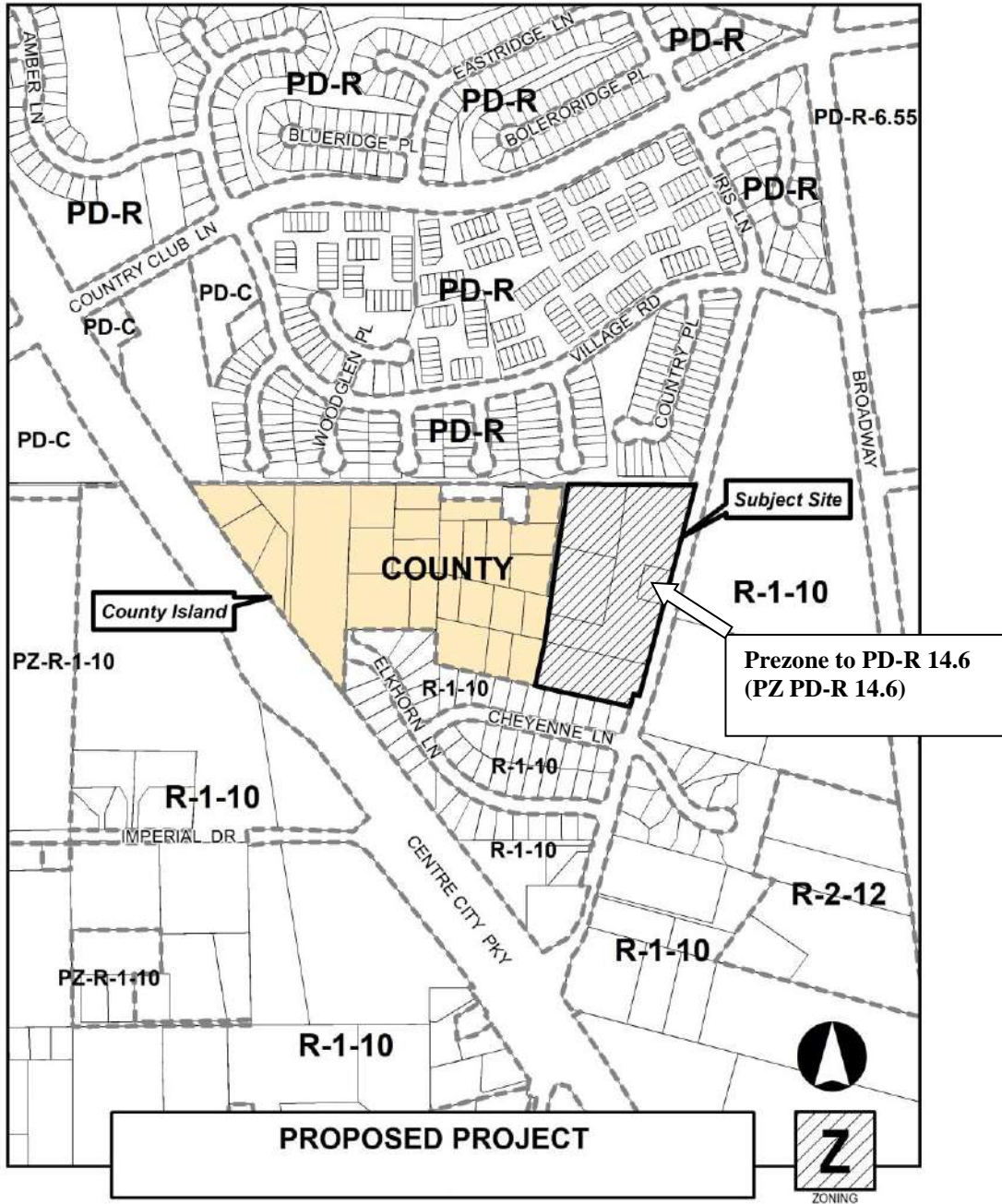
BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 6, DISTANT THEREON SOUTH 14°30'30" WEST 348.96 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE LEAVING SAID EASTERLY LINE NORTH 77°33'45' WEST 104 FEET; THENCE SOUTH 14°30'30" WEST PARALLEL WITH SAID EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 123.21 FEET; THENCE SOUTH 77°33'45" EAST 104 FEET TO A POINT IN SAID EASTERLY LINE OF SAID LOT 6; THENCE NORTH 14°30'30" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 123.21 FEET TO THE POINT OF BEGINNING.

APN: [224-310-07-00](#)

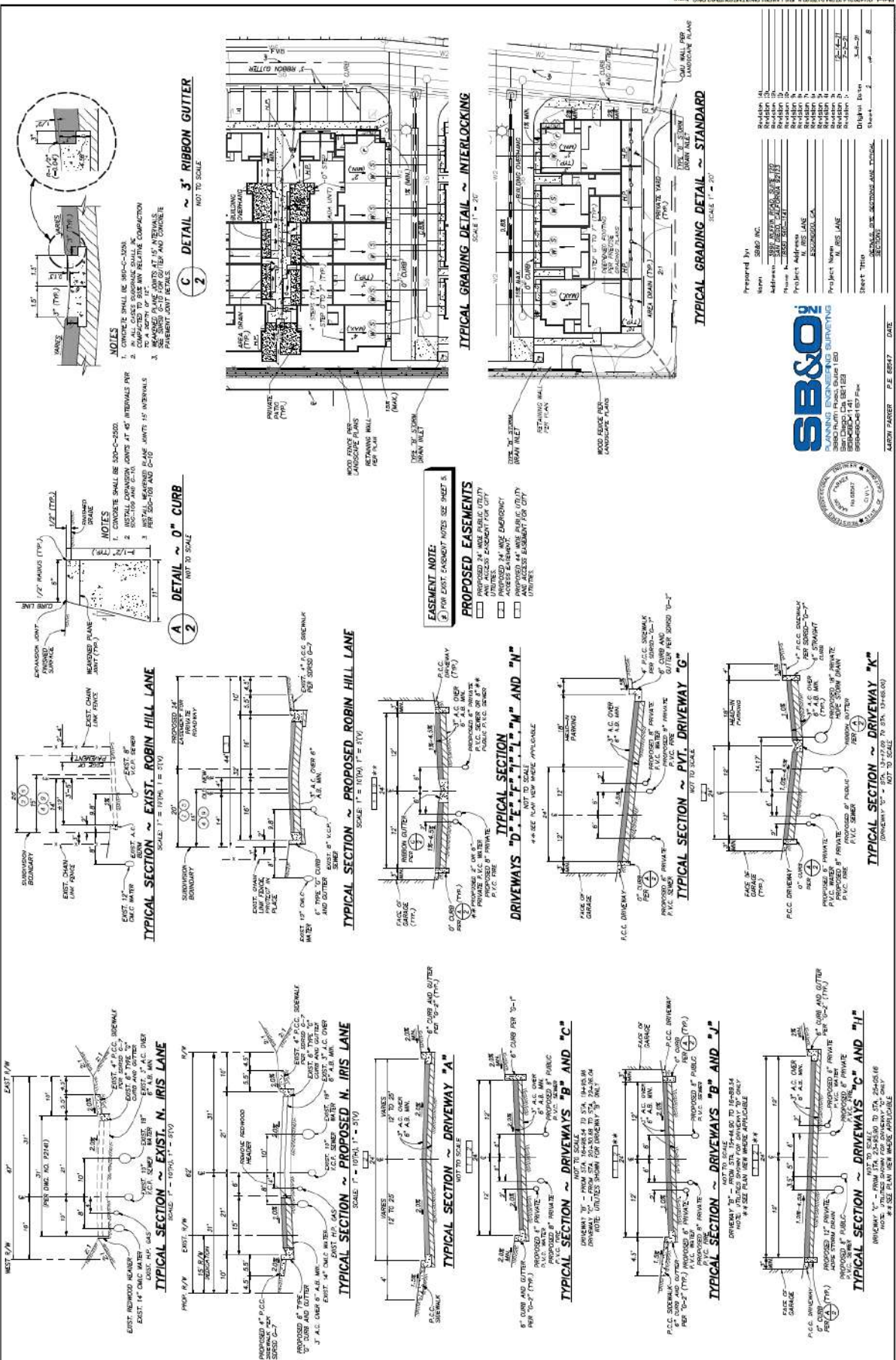
EXHIBIT "B"

Prezone Designation
Ordinance No. 2023-03
(North Iris Condominium Project)

Prezone to Planned Development-Residential 14.6 (PZ PD-R 14.6)
APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00.

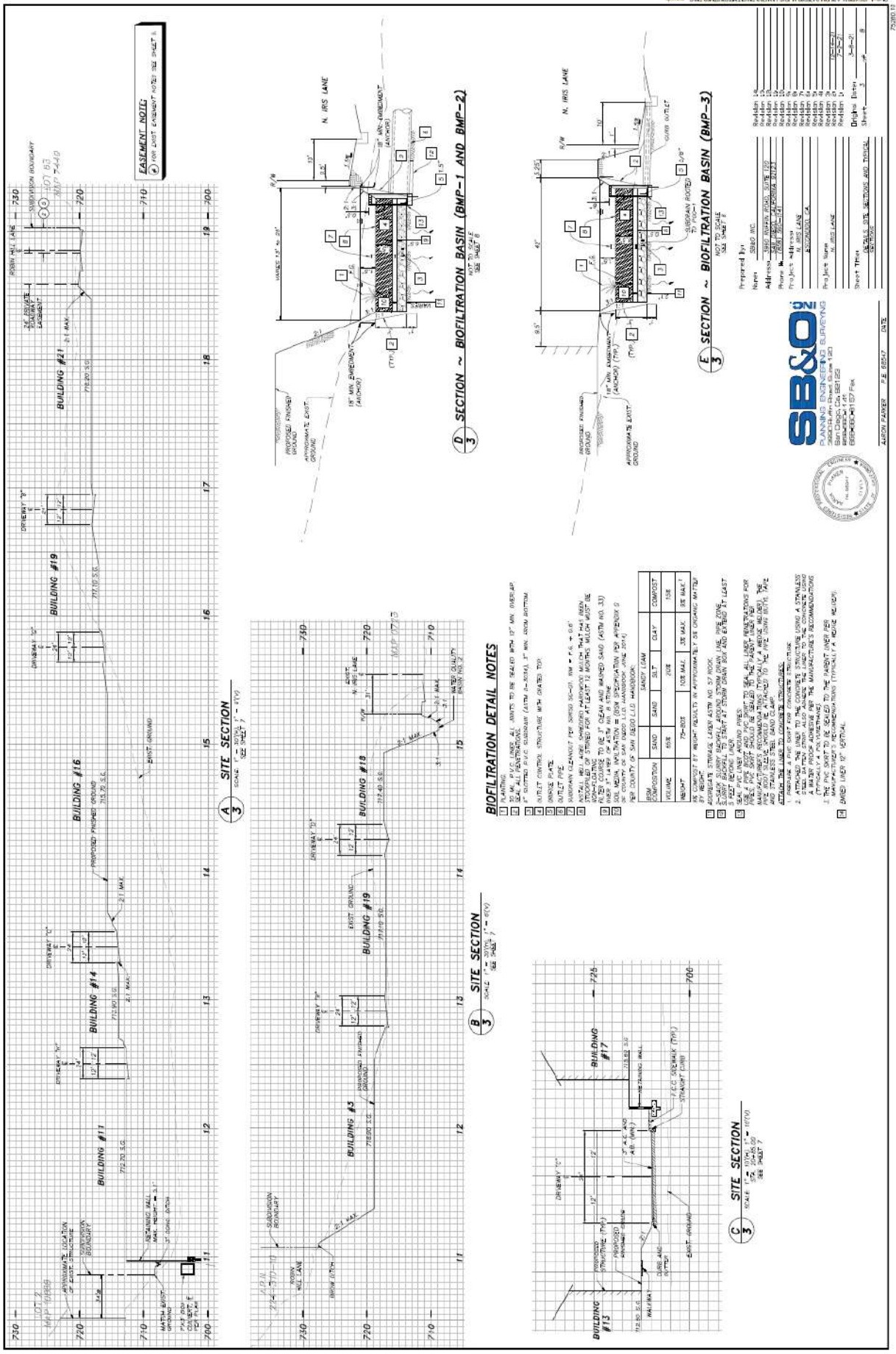


Item 7.



Prepared by: [Blank]
 Drawn by: [Blank]
 Checked by: [Blank]
 Project Name: [Blank]
 Project Address: [Blank]
 Project City: [Blank]
 Project State: [Blank]
 Project Zip: [Blank]
 Date: [Blank]





BIOFILTRATION DETAIL NOTES

- 1. ALL MATERIALS SHALL BE USED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND THE FOLLOWING NOTES.
- 2. 10 MIL. P.V.C. LINER, ALL JOINTS TO BE SEALED WITH 1/2" MIN. OVERLAP.
- 3. ALL JOINTS TO BE SEALED WITH 1/2" MIN. OVERLAP.
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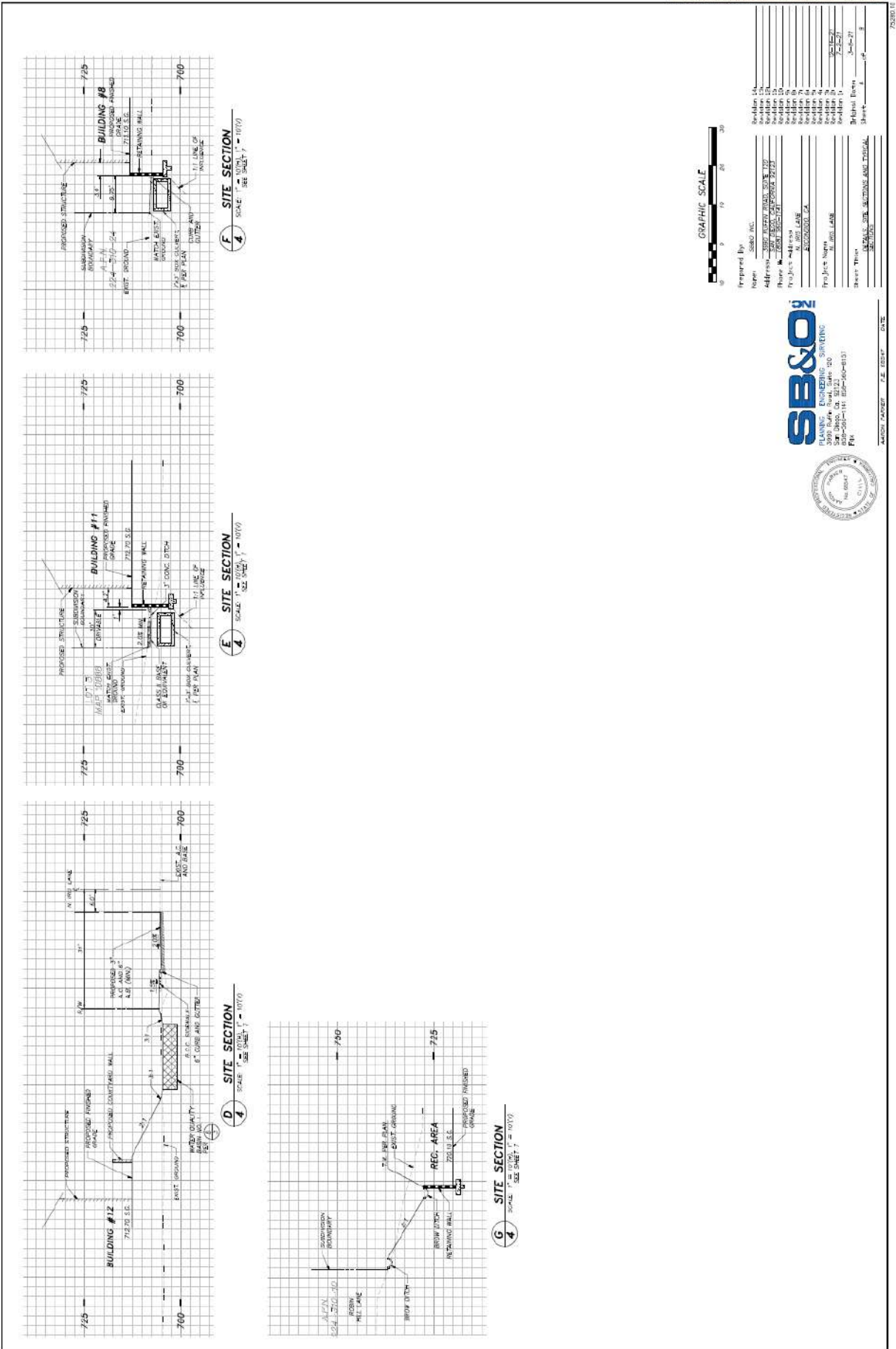
DESCRIPTION	SAND	SILT	CLAY	COMPOST
VOLUME	50%	30%	20%	0%
DEPTH	12" MIN.	12" MIN.	12" MIN.	12" MIN.
NOTE	75-90% SAND	100% MAX.	100% MAX.	100% MAX.

A SITE SECTION
 SCALE: 1" = 4'-0" (SEE SHEET 7 - TTY)

B SITE SECTION
 SCALE: 1" = 4'-0" (SEE SHEET 7 - TTY)

C SITE SECTION
 SCALE: 1" = 4'-0" (SEE SHEET 7 - TTY)

Item 7.



Prepared By:	S&B&O LLC
Owner:	5207 TOWNE SQUARE, SUITE 100
Address:	5207 TOWNE SQUARE, SUITE 100
Phone:	727-592-7271
Project Address:	5207 TOWNE SQUARE, SUITE 100
Project Name:	REMODELING
Project No.:	2023-03
Revision No.:	1
Revision Date:	1-2-23
Sheet No.:	4
Sheet Title:	REMODELING

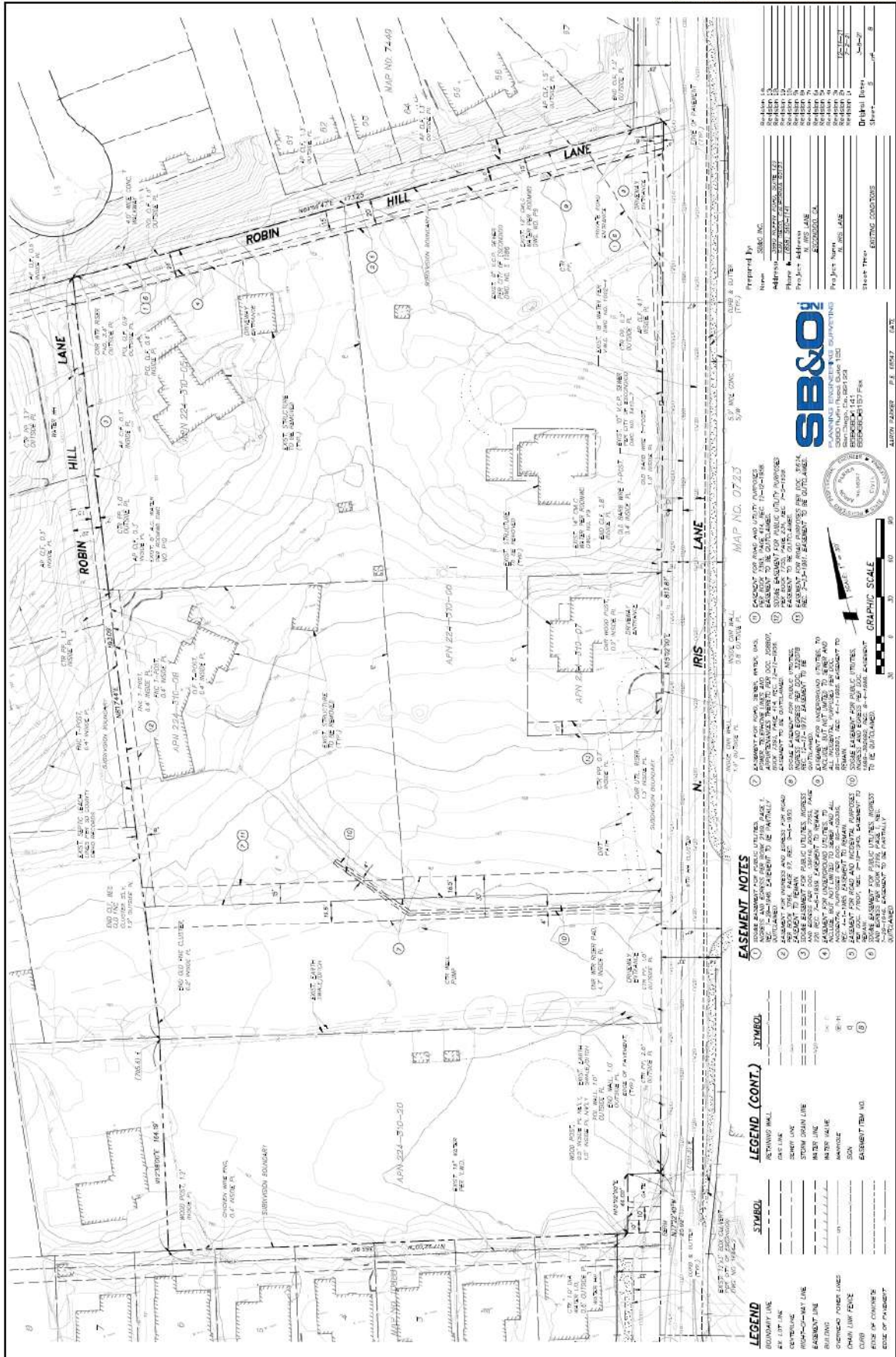
SB&O
SURVEYING & ENGINEERING
3909 TOWNE SQUARE, SUITE 100
SAN DIEGO, CA 92121
PH: 760-592-7271 (FAX: 760-592-8133)

REGISTERED PROFESSIONAL ENGINEER
No. 45827
EXPIRES 12/31/2025
CIVIL ENGINEERING
STATE OF CALIFORNIA

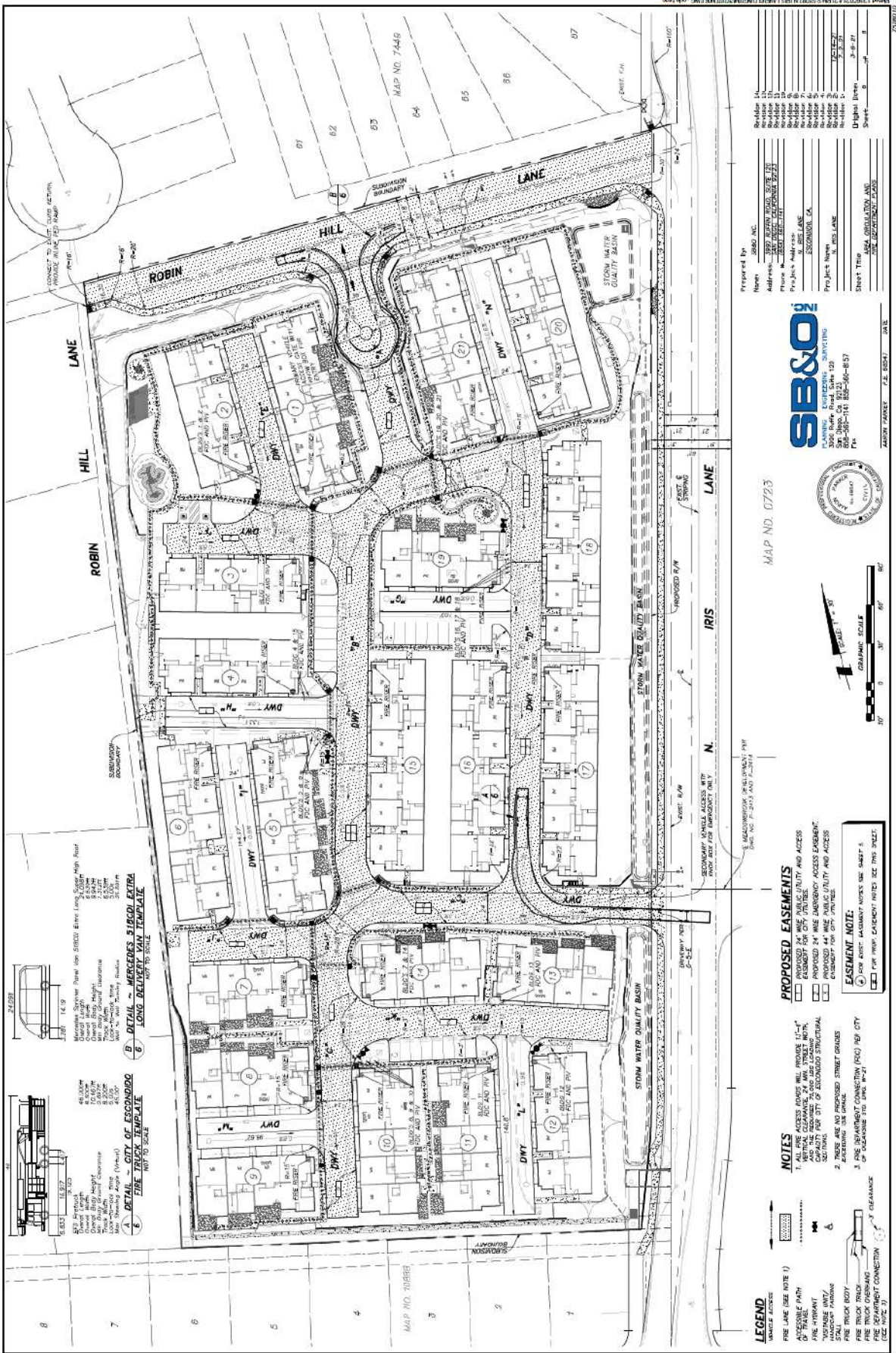
ADRIAN KAMMER P.E. 2023P 0192

7/23/21

Item 7.



Item 7.

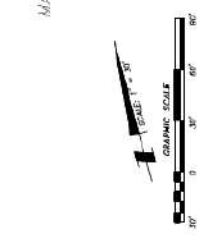


Prepared by:
 Name: S&B&O INC.
 Address: 1507 ALLEN ROAD, SUITE 101, BOSSBORO, VA 23003-4221
 Phone: (804) 521-1111
 Project Address: 780 HILL LANE, BOSSBORO, VA 23003
 Project Name: HILL LANE
 Sheet Title: FIA, UTILITY AND EASEMENT PLANS

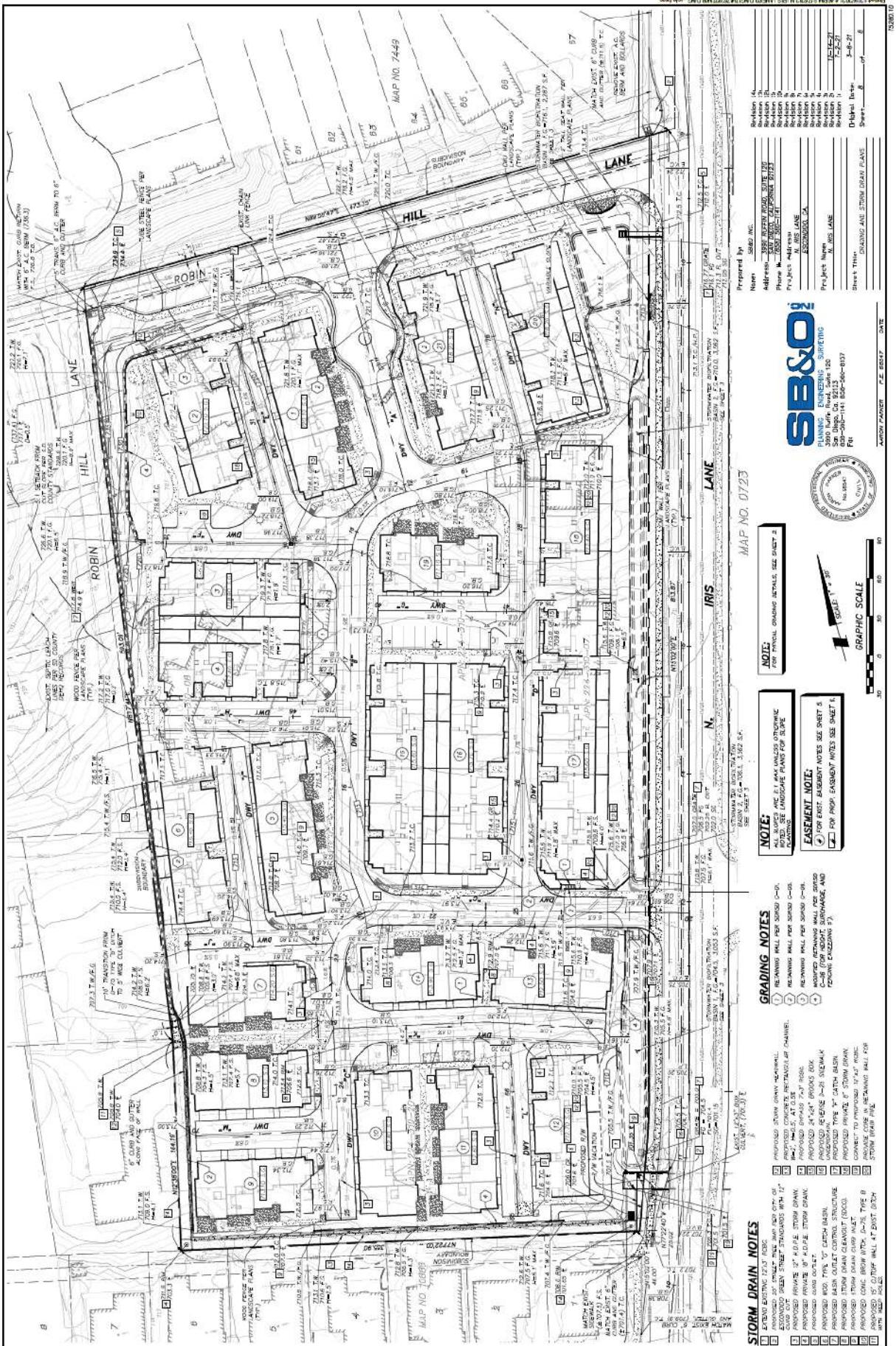
Sheet No.: 0723
 Date: 10/2023



MAP NO. 0723



Item 7.

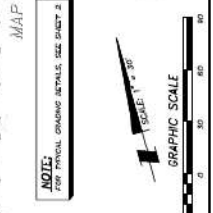


Prepared by:

Revision 1	12-15-21
Revision 2	3-9-21
Revision 3	
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Revision 100	

Name: SB&O INC.
 Address: 3800 Luffs Road, Suite 100
 Birmingham, AL 35243
 Phone: (205) 988-1111
 Project Name: IRIS LANE
 Street View: IRIS LANE
 Drawing and Storm Drain Plans

SB&O
 PLANNING ENGINEERING SERVICES
 3800 Luffs Road, Suite 100
 Birmingham, AL 35243
 Phone: (205) 988-1111
 Fax: (205) 988-8337
 FIDELITY+TYSON

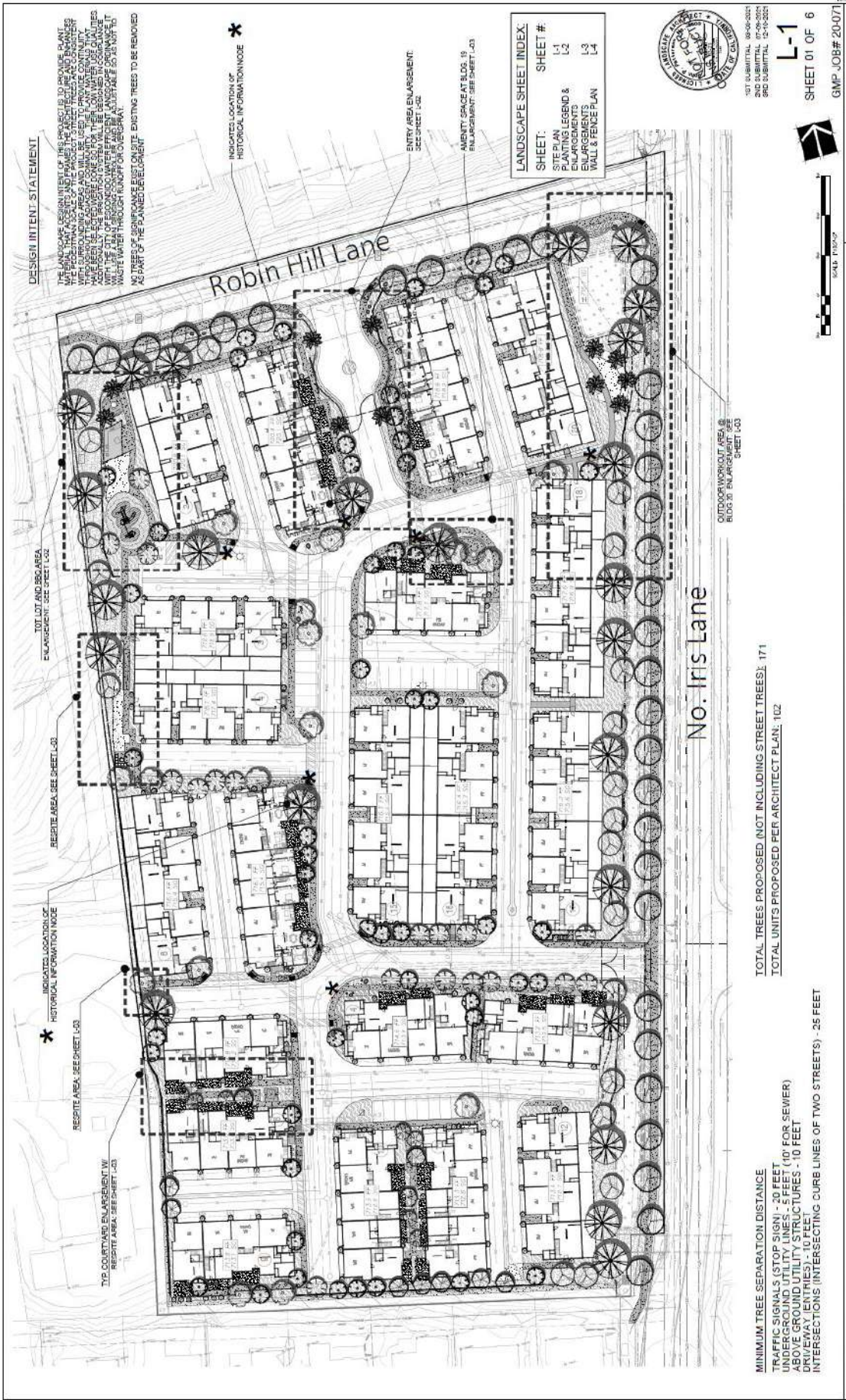


NOTE: FOR FINISH GRADING DETAILS, SEE SHEET 7.
EASEMENT NOTE: FOR EXIST. EASEMENT NOTES SEE SHEET 5.
EASEMENT NOTE: FOR PROPOSED EASEMENT NOTES SEE SHEET 1.

- GRADING NOTES**
- 1) RETAINING WALL PER SHEET 0-0.
 - 2) RETAINING WALL PER SHEET 0-0.
 - 3) RETAINING WALL PER SHEET 0-0.
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- STORM DRAIN NOTES**
- 1) EXTEND EXISTING 12" DIA. STORM DRAIN TO 12" DIA. STORM DRAIN.
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Item7.



TOTAL TREES PROPOSED (NOT INCLUDING STREET TREES): 171
 TOTAL UNITS PROPOSED PER ARCHITECT PLAN: 102

MINIMUM TREE SEPARATION DISTANCE
 TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
 UNDERGROUND UTILITY LINES - 5 FEET (10' FOR SEWER)
 ABOVE GROUND UTILITY STRUCTURES - 10 FEET
 DRIVEWAYS (ENTRANCES) - 10 FEET
 INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET

CONCEPT PLAN
 CONCEPTUAL LANDSCAPE PLAN

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 10000 15th ST. SUITE 1000
 SAN DIEGO, CA 92161

Item 7.

CONCEPT PLANT SCHEDULE

Code	Plant Name
1	ALBUCA
2	AGAVE
3	AGAVE
4	AGAVE
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100	AGAVE

CONCEPT PLAN

PLANTING LEGEND & ENLARGEMENTS

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES

1800 IRIS AVE., ESCONDIDO, CA 92025
GMP LANDSCAPE ARCHITECTURE & PLANNING

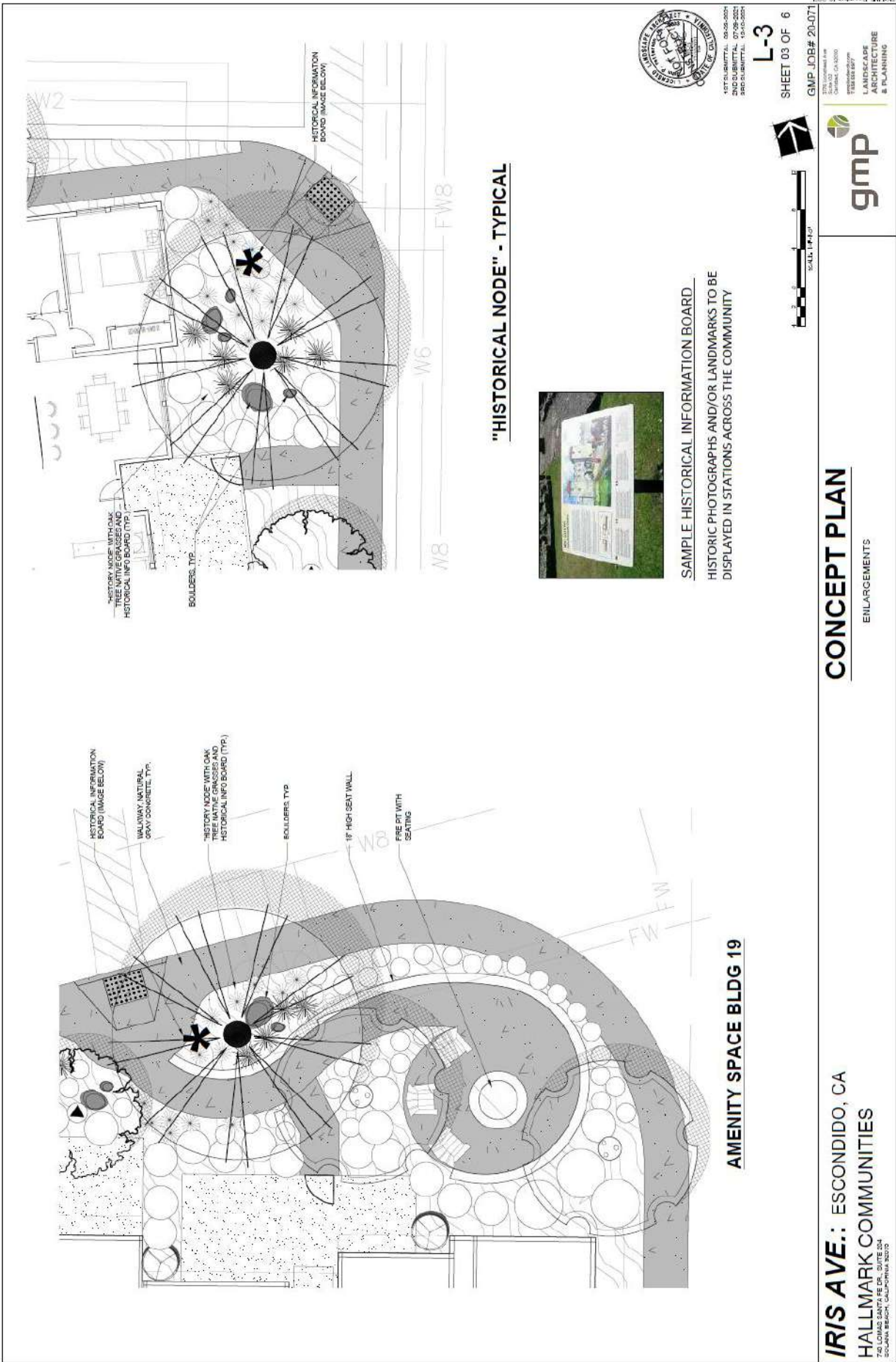
CONCEPT PLAN

PLANTING LEGEND & ENLARGEMENTS

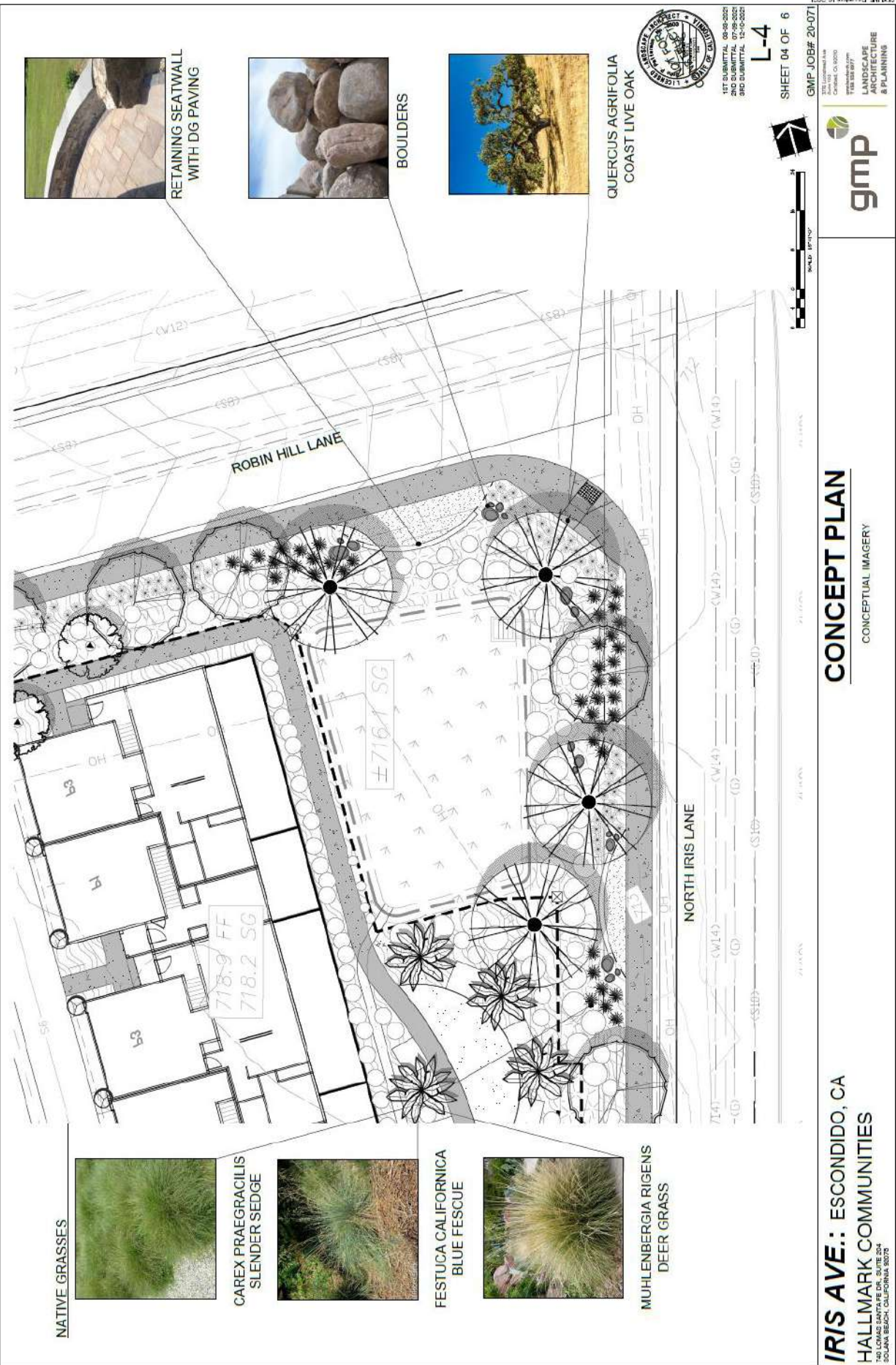
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GMP LANDSCAPE ARCHITECTURE & PLANNING

PROJECT ENTRY

SHEET 02 OF 6
GMP JOB# 20-07



Item 7.



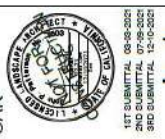
IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 740 LOMAS SANTA FE DR., SUITE 204
 SOLANA BEACH, CALIFORNIA 92078

CONCEPT PLAN
 CONCEPTUAL IMAGERY



200 West Broadway Ave
 Carlsbad, CA 92008
 TEL: 760.439.8777
 WWW.GMP.COM

SHEET 04 OF 6
 L-4
 GMP JOB# 20-071



Item 7.



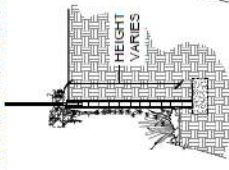
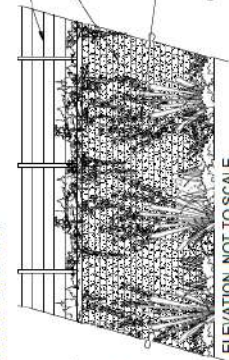
137 SUBMITTAL 08-09-2024
 2ND SUBMITTAL 07-09-2024
 3RD SUBMITTAL 10-10-2024

L-5
 SHEET 05 OF 6
 GMP JOB# 20-0771

LANDSCAPE ARCHITECTURE & PLANNING
 1188 BR 18977
 10000 WILSON BLVD
 SUITE 100
 IRVINE, CA 92618
 TEL: 949.261.1100
 WWW.GMP-ARCH.COM



42" CABLE RAIL FENCING
 RETAINING WALL
 VINE PLANTING, TYP.

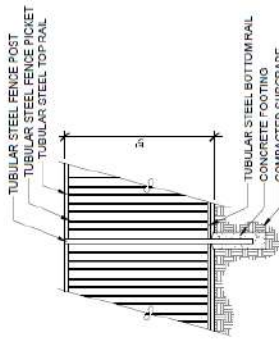


RETAINING WALL WITH VINE PLANTING AND CABLE RAIL FENCING ATOP

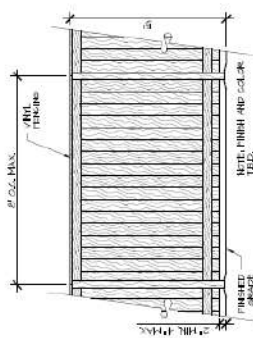
- CONCEPTUAL FENCE AND WALL LEGEND**
- 5' TUBE STEEL FENCE (DETAIL A / L-9)
 - RETAINING WALL PER CIVIL ENGINEER
 - 5' VINYL FENCE (DETAIL B / L-6)
 - RETAINING WALL WITH 42" CABLE RAIL ATOP (DETAIL C / L-8)
 - RETAINING WALL WITH 42" TS FENCING ATOP (DETAIL D / L-6)
 - FREESTANDING MASONRY WALL (DETAIL E / L-6)
 - DECORATIVE LOW WALL (DETAIL F / L-6)
 - VEHICULAR GATE
 - PEDESTRIAN GATE

CONCEPT PLAN
 FENCE & WALL PLAN

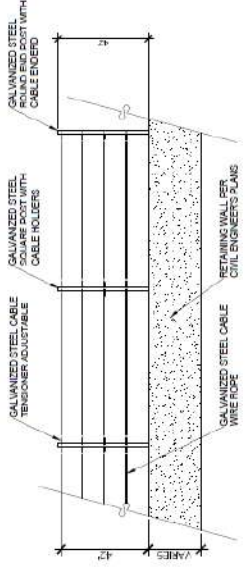
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HALLMARK COMMUNITIES
 746 LOMAS SANTA FE DR., SUITE 204
 SOLOAK BEACH, CALIFORNIA 92070



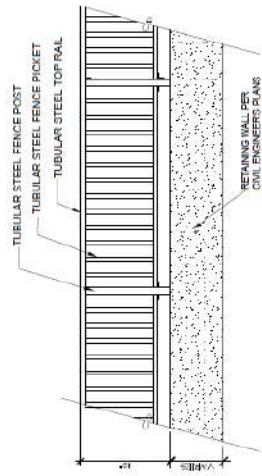
(A) TUBULAR STEEL FENCE



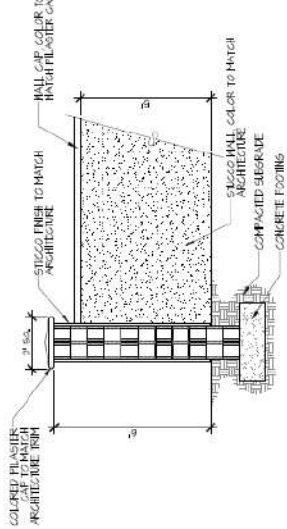
(B) VINYL FENCING



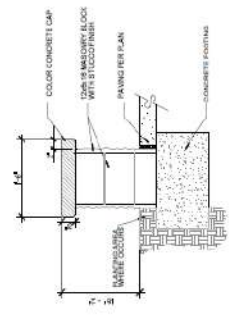
(C) CABLE GUARDRAIL AT TOP RETAINING WALL



(D) TUBE STEEL FENCE AT TOP RETAINING WALL



(E) FILASTER AND STUCCO WALL



(F) TYPICAL SITE SEAT WALL



1ST SUBMITTAL 05-05-2024
 2ND SUBMITTAL 07-05-2024
 3RD SUBMITTAL 08-05-2024

L-6
 SHEET 06 OF 6

GMF JOB# 20-071



1234 LANTANA BLVD
 SUITE 200
 ESCONDIDO, CA 92027
 TEL: 951.951.8877
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 ENGINEERING & PLANNING

CONCEPT PLAN
 FENCE & WALL PLAN

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
PROJ. NO. 2023-03-001, SHEET 06 OF 6
 ESCONDIDO, CALIFORNIA 92027

Item 7.



Typical 2 & 3-Story Conventional Homes

- Plan 1 - 1,679 SF, 3 Bedroom, 2.5 Bath, Den
- Plan 2 - 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 3 - 1,911 SF, 4 Bedroom, 3 Bath, Loft
- 2-car side-by-side garages
- Private rear yards

Typical 2 & 3-Story Interlocking Alley Homes

- Plan 1 - 1,228 SF, 2 Bedroom, 2 Bath
- Plan 2 - 1,463 SF, 3 Bedroom, 3 Bath
- Plan 3 - 1,303 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 4 - 1,840 SF, 4 Bedroom, 3.5 Bath
- 2-car side-by-side garages

Project Summary

Total Site Area: ± 7.7 Acres
 Total Units:
 • 102 Homes
 • (52) 2 & 3-Story Interlocking Alley Homes
 • (14) Plan 1 - 1,228 SF, 2 Bedroom, 2 Bath
 • (14) Plan 2 - 1,463 SF, 3 Bedroom, 3 Bath
 • (8) Plan 3 - 1,303 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
 • (16) Plan 4 - 1,840 SF, 4 Bedroom, 3.5 Bath
 • (50) 2 & 3-Story Conventional Homes
 • (16) Plan 1 - 1,679 SF, 3 Bedroom, 2.5 Bath, Den
 • (18) Plan 2 - 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
 • (16) Plan 3 - 1,911 SF, 4 Bedroom, 3 Bath, Loft

Gross Density: 132 Homes per Acre
 Net Density: 114.6 Homes per Net Acre

Parking:
 Required:
 • 226 Spaces (221 spaces per home)
 • (14) 2 Bedroom x 1.75 Spaces = 24.5 Spaces
 • (50) 3 Bedroom x 2.0 Spaces = 75 Spaces
 • (68) 4 Bedroom x 2.0 Spaces = 100 Spaces
 • (102) Guest x 0.25 Spaces = 25.5 Spaces

Provided:
 • Garage: 204 Spaces
 • Head In: 25 Spaces (8.5' x 18')
 • ADA: 2 Spaces (9' x 18')
 • *EV* = Future EVCS

Open Space:
 Provided:
 • 97,040 SF Total (± 851 SF per home)
 • Private Open Space (Patios & Decks): 27,634 SF (6' Min. Dimension)
 • Common Area w/ Grates/less than 10%: 60,241 SF (10' Min. Dimension)
 • Recreational Area:
 • 11,359 SF (10' Min. Dimension)

Setbacks:
 Front Yard: 15.0' Min.
 Interior Side Yard: 13.1' Min.
 Street Side Yard: 33.4' Min.
 Rear Yard: 15.4' Min.

- Notes:**
1. See plan for lot coverage information.
 2. See plan for information regarding parking, loading, and the distribution of open space.
 3. See plan for information regarding landscaping information.
 4. See plan for information regarding utility information.
 5. See plan for information regarding utility information.
 6. See plan for information regarding utility information.
 7. See plan for information regarding utility information.
 8. See plan for information regarding utility information.
 9. See plan for information regarding utility information.
 10. See plan for information regarding utility information.

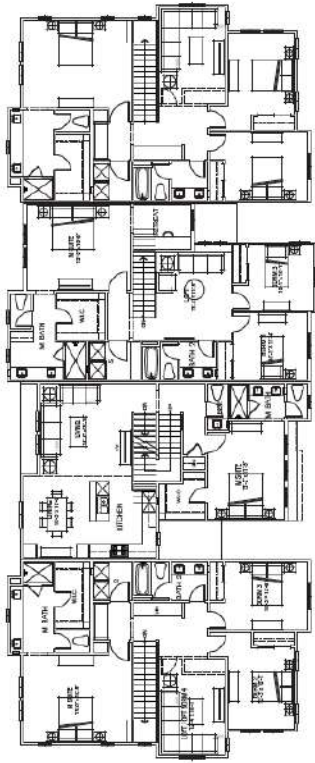
Conceptual Site Plan

IRIS
 ESCONDIDO, CA

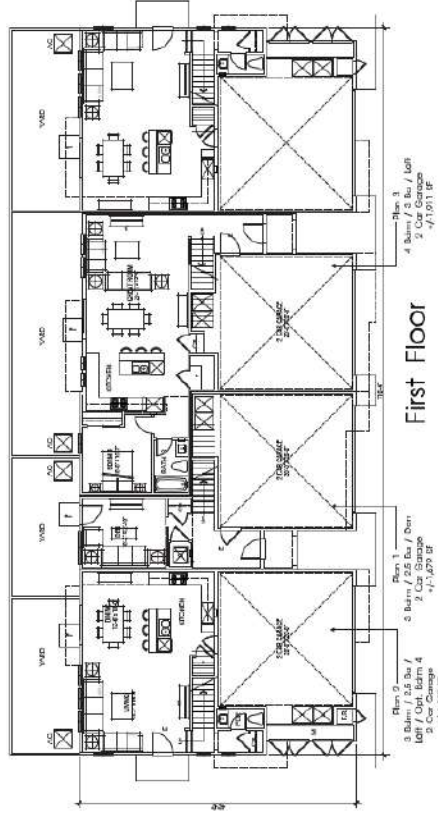
SP-1
 CITY SUBMITTAL 3
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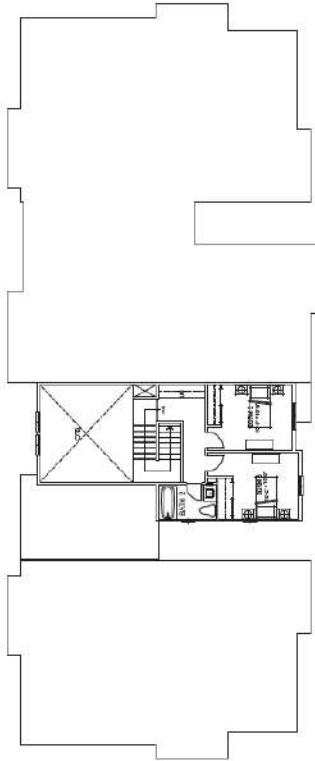
Item 7.



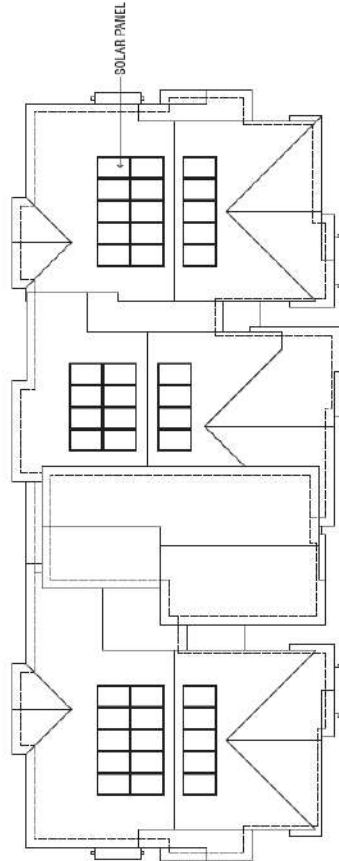
Second Floor



First Floor



Third Floor



Roof

OVERALL BUILDING AREA: ±61,650 SF
 OCCUPANCY: RZ
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: FRII T3

NOTE:
 1. THESE CONCEPTS MAY VARY DUE TO METING OR CALCULATION
 2. FLOOR SLABS WILL NEED FURTHER REFINEMENTS TO PER EIC
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND
 COORDINATION PER SOLAR CONSULTANT

4 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans



IRIS
 ESCONDIDO, CA
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Color Scheme 2 Shown.
 Refer to Sheet CM-1

Note: Artist's conception, colors, materials
 and application may vary.

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco Over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



4 PLEX CONVENTIONAL HOMES | Conceptual Elevations

IRIS

ESCONDIDO, CA

A-2

CITY SUBMITTAL 3

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Front Perspective



Rear Perspective

4 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

IRIS
ESCONDIDO, CA

A-3

CITY SUBMITTAL 3

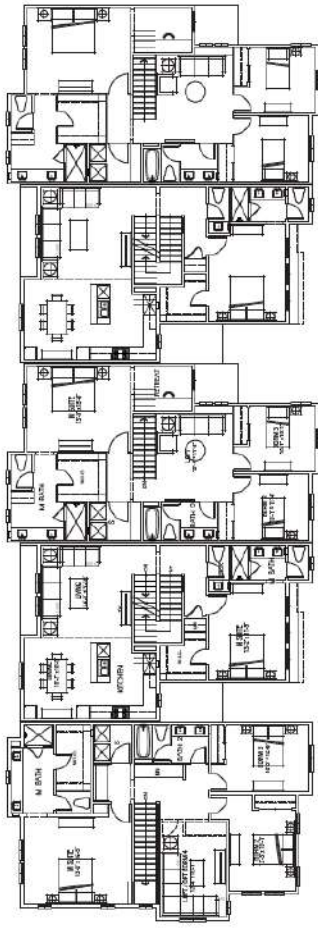
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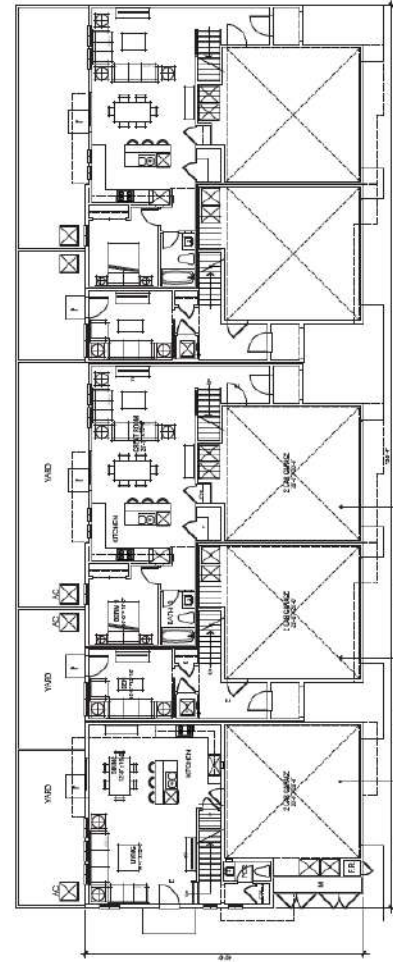
Item 7.



A-4
 CITY SUBMITTAL 3
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Second Floor



First Floor

Plan 2: 3 Beds / 2.5 Ba / 1 Loft / 1 Car Garage ±11,205 SF
 Plan 1: 3 Beds / 2.5 Ba / Den / 1 Car Garage ±11,682 SF
 Plan 0: 3 Beds / 2.5 Ba / 1 Car Garage ±11,411 SF

OVERALL BUILDING AREA: ±11,205 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: V3
 SPRINKLER SYSTEM: Full 13

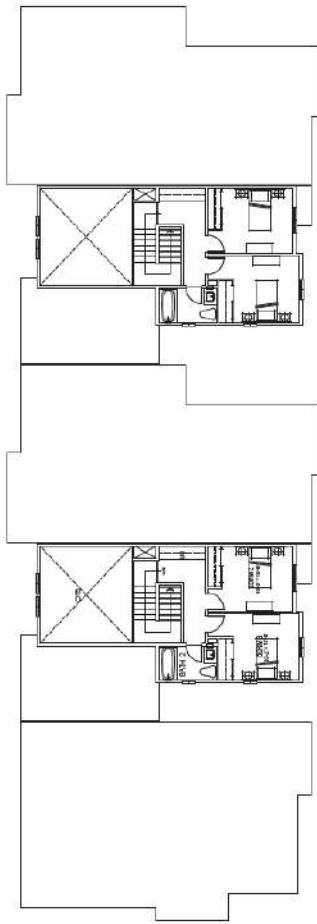
NOTE:
 1. FLOOR COVERINGS MAY VARY DUE TO METHOD OF CALCULATION.
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN.
 3. SHILLER PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND COORDINATION PER SOLE CONSULTANT.

5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

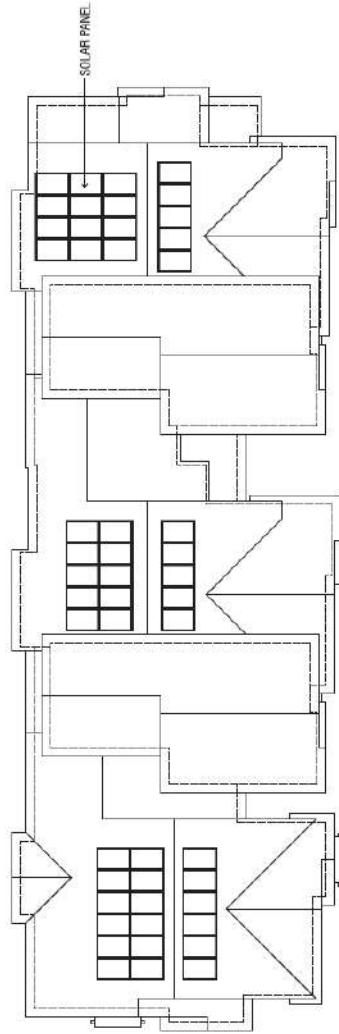
IRIS
 ESCONDIDO, CA



Item 7.



Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND
 CONFIGURATION PER SOLAR CONSULTANT



5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA

A-5
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Color Scheme 1 Shown,
 Refer to Sheet CM-1

Note: Artist's conception; colors, materials
 and application may vary.

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco over Fiber Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

5 PLEX CONVENTIONAL HOMES | Conceptual Elevations



IRIS

ESCONDIDO, CA

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A-6
 CITY SUBMITTAL 3



Item 7.



Front Perspective



Rear Perspective

5 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA



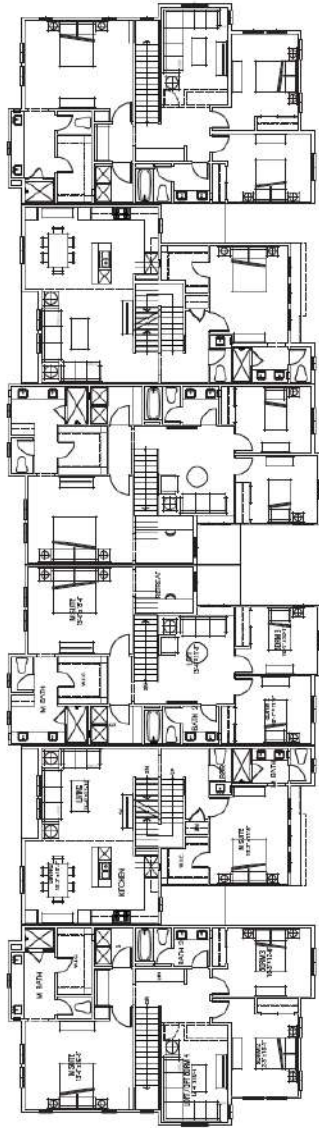
CITY SUBMITTAL 3
A-7
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Item 7.

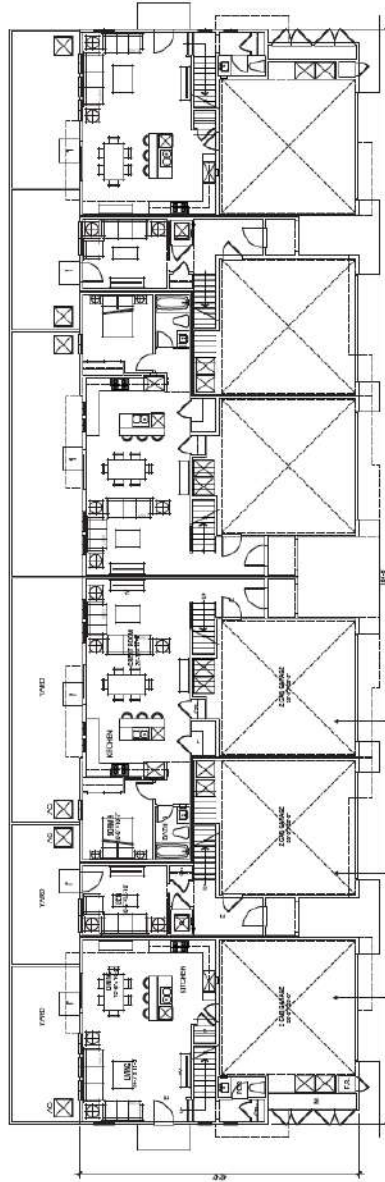


A-8
 CITY SUBMITTAL 3

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Second Floor



First Floor

Plan 1
 4 Beds / 2 Bath / 1 Loft
 2 Car Garage
 47-1,911 SF

Plan 2
 3 Beds / 2 Bath / 1 Den
 2 Car Garage
 47-1,662 SF

Plan 3
 3 Beds / 2.5 Bath / 1 Den / 1 Loft / 1 Car Garage
 47-1,662 SF

6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA

OVERALL BUILDING AREA: 413,350 SF

OCCUPANCY: R2

CONSTRUCTION TYPE: V8

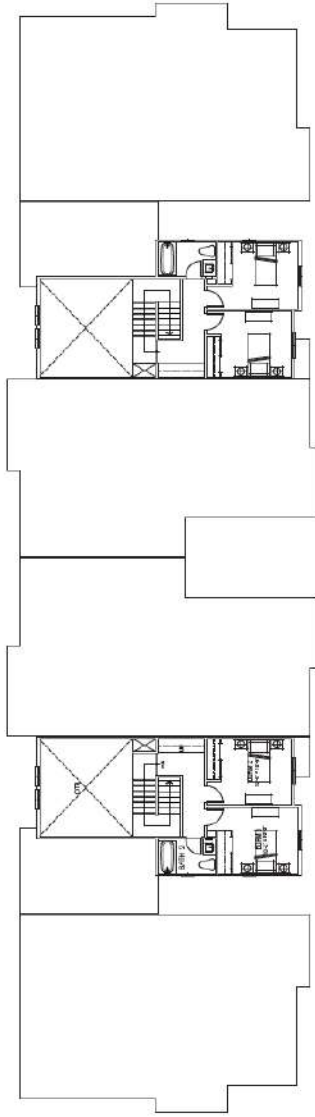
S-SPRINKLER SYSTEM: Full 13

NOTE:

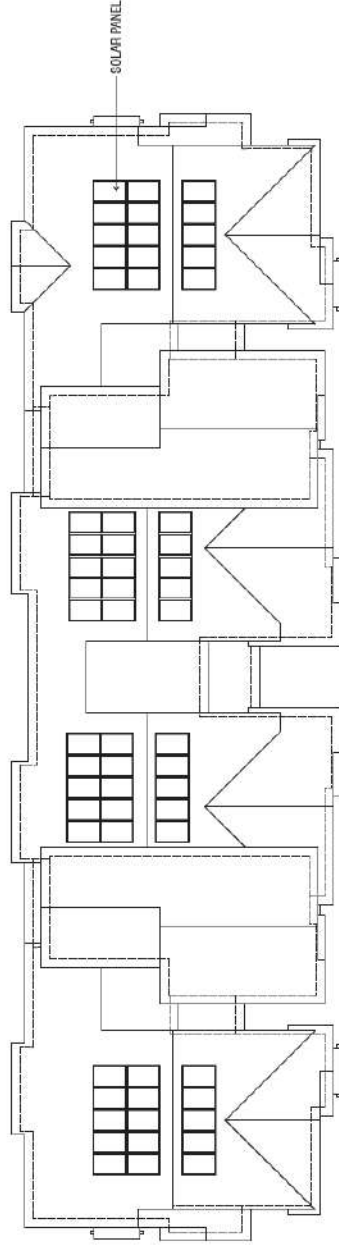
1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
3. CONCEPTUAL FLOOR PLAN LAYOUT AND CONCEPTUAL PER-SQUARE CONSULTANT



Item 7.



Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: YB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR AND WALL NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL LAYOUT ARE CONCEPTUAL - FINAL LAYOUT AND COMPARISON PER SOLAR CONSULTANT



6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA



A-9
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Color Scheme 1 Shown,
 Refer to Sheet CM-1

Note: Artist's conception, colors, materials
 and application may vary.

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco over Fiber Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



6 PLEX CONVENTIONAL HOMES | Conceptual Elevations

IRIS
 ESCONDIDO, CA

A-10

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Front Perspective



Rear Perspective

6 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

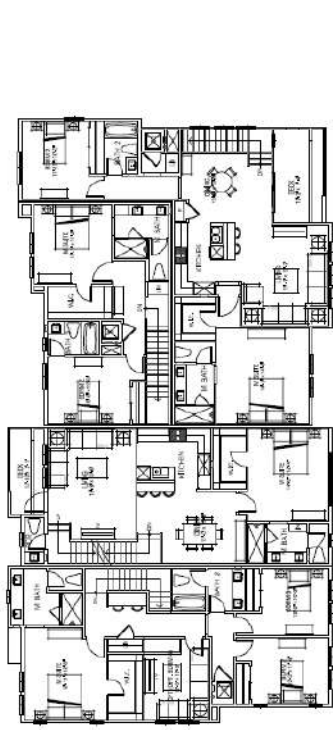
IRIS
ESCONDIDO, CA

A-11
CITY SUBMITTAL 3

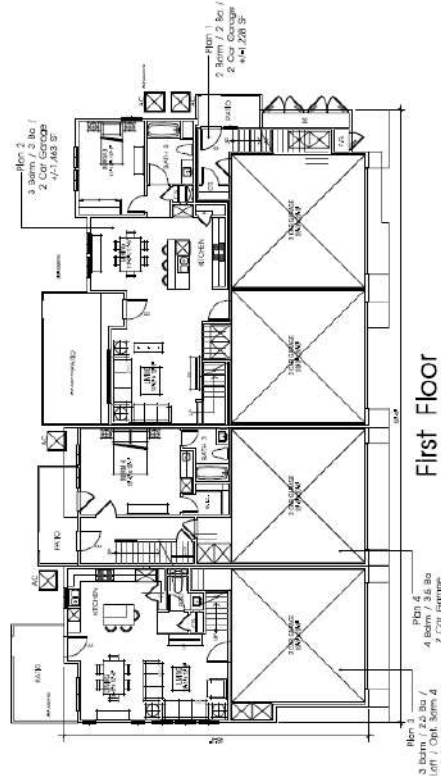
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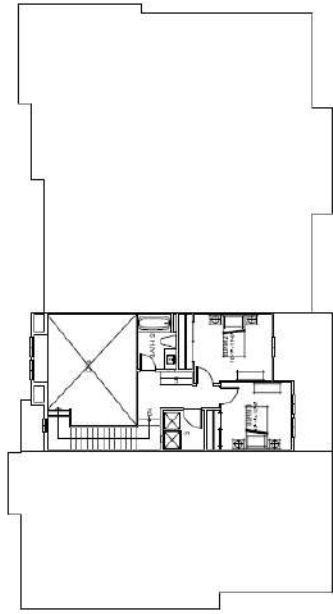
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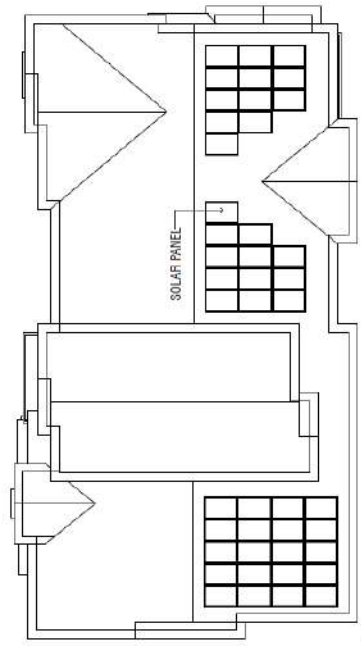
Second Floor



First Floor



Third Floor



Roof

OVERALL BUILDING AREA: ±8,034 SF
 OCCUPANCY: F2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: FUI 13
 NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO RELIEF ELEVATION DESIGN
 3. SOLAR PANEL LOCATIONS ARE CONCEPTUAL. FINAL LAYOUT AND COMPOSITION PER SOLAR CONSULTANT

4 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA



A-12
 CITY SUBMITTAL 3
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Item 7.



Rear



Front

Note: A-13's conception, colors, materials and application may vary.
 Color Scheme 1 Shown,
 Refer to Sheet CM-1

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Windows: Decorative Glass
- Door: Metal
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



4 PLEX ALLEY HOMES | Conceptual Elevations

IRIS

ESCONDIDO, CA

A-13
 CITY SUBMITTAL 3
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Front Perspective



Rear Perspective

4 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA

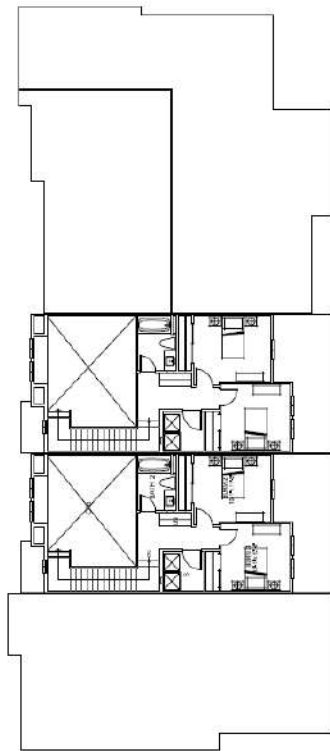
A-14

CITY SUBMITTAL 3

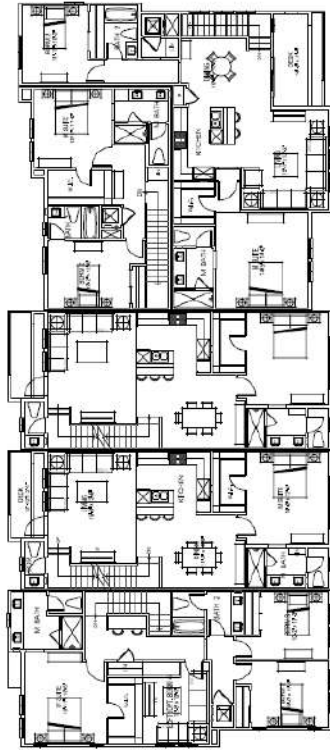
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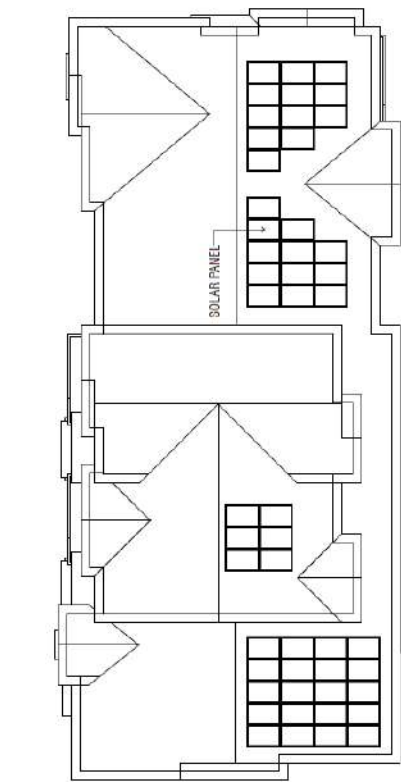
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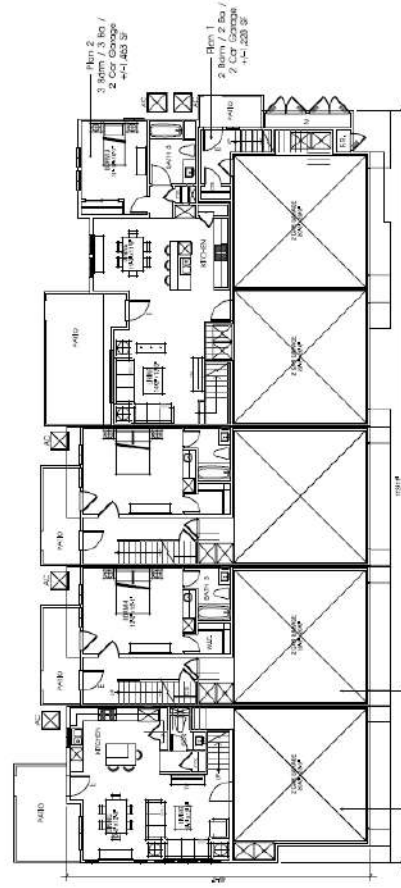
Third Floor



Second Floor



Roof



First Floor

OVERALL BUILDING AREA: ±10,200 SF

OCCUPANCY: R2
 CONSTRUCTION TYPE: V-B
 SPRINKLER SYSTEM: FULL

- NOTE:
1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. ROOMS AND WALLS NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL FINISHES
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT



5 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA

A-15
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Note: Artist's conception; colors, materials and application may vary.

Color Scheme 1 Shown.
 Refer to Sheet CM-1

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Floor Camart Trim
- Deck Accents: Metal Railing
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



5 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA

A-16

CITY SUBMITTAL 3

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Front Perspective



Rear Perspective

5 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

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A-17

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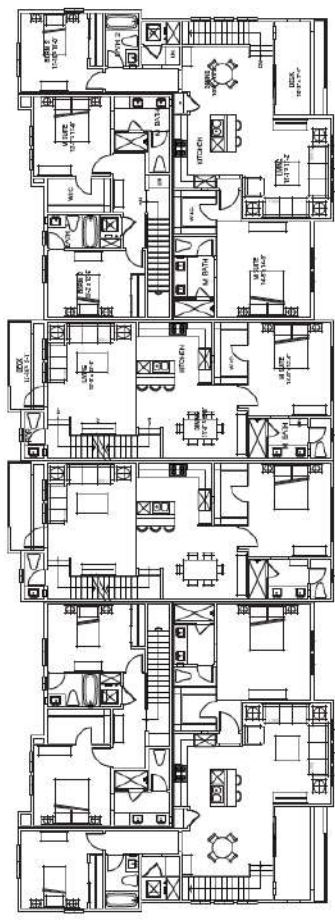


Item 7.

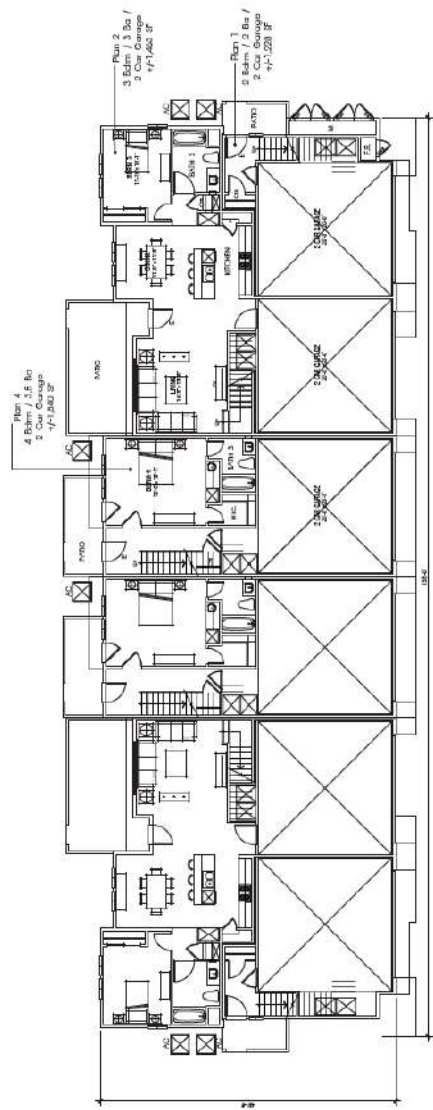


A-18
 CITY SUBMITTAL 3

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Second Floor



First Floor

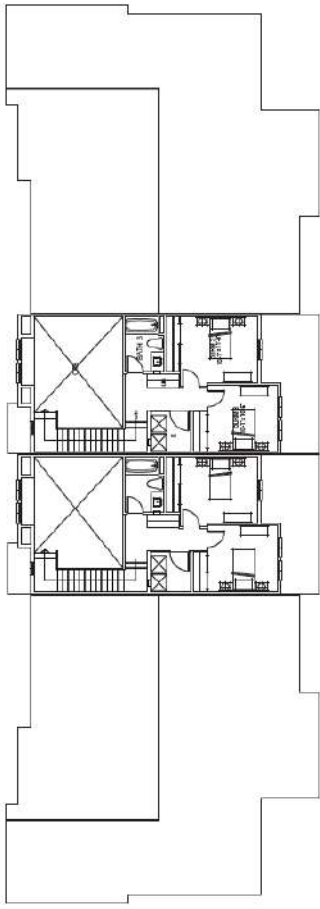
OVERALL BUILDING AREA: ±11,830 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: V8
 SPRINKLER SYSTEM: Full 13
 NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT
 3. ANY CHANGES TO THE CONCEPTUAL LAYOUT AND
 CONFIGURATION PER SOLAR CONSULTANT

6 PLEX ALLEY HOMES | Conceptual Floor Plans

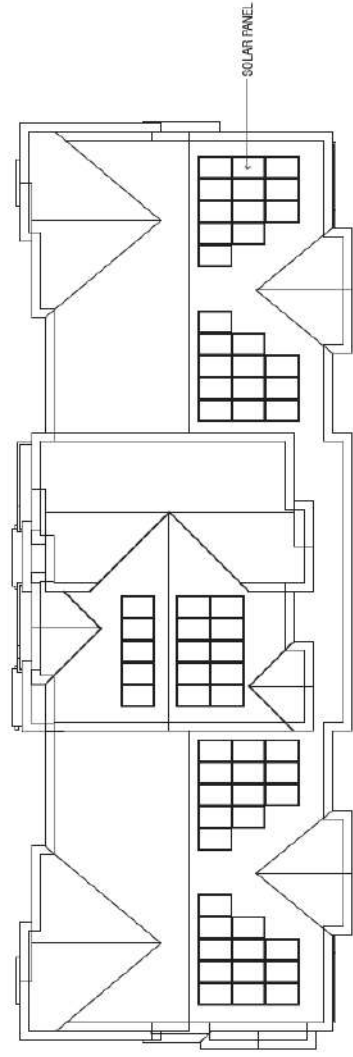
IRIS
 ESCONDIDO, CA



Item 7.



Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: V8
 SPRINKLER SYSTEM: Full 1.3

NOTE
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
 3. CONSTRUCTION FOR SOLAR CONSULTANT



6 PLEX ALLEY HOMES | Conceptual Floor Plans

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Item 7.



Rear



Front

Note: Aritisi's conception; colors, materials and application may vary

Note: Aritisi's conception; colors, materials and application may vary



Right



Left

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Blue Finish Fiber Cement Siding
- Deck: Composite Decking
- Deck Accents: Metal Railings
- Window & Door Trim: Stucco over Faux Tile
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

6 PLEX ALLEY HOMES | Conceptual Elevations



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A-20

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Front Perspective



Rear Perspective

6 PLEX ALLEY HOMES | Conceptual Perspectives

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A-21

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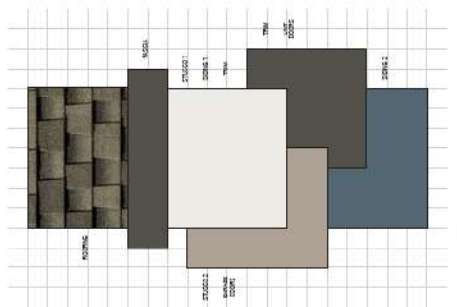
Item 7.



ESCONDIDO SITE
 ESCOBAR, ANDERSON
 HALLMARK COMMUNITIES
 March 1, 2021 | 10:05 AM
 Page 1 of 1

EXTERIOR COLOR & MATERIALS

Building	Material	Color	Finish	ALL BUILDING
Building #1	Stucco	White	Smooth	Exterior
Building #2	Stucco	White	Smooth	Exterior
Building #3	Stucco	White	Smooth	Exterior
Building #4	Stucco	White	Smooth	Exterior
Building #5	Stucco	White	Smooth	Exterior
Building #6	Stucco	White	Smooth	Exterior
Building #7	Stucco	White	Smooth	Exterior
Building #8	Stucco	White	Smooth	Exterior
Building #9	Stucco	White	Smooth	Exterior
Building #10	Stucco	White	Smooth	Exterior



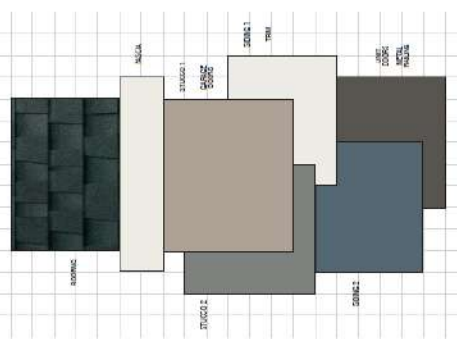
ESCONDIDO SITE
 ESCOBAR, ANDERSON
 HALLMARK COMMUNITIES
 March 1, 2021 | 10:05 AM
 Page 1 of 1



ESCONDIDO SITE
 ESCOBAR, ANDERSON
 HALLMARK COMMUNITIES
 March 1, 2021 | 10:05 AM
 Page 1 of 1

EXTERIOR COLOR & MATERIALS

Building	Material	Color	Finish	ALL BUILDING
Building #1	Stucco	White	Smooth	Exterior
Building #2	Stucco	White	Smooth	Exterior
Building #3	Stucco	White	Smooth	Exterior
Building #4	Stucco	White	Smooth	Exterior
Building #5	Stucco	White	Smooth	Exterior
Building #6	Stucco	White	Smooth	Exterior
Building #7	Stucco	White	Smooth	Exterior
Building #8	Stucco	White	Smooth	Exterior
Building #9	Stucco	White	Smooth	Exterior
Building #10	Stucco	White	Smooth	Exterior



ESCONDIDO SITE
 ESCOBAR, ANDERSON
 HALLMARK COMMUNITIES
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 Page 1 of 1



CONCEPTUAL COLOR AND MATERIALS

IRIS

ESCONDIDO, CA

CM-1

CITY SUBMITTAL 3

72-10-21



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EXHIBIT "D"

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Ordinance No. 2023-03

PLANNING CASE NUMBERS: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127
and PL21-0128

Prezone Determinations:

1. The proposed Prezone to Planned Development-Residential (PD-R 14.6) would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Prezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Division regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building Division regulations. The proposal would be consistent with the established rules of the proposed zoning districts and as permitted pursuant to Article 19 (Planned Development) of the Escondido Zoning Code. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2021060702), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.
2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Prezone would establish a zoning designation of PD-R-14.6 (Planned Development-Residential; maximum 14.6 dwelling units per acre). Upon annexation to the City of Escondido, the Project site would be zoned PD-R 14.6. A General Plan Amendment to change the land use designation of the subject parcels from Suburban (S) to Urban III (U3) is also proposed as part of this Project to maintain consistency with the Prezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 102 air-space condominium units.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. Development in the vicinity of the project site is characterized by a mix of single-family residences on a variety of lot sizes, planned residential development and a residential/independent care facility. The Project has been designed to limit extensive grading and slopes. Street frontage improvements and off-site improvements, as required by the EIR, would benefit non-residents of the project as much as the residents, including payment of fees for pedestrian improvements at five intersections (Centre City Parkway/Iris Lane, El Norte Parkway/South Iris Lane, North Broadway/Vista Avenue, El Norte Parkway/Morning View Drive, and Country Club Lane/North Broadway). The open space system provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties, as detailed in the staff report dated January 11, 2022.

4. The site's proposed zoning classification of Planned Development-Residential (PD-R-14.6) would not be consistent with the existing General Plan designation of Suburban (S), that allows a maximum density of 3.3 dwelling units per acre, but is consistent with the underlying County land-use designation of Village Residential (VR-24), that allows a maximum density of 24 dwelling units per acre. In conjunction with the proposed Prezone to PD-R-14.6, the Project proposes to amend the land use designation of the site to Urban III (U3) which the ultimate City zoning designation of PD-R 14.6 would be consistent with. The U3 designation is intended for multi-family projects with a maximum density of 18 dwelling units per acre.
5. The proposed Prezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land zoned for R-3 type development. The Project would establish a zoning designation of PD-R-14.6, which would allow a maximum density of 14.6 dwelling units per acre. A density of 14.6 dwelling units per acre would be within the required 70 percent (12.6 minimum dwelling units per acre) of the maximum allowed 18 dwelling unit per acre of the Urban III land-use designation.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

Master and Precise Development Plan Determinations:

1. The location, design, and residential density of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido City Council, or in the process of being prepared and adopted. The proposed Master and Precise Development Plan would create 102 air-space condominium units on 6.98 net acres for a density of 14.6 dwelling units per acre. This would be in conformance with the densities allowed by the land-use designation and zoning classification proposed under the concurrent General Plan Amendment to Urban III and Prezone to PD-R-14.6. The project site is not covered under any existing or proposed specific plans.
2. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is adjacent to a variety of residential development and densities, including single-family residential, planned residential developments that utilize small single-family lots with attached homes and common space areas, and a multi-story residential/independent living care facility. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential) zone. The design of the proposed structures would incorporate a range of building materials and a subdued color palate that would be compatible with existing development in the area. Landscaping has been proposed for aesthetic purposes and to buffer the development from surrounding roads and development.
3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was prepared for the project and mitigation measures have been proposed in the EIR to reduce potential impacts to less than significant level.
4. The proposed location and design allow residents within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact

on existing public facilities and services. All utilities intended for the site are already in place or can be extended to serve the site. Police and Fire services are available and sufficient for the development.

5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The proposed residences include two- and three-story units that incorporate a subdued color palette and a mixture of exterior finishes to be compatible with the surrounding built environment and mix of development types. A conceptual landscape plan has been provided that includes a mix of common and private open space areas and amenities, along with attractive and regionally appropriate plantings for recreation areas, bioretention basins, and street trees.
6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the development has been designed to coordinate with the existing topography of the site, and the Project's effects on views from surrounding streets and residences has been analyzed within the Project EIR.
7. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. The Project site requires a General Plan Amendment and zoning designation to accomplish the Project objectives to provide 102 condominium units. The proposed Planned Development zoning designation would help the City increase its supply of for-sale housing. California law requires each city and county to develop local programs within their housing element in order to meet their "fair share" of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (RHNA) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.

EXHIBIT "E"

CONDITIONS OF APPROVAL

Planning Case Numbers: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

This Project is conditionally approved as set forth on the application received by the City of Escondido on **August 6, 2020**, and the Project drawings consisting of Civil Plans/Grading, Sections, Site Plans, Floor Plans, Architectural Elevations, Landscape Plans and Colored Elevations; all designated as approved on **January 11, 2023**, and shall not be altered without express authorization by the Development Services Department.

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.** If the Permit was filed as or concurrent with a Tentative Map, the Permit shall expire 36 months from the effective date of City Council approval of the Tentative Map, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code.
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 slopes up to an additional one foot in height, and modifications to retaining wall heights. 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 Community Development 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 Community Development.
- 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 Community Development.
 - 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 Community Development. 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 Community Development Department.

- 11. Community Facility District or Funding Mechanism.** In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with City Ordinance 2020-10, unless another amount is approved by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into Services CFD 2020-1 or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. 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.

- 12. 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.

13. Clerk Recording.

- a.** State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance

with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increases after the date of this approval, the Applicant shall be responsible for the increase.

- 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.

14. 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.

15. 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.

16. 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.

17. 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 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. 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, unless modified by this Project Planned Development. 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 Services 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 are 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.

16. Phasing. A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

C. Parking and Loading/Unloading.

1. As shown on the plans, an enclosed two-car garage shall be provided for each condominium unit. A minimum of 25 open guest spaces also shall be provided. The garages shall be maintained to provide parking for two cars and storage or other use of the garage space shall not impede the use of the garages for parking of vehicles.
2. 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 owners' association assumes all responsibility for maintaining all on-site landscaping; storm water facilities, 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 Engineering Services 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 Department 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 Department 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 Development Services.

E. Specific Planning Division Conditions:

1. The Project shall be managed by a professional management company. A self-managed Home Owners Association ("HOA") shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project Covenants, Conditions, and Restrictions ("CC&Rs").
2. The storm water basin and any fencing associated with the basin shall be maintained by the Project HOA. The basin and landscaping shall be design to be a visual amenity for the Project with an appropriate mix of shrubs, ground cover and grasses. If fencing is provide to restrict access to the basin, the fencing shall be an open decorative design (e.g., tubular steel, split rail or other type of decorative fencing). The height of any fencing associated with the basin shall not exceed 42 inches and shall not limit sight distance at the intersection.

F. Mitigation Measures:

MM-BIO-1. Trimming, grubbing, and clearing of vegetation shall be avoided during the avian breeding season, which generally runs from February 15 to August 31 (as early as January 1 for some raptors) to the extent feasible. If trimming, grubbing, or clearing of vegetation is proposed to occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist no more than seven days prior to vegetation clearing to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, trimming, grubbing, and clearing of vegetation shall be allowed to proceed. If active bird nests are confirmed to be present during the pre-construction survey, a buffer zone will be established by the biologist. Construction activities shall avoid any active nests until a qualified biologist has verified that the young have fledged, or the nest has otherwise become inactive.

MM-BIO-2. Prior to impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit.

MM-BIO-3. Prior to any project impacts to potentially jurisdictional resources, demonstration that regulatory permits from USACE, RWQCB, and CDFW have been issued or that no such permits are required shall be provided to the City. Permanent impacts to 0.05 acre of USACE/RWQCB jurisdictional non-wetland waters of the United States/State, 0.10 acre of CDFW jurisdictional habitat, and 0.02 acre of CDFW jurisdictional streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following off-site options, unless otherwise required by the USACE, RWQCB, and/or CDFW during the regulatory permitting process:

- Purchase of establishment/re-establishment, rehabilitation, enhancement, and/or preservation credits from an off-site mitigation bank with a service area that overlaps the project and that is approved by the USACE, RWQCB, and CDFW, such as the San Luis Rey Mitigation Bank, and Brook Forest Conservation/Mitigation Bank; and/or
- Acquisition or use of other off-site mitigation lands in the region to include establishment/re-establishment, rehabilitation, enhancement, and/or preservation of USACE, RWQCB, and CDFW jurisdictional resources.

Mitigation for RWQCB-jurisdictional waters shall include a minimum 1:1 establishment/ reestablishment to ensure no-net-loss. Final mitigation requirements shall be determined during the permitting process in coordination with the USACE, RWQCB, and CDFW, as appropriate.

MM-BIO-4. The project applicant shall replace impacted mature trees at a minimum 1:1 ratio, unless otherwise determined by the City. The project applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development. This condition can be satisfied on-site if the project's landscape plans include the appropriate number of oak trees and other tree species.

MM-BIO-5. The project applicant shall prepare an infectious tree disease management plan for the project. This plan should include a description of how the infectious tree disease management plan will be implemented. All trees that would be removed by the project should be inspected for contagious tree diseases including, but not limited to, thousand canker fungus (*Geosmithia morbida*), polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agilus auroguttatus*). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the project site without first being treated using best available management practices relevant for each tree disease observed.

MM-CR-1. Prior to the issuance of a grading permit, 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"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-CR-2 through MM-CR-10, and the following information:

- Parties entering into the agreement and contact information.
- Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
- Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
- Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
- Treatment of identified Native American cultural materials.
- Treatment of Native American human remains and associated grave goods.
- Confidentiality of cultural information including location and data.
- Negotiation of disagreements should they arise.
- Regulations that apply to cultural resources that have been identified or may be identified during project construction.

MM-CR-2. Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe.

The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

MM-CR-3. The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.

MM-CR-4. During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring 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. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. 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 (i.e., soil conditions are comprised solely of fill or granitic bedrock).

MM-CR-5. In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.

MM-CR-6. If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), 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(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.

M-CR-7. All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource

or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing 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. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). 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.

M-CR-8. As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary 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. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.

MM-CR-9. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any 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 for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) 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.

MM-CR-10. Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions 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. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.

MM-GEO-1. Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

MM-HAZ-1a. Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that an asbestos survey has been conducted on any buildings that are to be demolished or removed from the project site. If asbestos is found, the Applicant shall follow all procedural requirements and regulations of to properly abate and dispose of all on-site asbestos-containing materials before general demolition activities commence.

MM-HAZ-1b. Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the applicant shall follow all OSHA procedural requirements and regulations for its proper removal and disposal before general demolition activities commence.

MM-HAZ-2. Prior to construction activities on the project site, the Applicant shall submit verification that the undocumented fill material placed in front of 2039 North Iris Lane has been removed or evaluated for the potential for contaminants. If contaminated, the soil must be removed and disposed of according to local and state regulations. If contaminated soil is identified, the applicant shall follow all procedural and regulatory requirements for its proper removal and disposal before general construction activities commence.

MM-N-1. If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines. A noise mitigation plan based upon the location of the construction equipment, topography and construction schedule shall be prepared by an acoustical consultant. The noise mitigation plan shall identify measures to reduce sound levels to below 75 dBA. Such measures could include a temporary noise barrier along any property line where the impacts could occur. The proposed noise barrier shall be of solid non-gapping material to adequately reduce construction noise levels below the noise threshold of 75 dBA at the property lines. The noise mitigation plan shall determine the final height and location of a temporary barrier if one is necessary.] The mitigation plan may also identify location and timing restrictions on drilling equipment usage. The mitigation plan shall be submitted to the City for review and approval prior to initiation of rock drill staging activities within 160 feet of any occupied noise sensitive land use.

MM-TR-1a. The project shall implement CAPCOA reduction measure T-1 (Increase Residential Density).

MM-TR-1b. The project applicant shall pay the City of Escondido \$67,500 for pedestrian improvements at the following five intersections to reduce VMT impacts:

- Intersection of Centre City Pkwy at Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte at South Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of Broadway at Vista Ave (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte Parkway at Mountain View (Install pedestrian countdown timers on each corner (4 countdown timers).

- Intersection of Country Club Lane at Broadway (Install high visibility crosswalk on north, south and east legs (3 crosswalks).

G. Specific Building Division Conditions:

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

H. Specific Engineering Conditions of Approval:

GENERAL

1. The applicant 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. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. 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 City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklist. Landscaping Plans shall be prepared by a Landscape Architect and submitted with the second review of the Grading Plans.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map and Grading Plan. 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.
5. 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.
6. 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.

7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Division a copy of the Tentative Subdivision Map as presented to the Planning Commission and the City Council. The Tentative Subdivision Map will be signed by the Planning Division verifying that it is an accurate reproduction of the approved Tentative Subdivision Map and must be included in the first submittal for plan check to the Engineering Services 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 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 within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
North Iris Lane	Local Collector Street (62'/42')
Robin Hill Lane (Private)	Residential Street (44'/32')

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

3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
4. All on-site failing sections of asphalt driveway and concrete gutter must be repaired and/or replaced to the satisfaction of the City Engineer.
5. Access to this project from N. Iris Lane shall be per alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
6. The major access entrance shall be designed per the approved Tentative Subdivision Map.
7. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
8. All on-site roads, driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks, street lights, paving and base.
9. For North Iris Lane and Robin Hill Lane the sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
10. Final street improvements shall be to the satisfaction of the City Engineer and shall be based on City of Escondido standard drawing Figure 3.

11. Plans for construction within any right-of-way or easement under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
13. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
14. The developer may be responsible for an overlay of North Iris Lane 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.
15. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
16. The developer shall be required to construct an emergency access road through the project to the satisfaction of the City Engineer and City Fire Marshal.
17. The proposed street system shall be designed to align with other existing intersections to the satisfaction of the City Engineer.
18. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
19. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
20. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
21. The developer shall be required to construct LED street lights in accordance with Escondido Standard Drawing No. E-1-E along North Iris Lane.
22. All gated entrances shall be designed and improved to the satisfaction of the City Engineer.
23. The developer shall install trash capture devices on existing storm drain inlets along the project's frontage to the satisfaction of the City Engineer.
24. The project shall pay an in-lieu fee totaling \$67,500.00 at the time the first grading plan is submitted to the Engineering Department for VMT mitigation measures identified in the transportation study for the project. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.
25. The project shall pay a fair-share contribution for the widening of North Iris Lane for approximately 280 linear feet Northeast of City Centre Parkway. The fair share amount is calculated at 6.5% and requires a fee of \$10,075 and shall be paid with the first submittal of the grading plan to the Engineering Department. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.

26. The project shall pay a fair-share contribution for improvements to the intersection of City Centre Parkway and North Iris Lane which include modifying the signal operations and restriping the Westbound approach on North Iris Lane from a left and through right configuration to a left and left through configuration. This fair share amount is calculated at 3.1% and requires a fee of \$6,975 and shall be paid with the first submittal of the grading plan to the Engineering Services Division. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a digital copy 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. 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.
3. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
4. 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.
5. 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.
6. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
7. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
8. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

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 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. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the property owner's association. Provisions stating this shall be included in the CC&Rs.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin and any other post construction BMP's shall be submitted and approved as part of the grading plan check.
4. A 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 hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to issuance of the grading permit or recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon Del Diablo Municipal Water District will sign approval of the improvement plans with respect to the water mains.

SEWER

1. The Developer is required at their sole expense to design and construct an 8-inch public sewer main. The 8-inch sewer main shall connect to the existing 10-inch sewer main in North Iris Lane and shall continue up Streets B, C, D and H. A minimum 20-foot Public Utility easement shall be provided for the public sewer mains. There shall be no permanent structures allowed within the Public Utility easement.
2. Private 6-inch PVC sewer laterals shall connect to the public sewer main and shall be shown on the improvement and grading plans.
3. All sewer laterals shall be constructed per current City of Escondido Design Standards and the current Uniform Plumbing Code.

4. 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 and 10-feet clear from water mains.
5. 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.
6. All 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.
7. The project design shall be such that all existing or new sewer manholes are accessible at all times by City vactor trucks for maintenance.
8. 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.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET

CLASSIFICATION

North Iris Lane

Local Collector Street (62'/42')

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. A public sewer easement shall be dedicated over the private streets.
5. An emergency access easement shall be granted to the City on the Final Map. The minimum width of the easement shall be 24 feet and to the satisfaction of the City Engineer and Fire Marshal.
6. 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. All street vacations shall be accomplished by means of a separate public hearing if required. 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 until all conflicting easements are resolved, 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 new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, 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 in effect at the time and in such amounts as may prevail when building permits are issued.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Services Division and Planning Division for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, private street lighting, private storm drains, landscaping and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs must state that the property 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 shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

RESOLUTION NO. 2023-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN ANNEXATION, GENERAL PLAN AMENDMENT FROM SUBURBAN TO URBAN III, A ONE-LOT TENTATIVE SUBDIVISION MAP FOR THE N. IRIS 102-UNIT CONDOMINIUM PROJECT, AND AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR INITIATION OF PROCEEDINGS FOR THE ANNEXATION - REORGANIZATION OF 7.7 ACRES LOCATED AT 2039, 2047, 2085 AND 2089 N. IRIS LANE

CASE NOS. PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127, PL21-0128

WHEREAS, Hallmark Communities, Inc., ("Applicant") filed a land use development application (Planning Case Nos. PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128) constituting a request for an Annexation/Reorganization, Prezone to Planned Development-Residential (PD-R 14.6), General Plan Amendment from Suburban (S) to Urban III (U3), one-lot Tentative Subdivision Map, and a Planned Development Permit (Master and Precise Development Plan) for the development of 102 condominium units ("Project") on a 7.7 gross acre (6.98 net acre) site located at 2039, 2047, 2085 and 2089 N. Iris Lane (APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00), as more particularly described in Exhibit "A" and depicted in Exhibit "B" to this Resolution, both of which are attached hereto and made a part hereof by this reference as though fully set forth herein ("Property" and "Annexation Property"); and

WHEREAS, the Application was submitted to, and processed by, the Development Services Department in accordance with the rules and regulations 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 is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, multi-family residential condominium development is a permitted use within the Planned Development-Residential zone, subject to the approval of the proposed General Plan Amendment to Urban III, Tentative Subdivision Map in accordance with Chapter 32 of the Escondido Municipal Code, and Master and Precise Development Plan in accordance with Article 19 of the Escondido Zoning Code; and

WHEREAS, this annexation/reorganization is necessary in order for the subject properties to receive urban services available from the City of Escondido; and

WHEREAS, that this annexation/reorganization is consistent with the Sphere of Influence of the City of Escondido and affected districts; and

WHEREAS, annexation of the Annexation Property into the City of Escondido would also include concurrent detachment from County Service Area ("CSA") No. 135 (San Diego Regional Communications System) and exclusion from the Rincon Del Diablo Improvement District "E;" and

WHEREAS, the City Council of the City of Escondido desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, Division 3, commencing with Section 56000 of the California Government Code for the proposed annexation/reorganization.

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

WHEREAS, the Planning Division studies the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the Project as depicted on the plan set

shown in Exhibit "C," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, a Draft and Final Environmental Impact Report, and Mitigation Monitoring and Reporting Program was prepared for the Project, and has been certified through the adoption of City Council Resolution No. 2023-03; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 13, 2022, as prescribed by law, at which interested persons were given the opportunity to appear and present their views with respect to the Application. Evidence was submitted to and considered by the Planning Commission, including written and oral testimony from City staff, interested parties, and the public. Following the public hearing, the Planning Commission adopted Planning Commission Resolution No. 2022-14, recommending that the City Council approve the Project; and

WHEREAS, the City Council of the City of Escondido held a duly noticed public hearing on January 11, 2023, as prescribed by law, at which time the City Council received and considered the reports and recommendation of the Planning Division and Planning Commission, 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 City Council, including without limitation:

- a) Witten 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 City Council staff report, dated January 11 2023, which along with its attachments, and City staff's recommendation on the Project, is incorporated herein as though fully set forth herein;
- d) The Planning Commission's recommendation; and
- e) Additional information submitted during the public hearing; and

WHEREAS, the City Clerk, whose office is located at 201 North Broadway, Escondido, California, 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act; and

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

1. That the above recitations are true.
2. All requirements of CEQA have been met through the adoption of City Council Resolution No. 2023-03.
3. That the Findings of Fact/Factors to be Considered, attached as Exhibit "D" hereto and incorporated by this reference, were made by the City Council, and upon their consideration along with the staff reports, public testimony presented at the hearing, and all other oral and written evidence on this Project, this City Council approves the Project, subject to the Conditions of Approval set forth in Exhibit "E" hereto and incorporated by this reference. The City Council expressly declares that it would not have made this decision 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.
4. That the City Council desires at this time and deems it to be in the best public interest to approve the General Plan Amendment and modify the General Plan Map from Suburban (S) to Urban III (U3) as depicted in Exhibit "F."
5. That this Tentative Subdivision Map and associated Master and Precise Development Plan shall be null and void unless a Final Map conforming to the Tentative Subdivision Map and all required conditions, is filed within 36 months of the effective date of this approval, or unless an Extension of Time

is granted pursuant to section 66452.6 of the California Government Code and Chapter 32 (Subdivisions) of the Escondido Municipal Code.

6. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the January 11, 2023, City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective in the manner provided by state law. Therefore, this Resolution shall become effective and operative on the day immediately subsequent to the date that Ordinance No. 2023-03 becomes effective.

7. That application and proposal is hereby made to the Local Agency Formation Commission of the County of San Diego for the annexation/reorganization described below. This proposal is made pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, as amended, commencing with Section 56000 of the Government Code of the State of California. The Local Formation Commission of the County of San Diego is hereby requested to undertake proceedings for the annexation/reorganization proposed herein. The following changes of organization are proposed:

a. Annexation of the subject territory, as legally described and depicted in Exhibits "A" and "B," hereto, to the City of Escondido

b. Detachment of the subject territory, as legally described and depicted in Exhibits "A" and "B," hereto, from CSA No. 135 (San Diego Regional Communication Systems) and exclusion from the Rincon Del Diablo Improvement District "E."

8. That the City Council of the City of Escondido hereby requests the Local Agency Formation Commission to designate the City of Escondido as conducting agency, and that the City of Escondido be authorized to order the proposed annexation.

9. That the City Clerk of the City of Escondido is hereby authorized and directed to file a certified copy of this resolution with the applicable fees required by Section 54902.5 of the California

Government Code to the executive officer of the Local Agency Formation Commission of San Diego County.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to certain fees described in the City of Escondido’s Development Fee Inventory on file in both the Community Development Department and Public Works Department. Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code. The Project is also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

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 Section 66020.

EXHIBIT "A"

Legal Description Resolution No. 2023-04 (North Iris Condominium Project)

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

PARCEL 1:

THAT PORTION OF LOT 6 THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 473.25 FEET FROM THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 7°44'30" WEST 243.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7°44'30" WEST 247.08 FEET; THENCE SOUTH 77°33'45" EAST 201.16 FEET; THENCE NORTH 10°15' EAST 246.43 FEET TO A LINE WHICH BEARS SOUTH 77°33'45" EAST FROM THE TRUE POINT OF BEGINNING, THENCE NORTH 77°33'45' WEST 211.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 33.00 FEET IN WIDTH, THE CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1 ABOVE DESCRIBED; THENCE SOUTH 77°33'45" EAST, 399.58 FEET TO THE EASTERLY LINED OF SAID LOT 6, EXCEPTING THAT PORTION LYING IN SAID PARCEL 1.

APN: [224-310-08-00](#)

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

PARCEL 1: APN: [224-310-05-00](#)

THAT PORTION OF LOT 6 (THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER) OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 256.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 6; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°27'30" WEST 217.25 FEET; THENCE SOUTH 7°44'30" WEST 243.16 FEET; THENCE SOUTH 77°33'45" EAST 215.71 FEET; THENCE NORTH 7°44'30" EAST 292.11 FEET TO THE POINT OF BEGINNING.

PARCEL 2: APN: [224-310-06-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 14°30'30" WEST 697.70 FEET; THENCE NORTH 77°33'45" WEST 387.50 FEET TO THE EASTERLY LINE OF LAND DESCRIBED IN DEED TO ADOLPHUS E. HOPKINS, ET UX, RECORDED [SEPTEMBER 6, 1950 AS DOCUMENT NO. 101315 OF OFFICIAL RECORDS](#); THENCE ALONG SAID EASTERLY LINE NORTH 7°44'30" EAST 102.78 FEET TO THE SOUTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO JAMES SWANSON, ET UX, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807 OF OFFICIAL RECORDS](#); THENCE ALONG THE BOUNDARY OF SAID LAND SOUTH 77°33'45" EAST 201.16 FEET AND NORTH 10°15' EAST 246.43 FEET TO THE SOUTHERLY LINE OF LAND DESCRIBED IN DEED TO SHIRLEY L. PRICE RECORDED [MARCH 26, 1957 AS DOCUMENT NO. 44592 OF OFFICIAL RECORDS](#); THENCE ALONG SAID SOUTHERLY LINE SOUTH 77°33'45" EAST 3.72 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND; THENCE ALONG THE EASTERLY LINE THEREOF NORTH 7°44'30" EAST 292.11 FEET TO THE NORTHERLY LINE OF SAID LOT 6; THENCE ALONG SAID NORTHERLY LINE NORTH 89°27'30" EAST 256 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1961 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 2A:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THE SOUTHERLY 15.00 FEET OF THE PROPERTY DESCRIBED IN THE DEED TO JAMES SWANSON AND FRANCES SWANSON, HUSBAND AND WIFE, AS JOINT TENANTS, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807, IN BOOK 7393, PAGE 414 OF OFFICIAL RECORDS](#).

PARCEL 2B:

AN EXCLUSIVE EASEMENT FOR ROAD PURPOSES OVER THE SOUTHERLY 10 FEET OF THE LAND DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1974 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 3: APN: [224-310-20-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 6 FROM WHICH THE NORTHEASTERLY CORNER OF SAID LOT 6 BEARS NORTH 14°30'30" EAST 697.7 FEET; THENCE NORTH 77°33'45" WEST 387.5 FEET; THENCE SOUTH 12°03'40" WEST 164.19 FEET; THENCE SOUTH 77°56'20" EAST 355.59 FEET; THENCE NORTH 14°30'30" EAST 46 FEET; THENCE SOUTH 77°56'20" EAST 25 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID EASTERLY LINE NORTH 14°30'30" EAST 116.8 FEET TO THE POINT OF BEGINNING.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER A STRIP OF LAND 20 FEET WIDE BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE EASTERLY LINE OF THE ABOVE DESCRIBED LOT 6 FROM WHICH THE NORTHEASTERLY CORNER THEREOF BEARS NORTH 14°30'30" EAST A DISTANCE OF 850.5 FEET; THENCE NORTH 77°56'20" WEST A DISTANCE OF 25 FEET.

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

THAT PORTION OF LOT 6, IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF. DESCRIBED AS FOLLOWS:

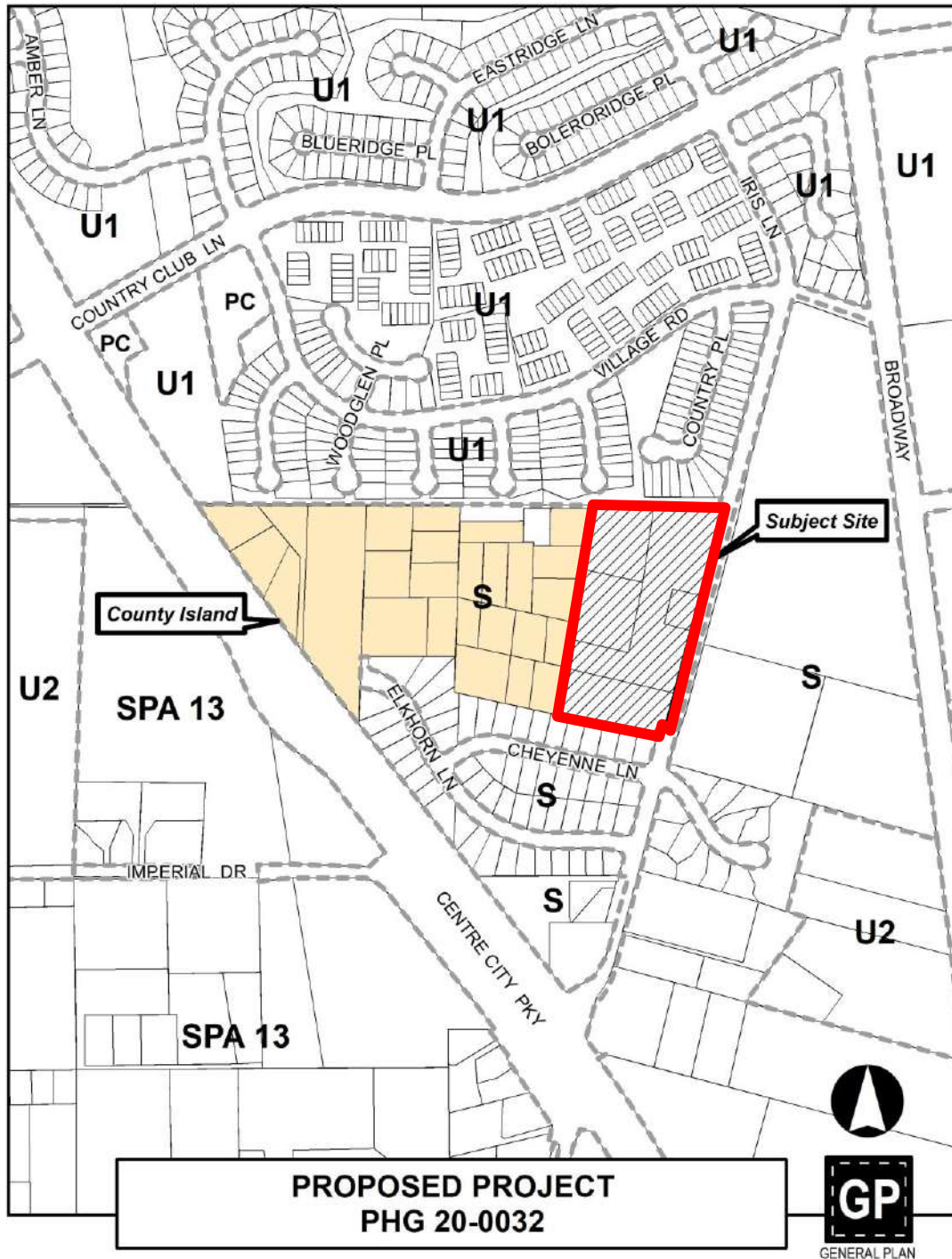
BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 6, DISTANT THEREON SOUTH 14°30'30" WEST 348.96 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE LEAVING SAID EASTERLY LINE NORTH 77°33'45' WEST 104 FEET; THENCE SOUTH 14°30'30" WEST PARALLEL WITH SAID EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 123.21 FEET; THENCE SOUTH 77°33'45" EAST 104 FEET TO A POINT IN SAID EASTERLY LINE OF SAID LOT 6; THENCE NORTH 14°30'30" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 123.21 FEET TO THE POINT OF BEGINNING.

APN: [224-310-07-00](#)

EXHIBIT "B"

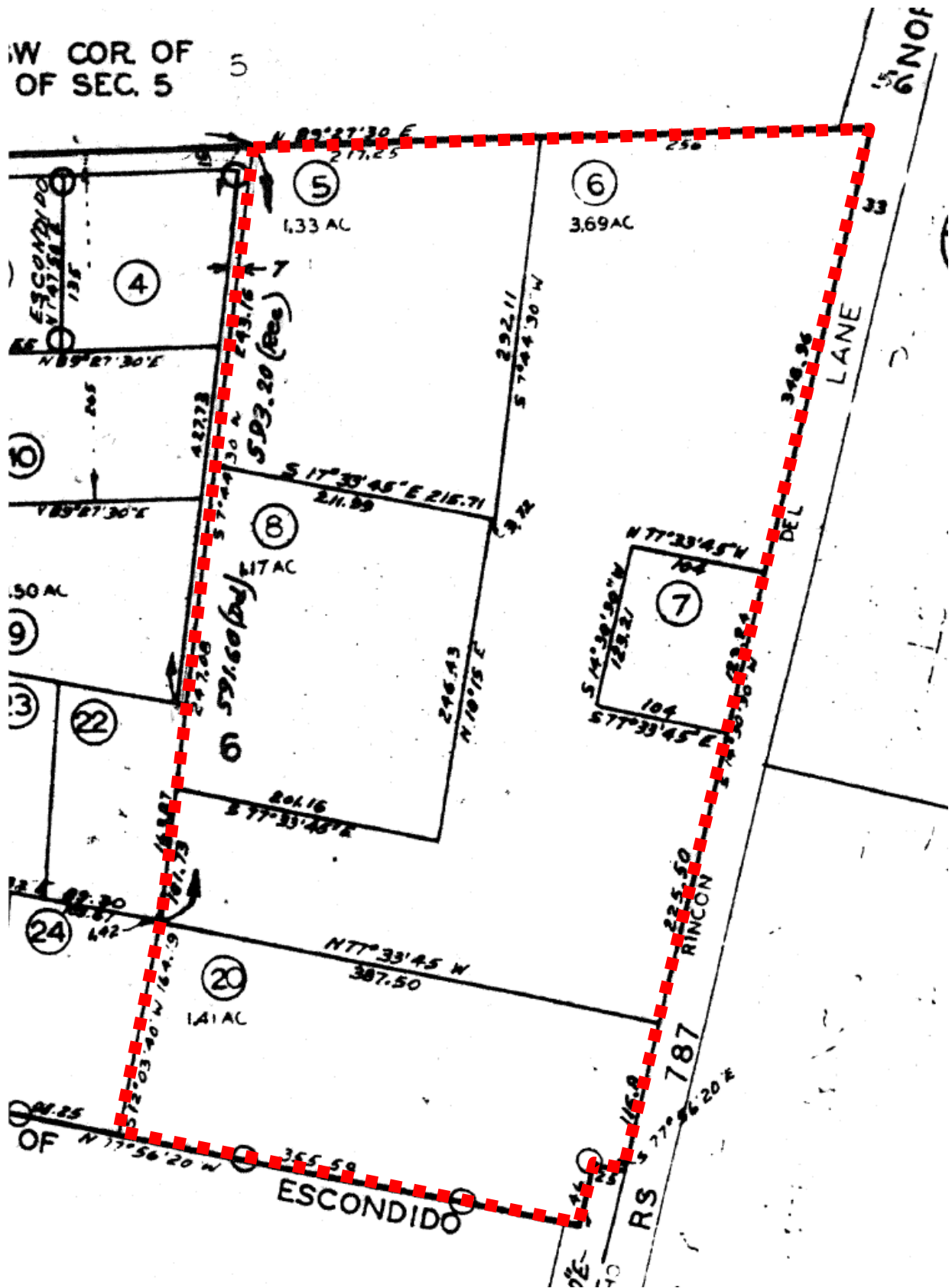
Property Depiction
Resolution No. 2023-04
(North Iris Condominium Project)

APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00

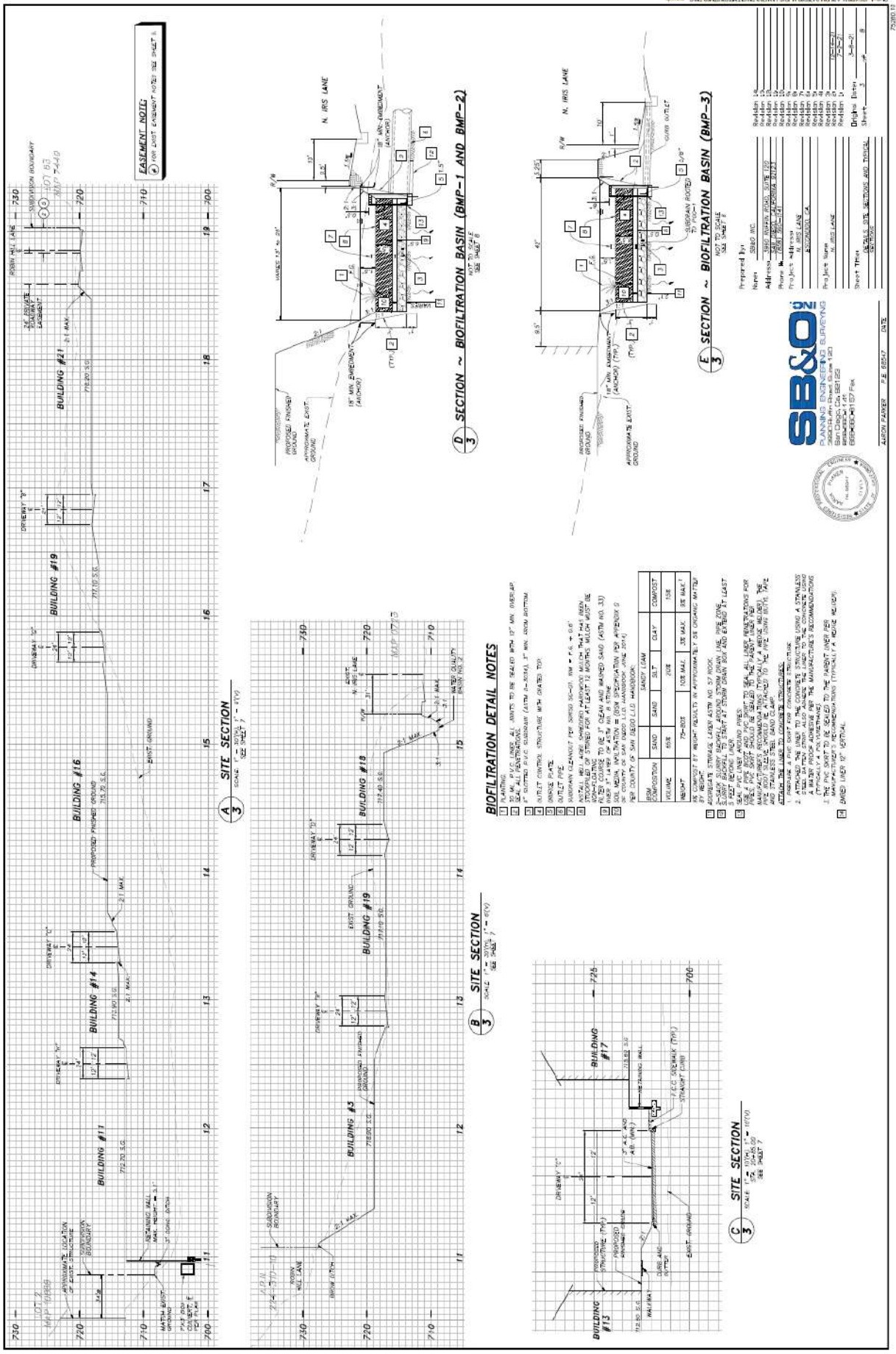


Item 7.

APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00



Item 7.



EASEMENT NOTE:
 (A) FOR MOST EASEMENT NOTES SEE SHEET 8.

D SECTION ~ BIOFILTRATION BASIN (BMP-1 AND BMP-2)
 SCALE: 1" = 8'-0" (SEE SHEET 8)

E SECTION ~ BIOFILTRATION BASIN (BMP-3)
 SCALE: 1" = 8'-0" (SEE SHEET 8)

A SITE SECTION
 SCALE: 1" = 10'-0" (SEE SHEET 7 - TTY)

B SITE SECTION
 SCALE: 1" = 20'-0" (SEE SHEET 7 - TTY)

C SITE SECTION
 SCALE: 1" = 10'-0" (SEE SHEET 7 - TTY)

BIOFILTRATION DETAIL NOTES

1. ALL MATERIALS SHALL BE USED TO THE GRADE WITH 12" MIN. OVERLAP.
2. ALL JOINTS SHALL BE SEALED TO PREVENT LEAKAGE.
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DESCRIPTION	SAND	SILT	CLAY	COMPOST
VOLUME	750-800	100-150	100-150	100-150
DEPTH	12"	12"	12"	12"
NOTE	750-800	100-150	100-150	100-150

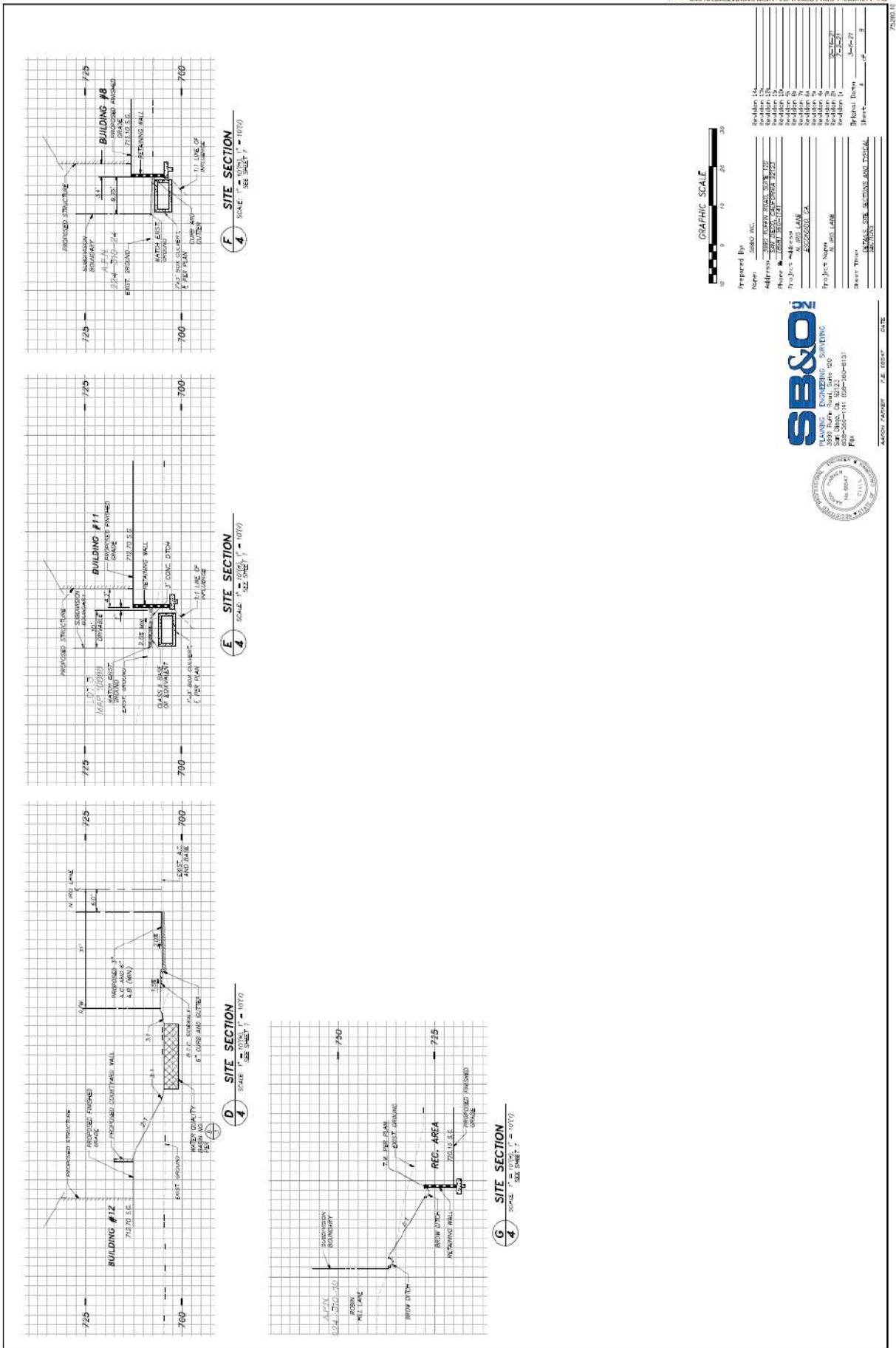
SB&O CONSULTING
 SAN DIEGO OFFICE
 3800 LA JOLLA VILLAGE DRIVE, SUITE 100
 SAN DIEGO, CA 92122
 TEL: 619.444.8888
 FAX: 619.444.8889
 WWW.SBANDON.COM

PROJECT INFORMATION
 Project Name: [REDACTED]
 Project Address: [REDACTED]
 Project City: [REDACTED]
 Project State: [REDACTED]
 Project Zip: [REDACTED]
 Project Date: [REDACTED]
 Project No.: [REDACTED]
 Project Rev.: [REDACTED]
 Project Sheet: [REDACTED]
 Project Title: [REDACTED]

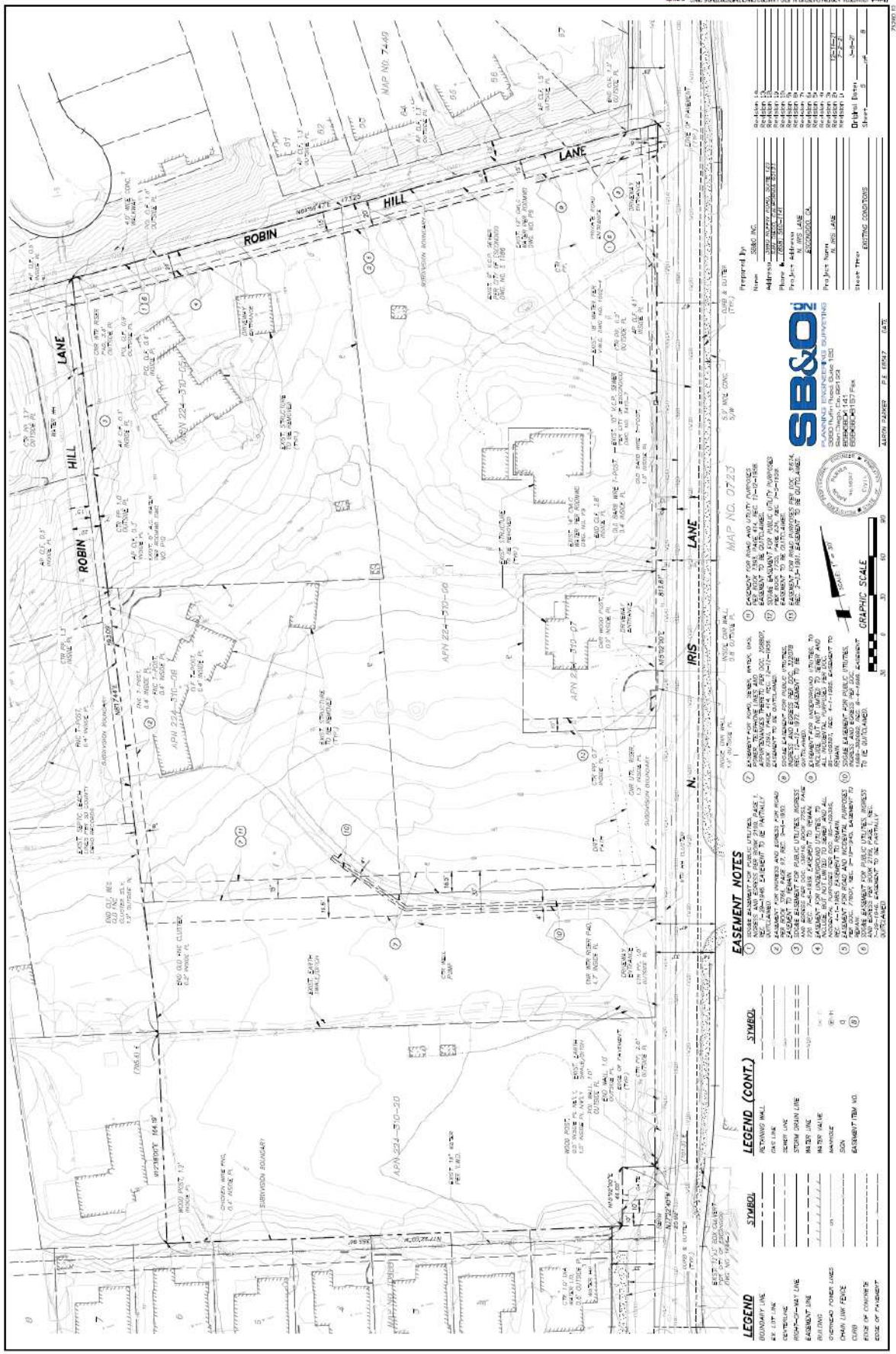
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 Designer Title: [REDACTED]
 Designer License: [REDACTED]
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 Designer No.: [REDACTED]
 Designer Date: [REDACTED]
 Designer Sheet: [REDACTED]
 Designer Title: [REDACTED]

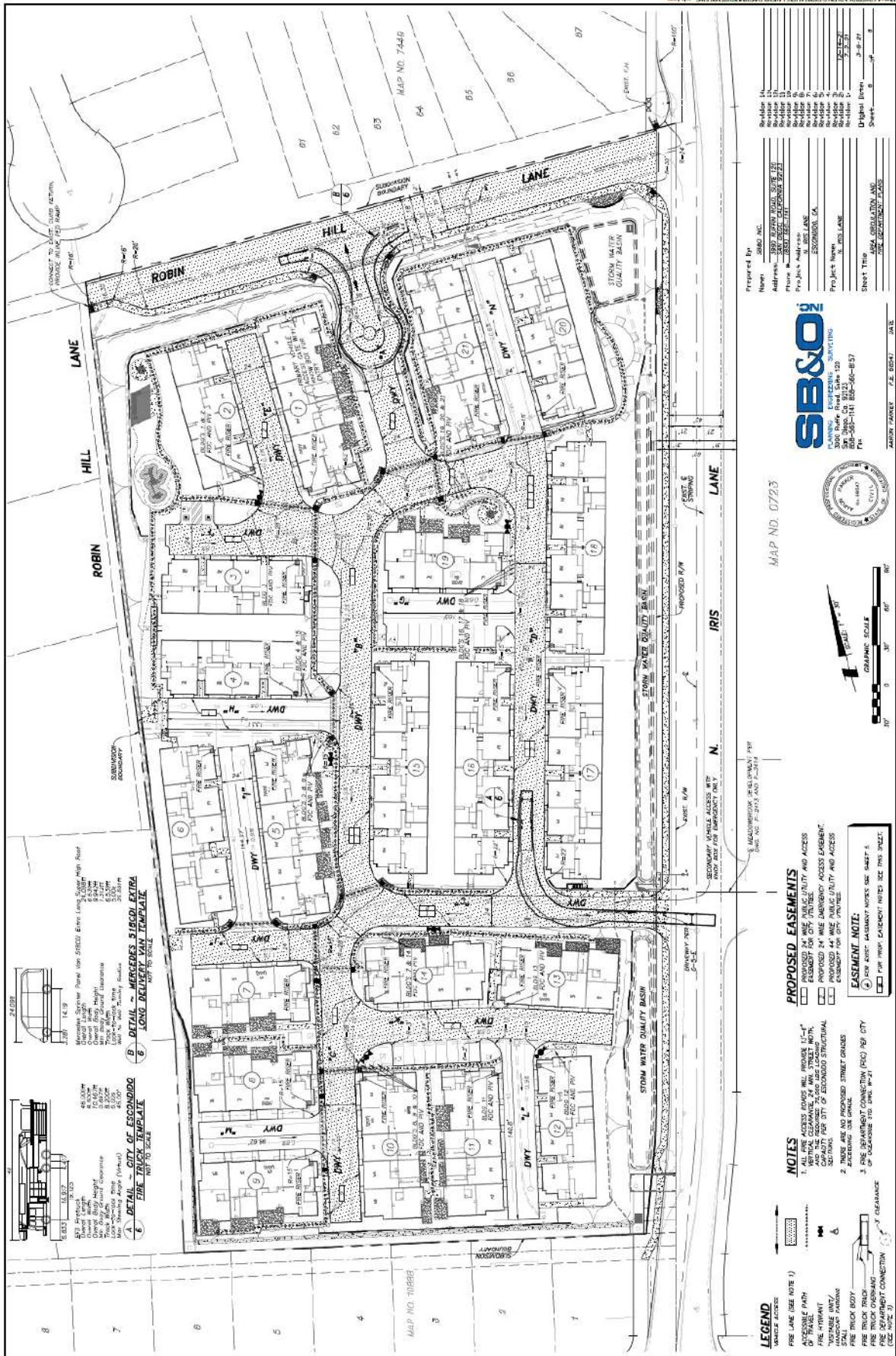
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Item 7.

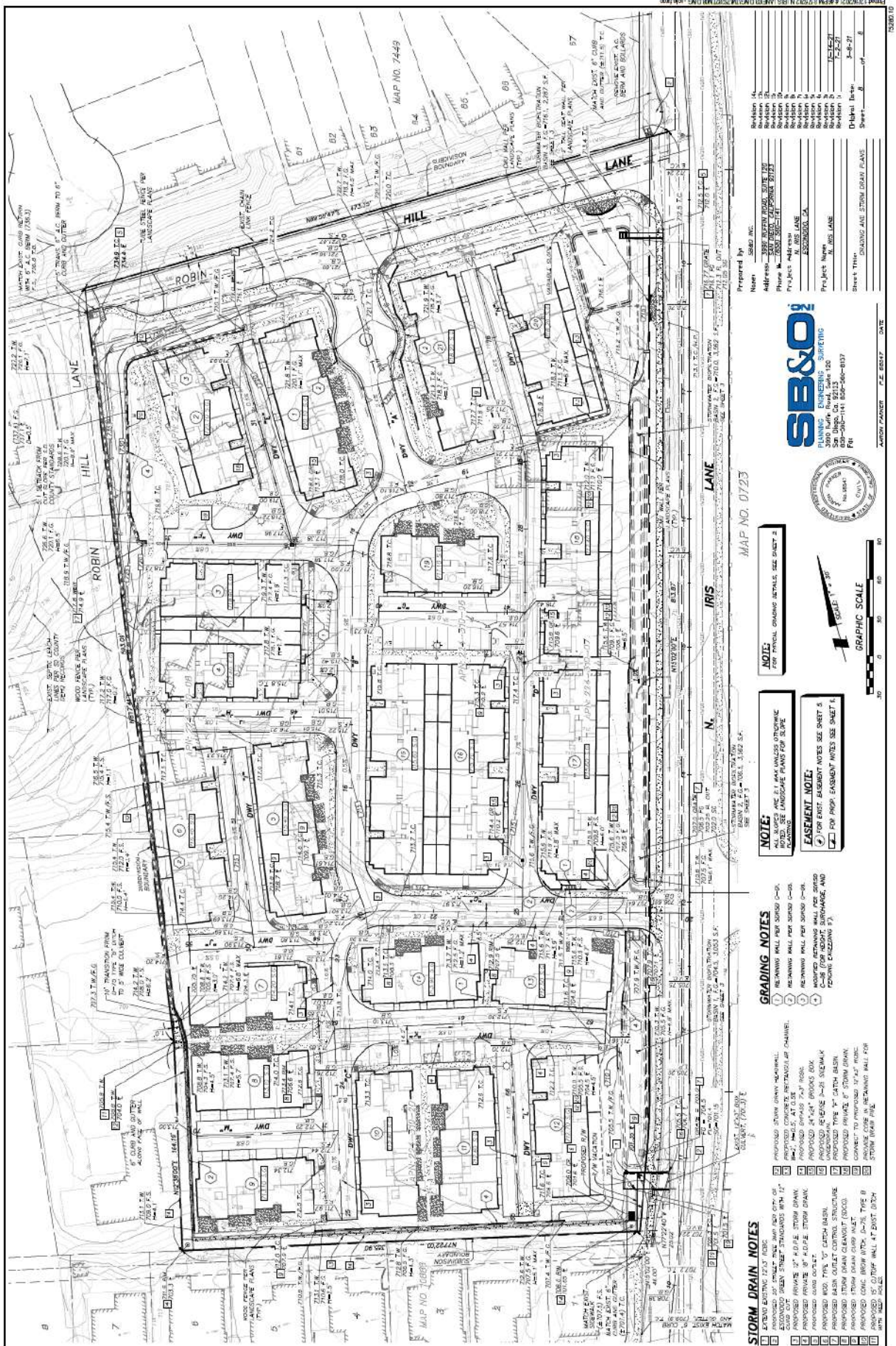


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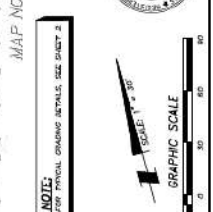


Item 7.



Prepared by: SB&O Inc.
 Name: 3800 Luff Road, Suite 100
 Address: 3800 Luff Road, Suite 100
 Project Name: IRIS LANE
 Project No.: 12-127
 Revision No.: 3-8-27
 Sheet: 8 of 8

SB&O
 PLANNING ENGINEERING SURVEYING
 3800 Luff Road, Suite 100
 Raleigh, NC 27604-6603
 Phone: 919-852-6603
 Fax: 919-852-6603



NOTE: FOR FINISH GRADING DETAILS, SEE SHEET 7.
EASEMENT NOTE: FOR EXIST. EASEMENT NOTES SEE SHEET 5.
FOR PROP. EASEMENT NOTES SEE SHEET 1.

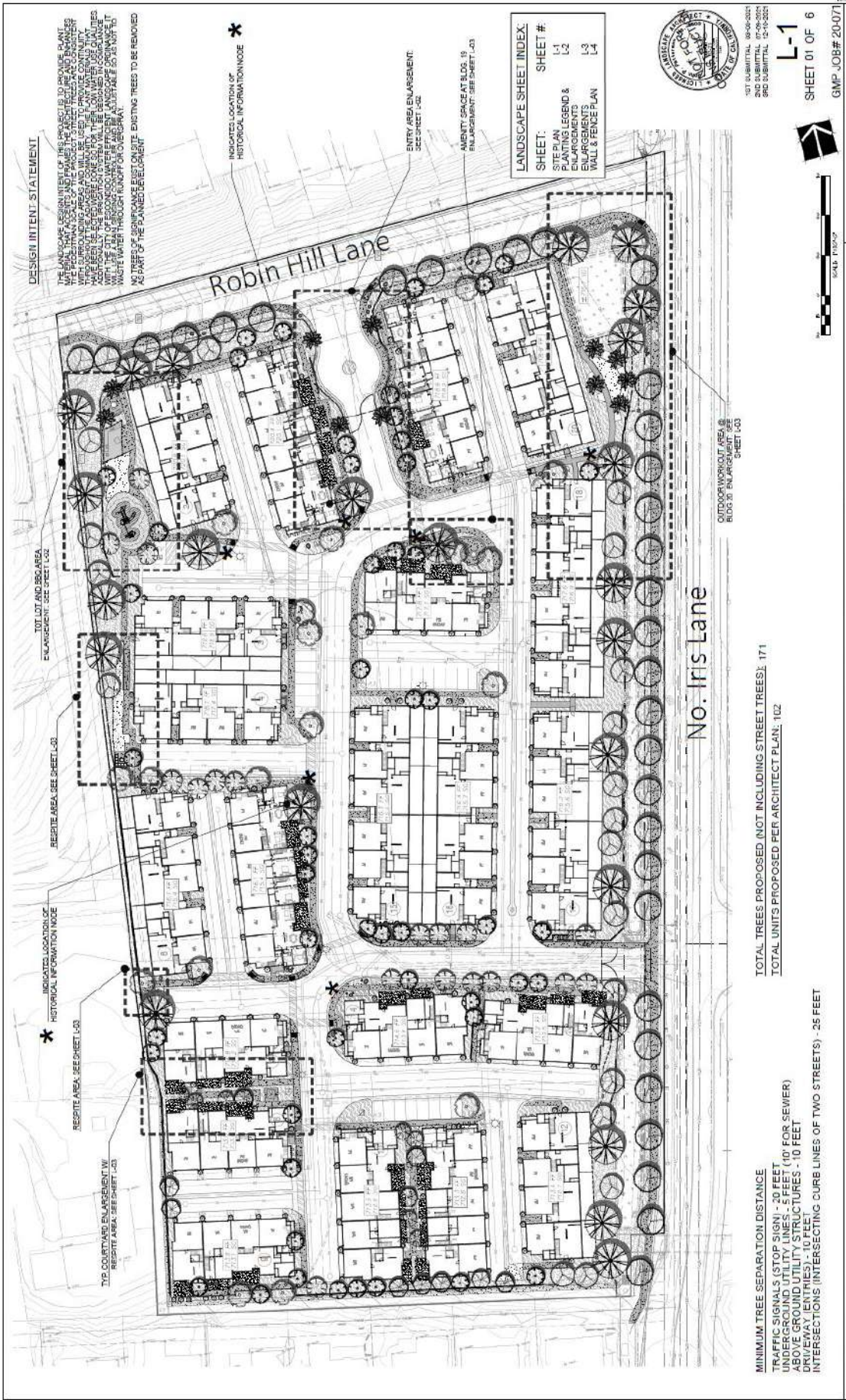
- GRADING NOTES**
- 1) REFINISH HILL PARK SURF TO 0'-0"
 - 2) REFINISH HILL PARK SURF TO 0'-0"
 - 3) REFINISH HILL PARK SURF TO 0'-0"
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 - 10) REFINISH HILL PARK SURF TO 0'-0"

- STORM DRAIN NOTES**
- 1) EXTEND EXISTING 12" DIA. STORM DRAIN TO 12" DIA. STORM DRAIN
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STORM DRAIN NOTES

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Item7.



DESIGN INTENT STATEMENT
 THE LANDSCAPE DESIGN INTENT OF THIS PROJECT IS TO PROVIDE PLANT MATERIAL THAT ACCENTUATES AND FRAMES THE ARCHITECTURE AND ENHANCES THE SURROUNDING AREA AND WILL BE USED TO PROVIDE CONTINUITY WITH THE SURROUNDING AREA. PLANTING WILL BE SELECTIONS THAT HAVE BEEN SEEN TO BE SUCCESSFUL IN THE LOW WATER USE CHALLENGE WITH THE CITY OF ESCONDIDO. WATER EFFICIENT LANDSCAPING IS A REQUIREMENT FOR ALL PLANTING. PLANTING SHOULD BE A SUITABLE 50% OR NOT TO EXCEED 10% OF THE PLANNED DEVELOPMENT AS PART OF THE PLANNED DEVELOPMENT.

INDICATED LOCATION OF HISTORICAL INFORMATION NODE *
 RESPIRE AREA SEE SHEET L-03
 TIT LOT AND RES AREA ENLARGEMENT SEE SHEET L-02
 ENTRY AREA ENLARGEMENT SEE SHEET L-02
 AMENITY SPACE AT SLOD 18 ENLARGEMENT SEE SHEET L-03
 OUTDOOR WORKOUT AREA & BIODIVERSITY ENLARGEMENT SEE SHEET L-03

LANDSCAPE SHEET INDEX:
 SHEET #:
 SITE PLAN L-1
 PLANTING LEGEND & ENLARGEMENTS L-2
 WALL & FENCE PLAN L-3
 L-4

TOTAL TREES PROPOSED (NOT INCLUDING STREET TREES): 171
 TOTAL UNITS PROPOSED PER ARCHITECT PLAN: 102

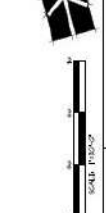
MINIMUM TREE SEPARATION DISTANCE
 TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
 UNDERGROUND UTILITY LINES - 5 FEET (10' FOR SEWER)
 DOORWAY UTILITY STRUCTURES - 10 FEET
 DECKWAYS (ENTRANCES) - 10 FEET
 INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET

IRIS AVE.: ESCONDIDO, CA
 HALLMARK COMMUNITIES
 10000 IRIS AVE., SUITE 200
 ESCONDIDO, CALIFORNIA 92027

CONCEPT PLAN
 CONCEPTUAL LANDSCAPE PLAN

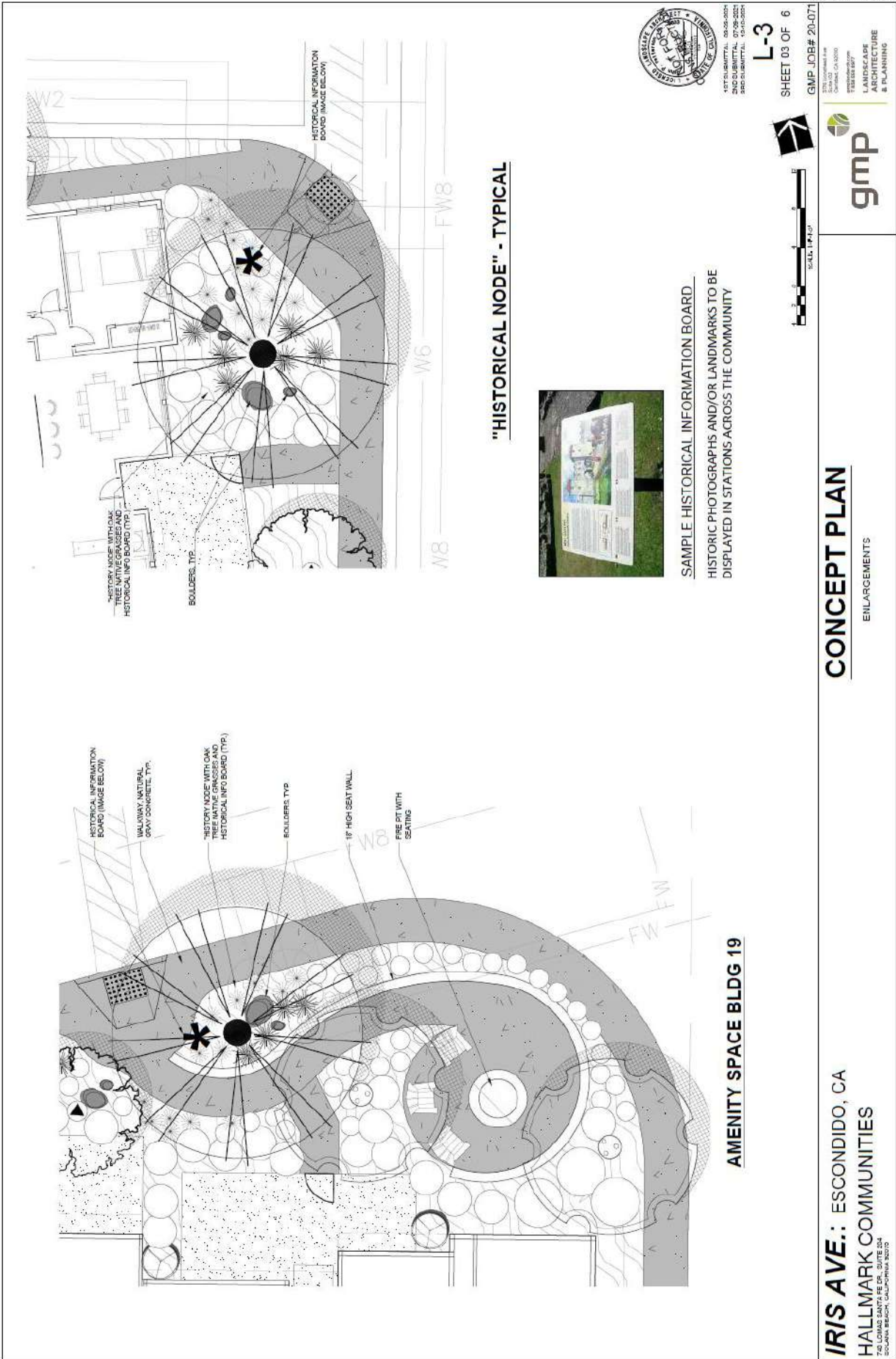
SCALE: 1"=50'-0"
 SHEET 01 OF 6
 GMP JOB# 20-071

DATE: 08-15-2023
 PREPARED BY: GMP
 CHECKED BY: GMP
 DATE SUBMITTED: 12-14-2023



gmp
 LANDSCAPE ARCHITECTURE & PLANNING

Item 7.



1ST SUBMITTAL: 06/05/2023
 2ND SUBMITTAL: 07/06/2023
 3RD SUBMITTAL: 10/10/2023

L-3

SHEET 03 OF 6
 GMP JOB# 20-071

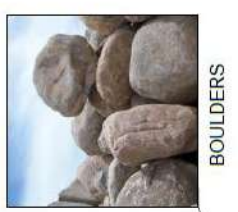
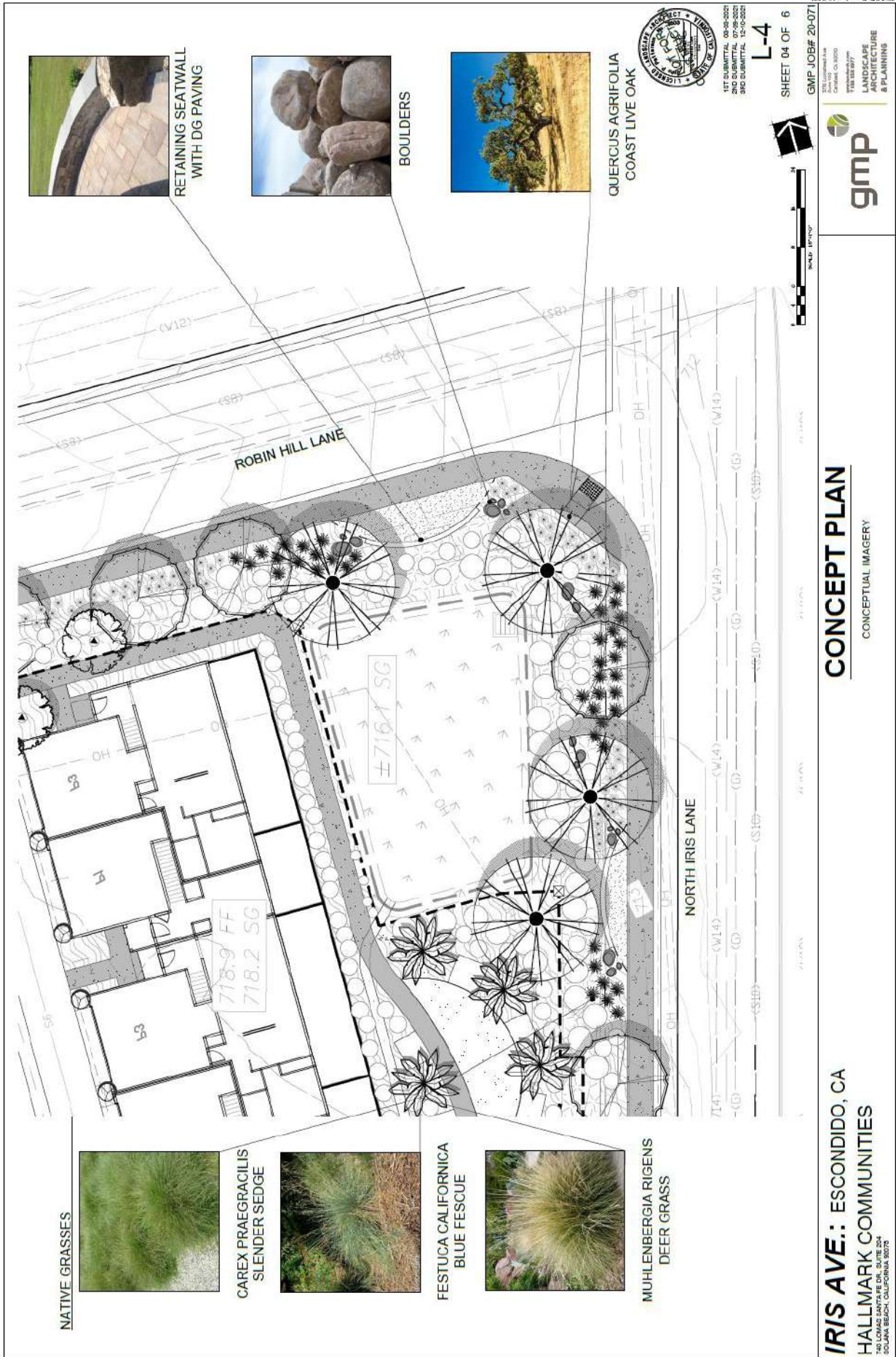


CONCEPT PLAN

ENLARGEMENTS

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 2410 IRIS AVENUE, SUITE 101
 ESCONDIDO, CALIFORNIA 92029

Item 7.



IRIS AVE.: ESCONDIDO, CA
 HALLMARK COMMUNITIES
 740 LOMAS SANTA FE DR., SUITE 204
 SOLANA BEACH, CALIFORNIA 92078



1ST SUBMITTAL 08-29-2021
 2ND SUBMITTAL 07-26-2022
 3RD SUBMITTAL 12-16-2022

L-4

SHEET 04 OF 6
 GMP JOB# 20-071



CONCEPT PLAN
 CONCEPTUAL IMAGERY

Item 7.



137 SUBMITTAL 08-09-2024
 2ND SUBMITTAL 07-09-2024
 3RD SUBMITTAL 10-10-2024

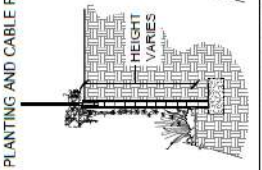
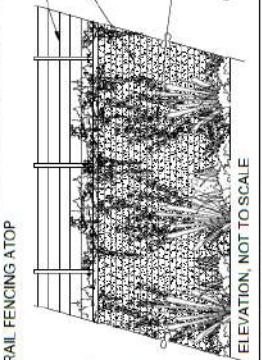
L-5
 SHEET 05 OF 6
 GMP JOB# 20-0771

LANDSCAPE ARCHITECTURE & PLANNING
 1188 BR 18977
 10000 WILSON BLVD
 SUITE 100
 IRVINE, CA 92618
 TEL: 949.261.1100
 WWW.GMP-ARCH.COM



42" CABLE RAIL FENCING
 RETAINING WALL
 VINE PLANTING, TYP.

SCALE: 1"=20'-0"



RETAINING WALL WITH VINE PLANTING AND CABLE RAIL FENCING ATOP

- CONCEPTUAL FENCE AND WALL LEGEND**
- 5" TUBE STEEL FENCE (DETAIL A / L-5)
 - RETAINING WALL PER CIVIL ENGINEER
 - 5" VINYL FENCE (DETAIL B / L-6)
 - RETAINING WALL WITH 42" CABLE RAIL ATOP (DETAIL C / L-6)
 - RETAINING WALL WITH 42" TS FENCING ATOP (DETAIL D / L-6)
 - FREESTANDING MASONRY WALL (DETAIL E / L-6)
 - DECORATIVE LOW WALL (DETAIL F / L-6)
 - VEHICULAR GATE OR PEDESTRIAN GATE

CONCEPT PLAN
 FENCE & WALL PLAN

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 746 LOMAS SANTA FE DR., SUITE 204
 SOFIA, CALIFORNIA 92080

Item 7.

(A) TUBULAR STEEL FENCE

(B) VINYL FENCING

(C) CABLE GUARDRAIL AT TOP RETAINING WALL

(D) TUBE STEEL FENCE AT TOP RETAINING WALL

(E) FILASTER AND STUCCO WALL

(F) TYPICAL SITE SEAT WALL

CONCEPT PLAN

FENCE & WALL PLAN

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
REGULATORY & PERMITTING DIVISION
 15000 JAVIER PE DR., SUITE 204
 SAN DIEGO, CALIFORNIA 92128

gmp
LANDSCAPE ARCHITECTURE & PLANNING

1ST SUBMITTAL 06-08-2024
 2ND SUBMITTAL 07-05-2024
 3RD SUBMITTAL 07-08-2024

L-6
 SHEET 06 OF 6

GMF JOB# 20-071

Item 7.



Typical 2 & 3-Story Conventional Homes

- Plan 1 - 1,679 SF, 3 Bedroom, 2.5 Bath, Den
- Plan 2 - 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 3 - 1,911 SF, 4 Bedroom, 3 Bath, Loft
- 2-car side-by-side garages
- Private rear yards

Typical 2 & 3-Story Interlocking Alley Homes

- Plan 1 - 1,228 SF, 2 Bedroom, 2 Bath
- Plan 2 - 1,463 SF, 3 Bedroom, 3 Bath
- Plan 3 - 1,303 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 4 - 1,840 SF, 4 Bedroom, 3.5 Bath
- 2-car side-by-side garages

Project Summary

Total Site Area: ± 7.7 Acres
 Total Units:
 • 102 Homes
 • (52) 2 & 3-Story Interlocking Alley Homes
 • (14) Plan 1 - 1,228 SF, 2 Bedroom, 2 Bath
 • (14) Plan 2 - 1,463 SF, 3 Bedroom, 3 Bath
 • (8) Plan 3 - 1,303 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
 • (16) Plan 4 - 1,840 SF, 4 Bedroom, 3.5 Bath
 • (50) 2 & 3-Story Conventional Homes
 • (16) Plan 1 - 1,679 SF, 3 Bedroom, 2.5 Bath, Den
 • (18) Plan 2 - 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
 • (16) Plan 3 - 1,911 SF, 4 Bedroom, 3 Bath, Loft

Gross Density: 132 Homes per Acre
 Net Density: 114.6 Homes per Net Acre

Parking:
 Required:
 • 226 Spaces (221 spaces per home)
 • (14) 2 Bedroom x 1.75 Spaces = 24.5 Spaces
 • (50) 3 Bedroom x 2.0 Spaces = 75 Spaces
 • (68) 4 Bedroom x 2.0 Spaces = 100 Spaces
 • (102) Guest x 0.25 Spaces = 25.5 Spaces

Provided:
 • Garage: 204 Spaces
 • Head In: 25 Spaces (8.5' x 18')
 • ADA: 2 Spaces (9' x 18')
 • *EV* = Future EVCS

Open Space:
 Provided:
 • 97,040 SF Total (± 851 SF per home)
 • Private Open Space (Patios & Decks): 21,634 SF (6' Min. Dimension)
 • Common Area w/ Grates/less than 10%: 60,241 SF (10' Min. Dimension)
 • Recreational Area:
 • 11,359 SF (10' Min. Dimension)

Setbacks:
 Front Yard: 15.0' Min.
 Interior Side Yard: 13.1' Min.
 Street Side Yard: 33.4' Min.
 Rear Yard: 15.4' Min.

- Notes:**
1. See plan for lot coverage information.
 2. See plan for information regarding parking, loading, and the distribution of open space.
 3. See plan for information regarding landscaping information.
 4. See plan for information regarding utility information.
 5. See plan for information regarding utility information.
 6. See plan for information regarding utility information.
 7. See plan for information regarding utility information.
 8. See plan for information regarding utility information.
 9. See plan for information regarding utility information.
 10. See plan for information regarding utility information.

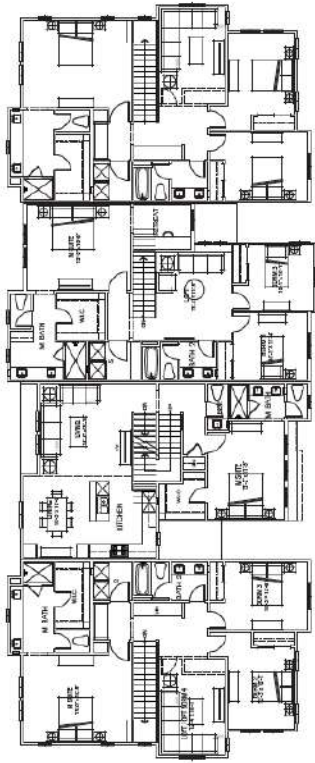
Conceptual Site Plan

IRIS
 ESCONDIDO, CA

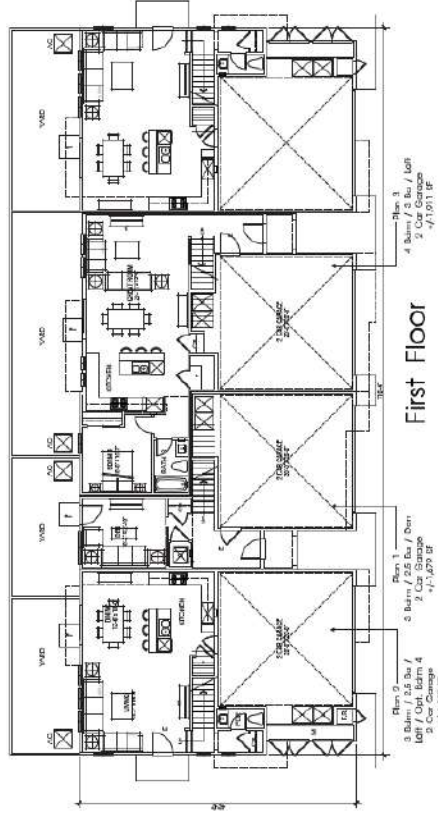
SP-1
 CITY SUBMITTAL 3
 © 2023 WILLIAM HENRIKSEN ARCHITECTS, INC. DBA WHA | 20231315 | 12-18-23



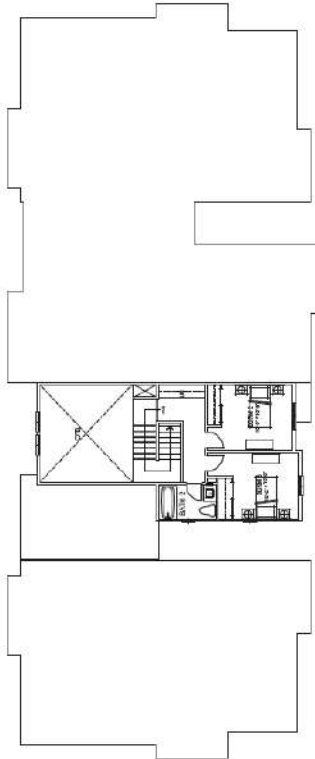
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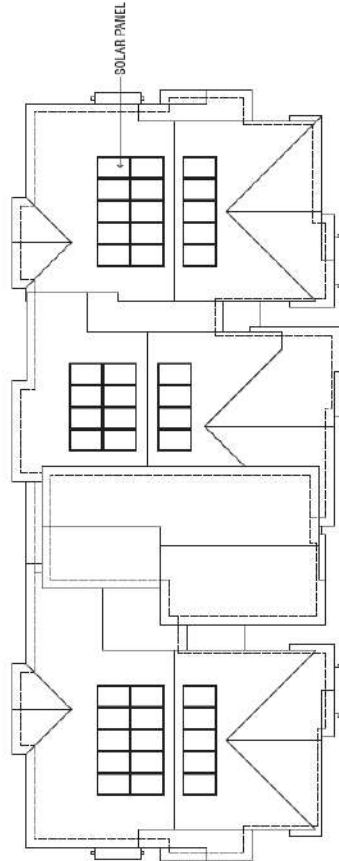
Second Floor



First Floor



Third Floor



Roof

OVERALL BUILDING AREA: ±61,650 SF
 OCCUPANCY: RZ
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: FRII T3

NOTE:
 1. THESE CONCEPTS MAY VARY DUE TO METING OR CALCULATION
 2. FLOOR SLABS WILL NEED FURTHER REFINEMENTS TO PER EIC
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND
 COORDINATION PER SOLAR CONSULTANT

4 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans



IRIS
 ESCONDIDO, CA
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Color Scheme 2 Shown,
 Refer to Sheet CM-1

Note: Artist's conception, colors, materials
 and application may vary.

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco Over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



4 PLEX CONVENTIONAL HOMES | Conceptual Elevations

IRIS

ESCONDIDO, CA

A-2

CITY SUBMITTAL 3

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Front Perspective



Rear Perspective

4 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

IRIS
ESCONDIDO, CA

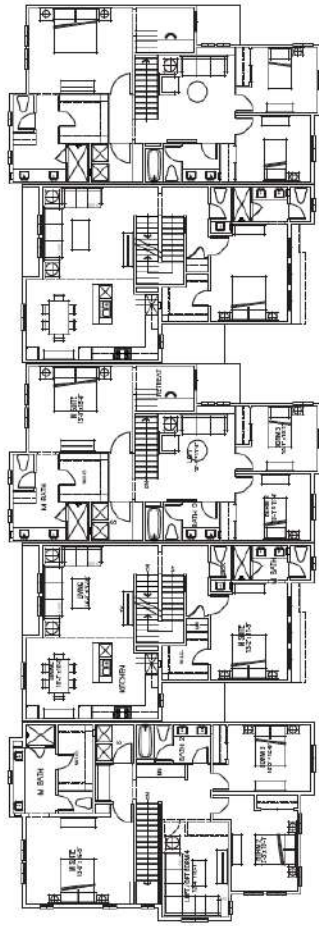
A-3

CITY SUBMITTAL 3

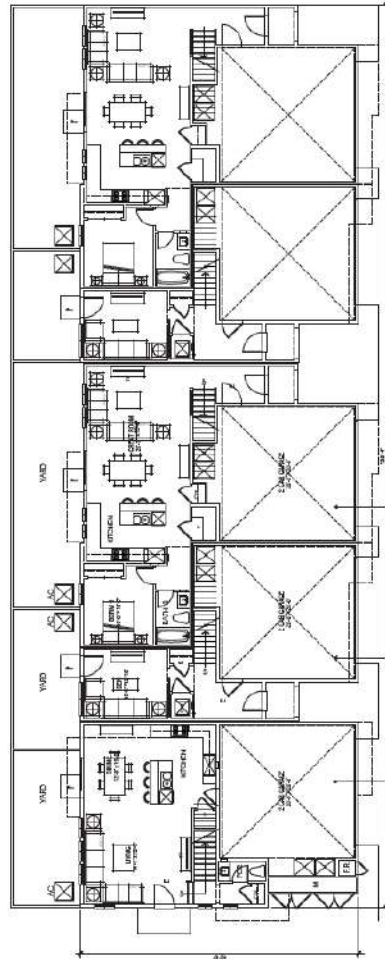
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Item 7.



Second Floor



First Floor

OVERALL BUILDING AREA: ±11,205 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: V3
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. FLOOR COVERINGS MAY VARY DUE TO METHOD OF CALCULATION.
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN.
 3. SHOWER PANEL LAYOUTS ARE CONCEPTUAL. FINAL LAYOUT AND COORDINATION PER SOLE CONSULTANT.

5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

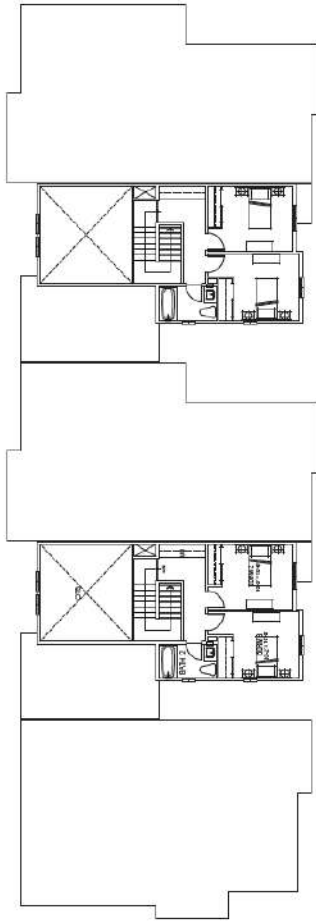


IRIS

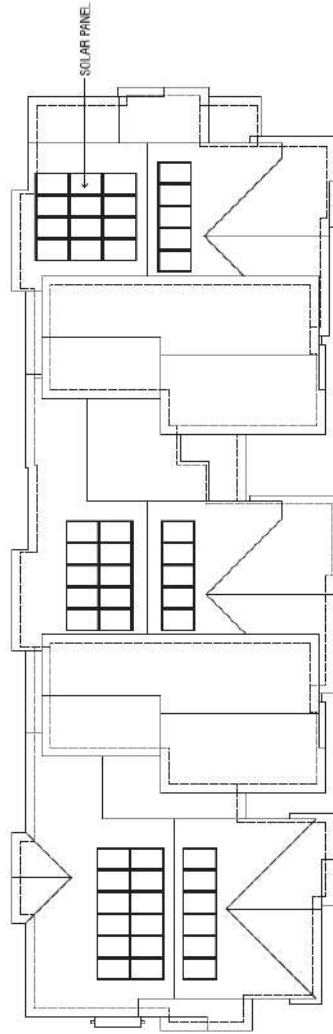
ESCONDIDO, CA

A-4
 CITY SUBMITTAL 3
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Item 7.



Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND
 CONFIGURATION PER SOLAR CONSULTANT



5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA

A-5
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Color Scheme 1 Shown,
 Refer to Sheet CM-1

Note: Artist's conception; colors, materials
 and application may vary.

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco over Fiber Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

5 PLEX CONVENTIONAL HOMES | Conceptual Elevations



IRIS

ESCONDIDO, CA

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A-6

CITY SUBMITTAL 3



Front Perspective



Rear Perspective

5 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA



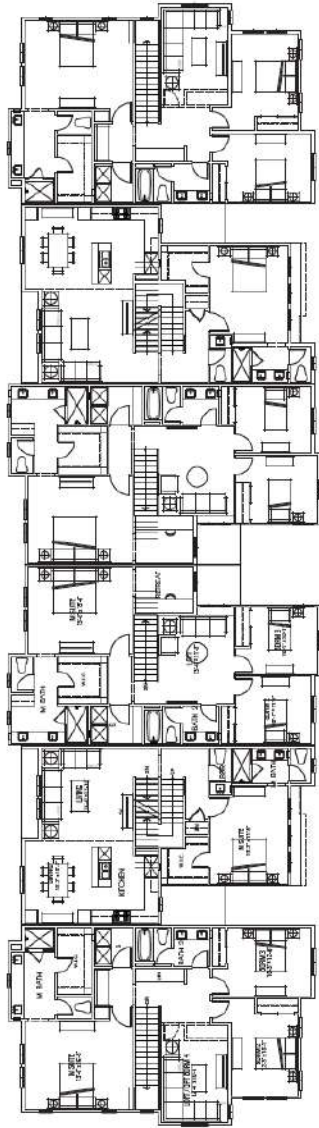
A-7
CITY SUBMITTAL 3
© 2021 WILLIAM HEDWALM/CH ARCHITECTS, INC. DBA WHA | 2021015 | 12-10-21



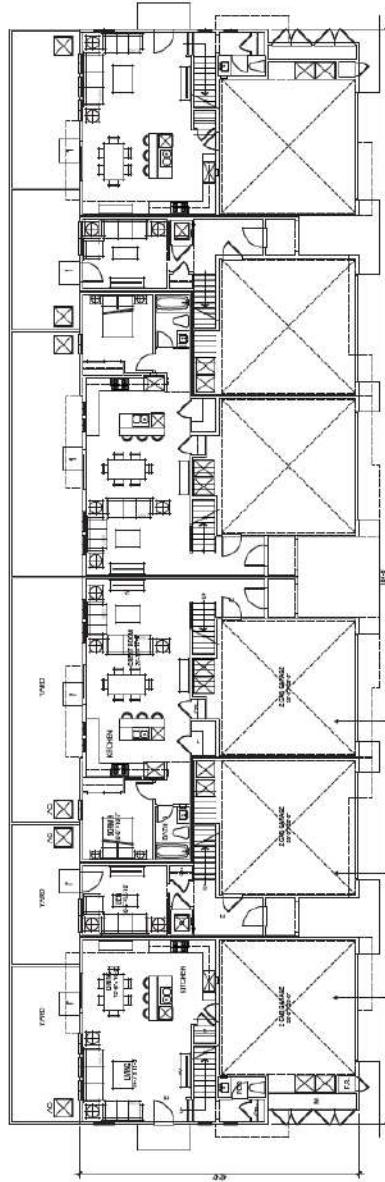
Item 7.



A-8
 CITY SUBMITTAL 3
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Second Floor



First Floor

Plan 1
 4 Beds, 2 Bn / Loft
 2 Car Garage
 47-1,911 SF

Plan 2
 3 Beds, 2 Bn / Den
 2 Car Garage
 47-1,662 SF

Plan 3
 3 Beds, 2 Bn / Den /
 Loft / Car Garage
 47-1,662 SF

6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA

OVERALL BUILDING AREA: #13,350 SF

OCCUPANCY: R2

CONSTRUCTION TYPE: /B

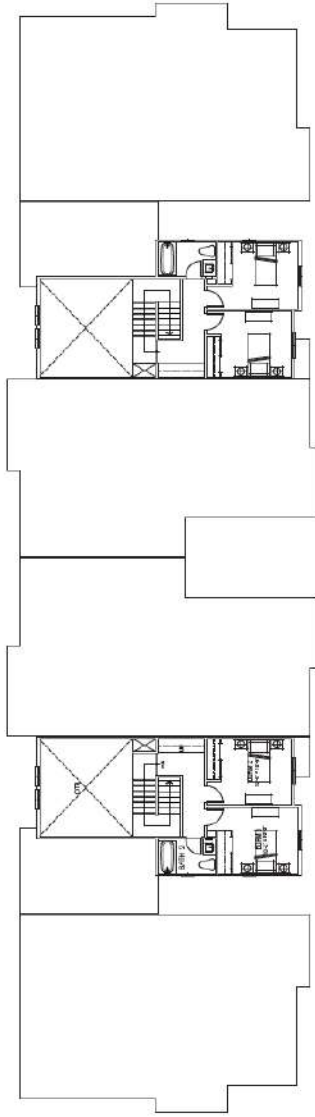
S-SPRINKLER SYSTEM: Full 13

NOTE:

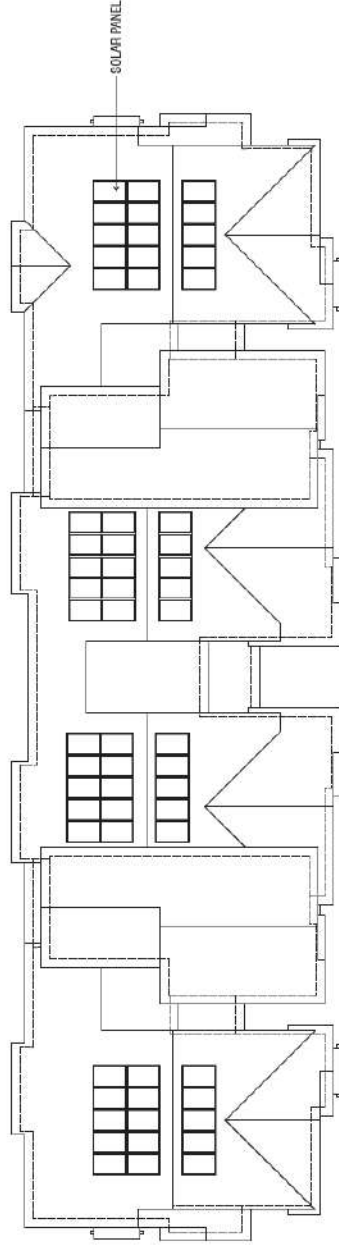
1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
3. CONCEPTUAL FLOOR PLAN LAYOUT AND CONSTRUCTION PER SOLAR CONSULTANT



Item 7.



Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: YB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR AND WALL NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL LAYOUT ARE CONCEPTUAL - FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans



IRIS
 ESCONDIDO, CA

A-9
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Color Scheme 1 Shown,
 Refer to Sheet CM-1

Note: Artist's conception, colors, materials
 and application may vary.

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco over Fiber Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



6 PLEX CONVENTIONAL HOMES | Conceptual Elevations

IRIS
 ESCONDIDO, CA

A-10
 CITY SUBMITTAL 3
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Front Perspective



Rear Perspective

6 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

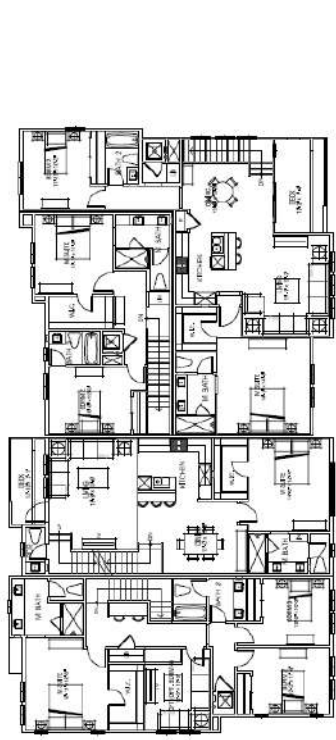
IRIS
ESCONDIDO, CA

A-11
CITY SUBMITTAL 3

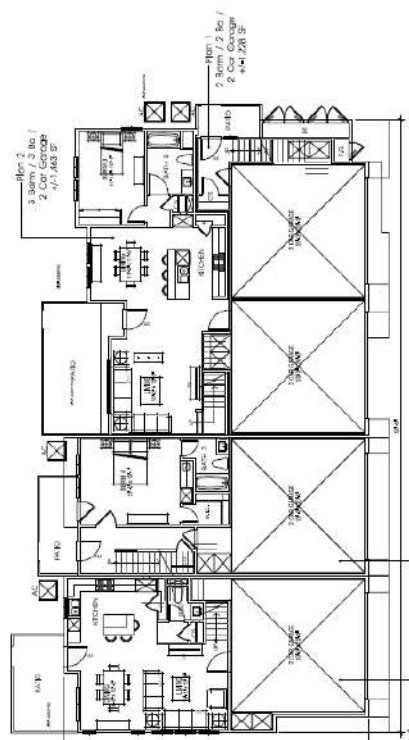
© 2021 WILLIAM HEIMALHALCH ARCHITECTS, INC. DBA WHA | 2021315 | 12-10-21



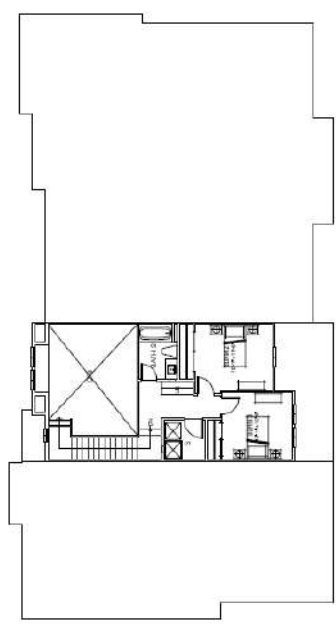
Item 7.



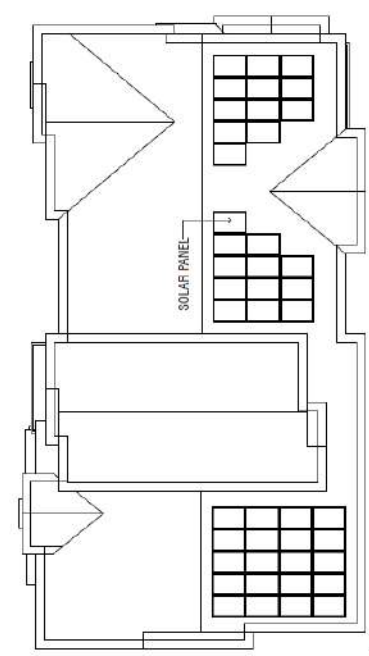
Second Floor



First Floor



Third Floor



Roof

OVERALL BUILDING AREA: ±8,034 SF
 OCCUPANCY: F2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: FUI 13
 NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
 3. SOLAR PANEL LOCATIONS ARE CONCEPTUAL. FINAL LAYOUT AND COMPOSITION PER SOLAR CONSULTANT

4 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA



A-12
 CITY SUBMITTAL 3
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Item 7.



Rear



Front

Note: A-13's conception, colors, materials and application may vary.
 Color Scheme 1 Shown,
 Refer to Sheet CM-1

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Windows: Double Paneled, Fiberglass
- Door: Fiberglass, Metal Frame
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



4 PLEX ALLEY HOMES | Conceptual Elevations

IRIS

ESCONDIDO, CA

A-13
 CITY SUBMITTAL 3



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Front Perspective



Rear Perspective

4 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA

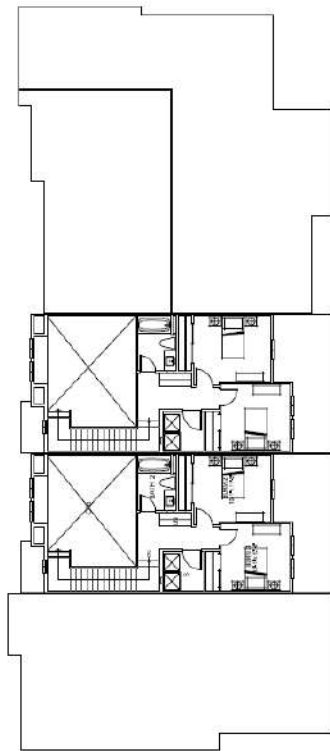
A-14

CITY SUBMITTAL 3

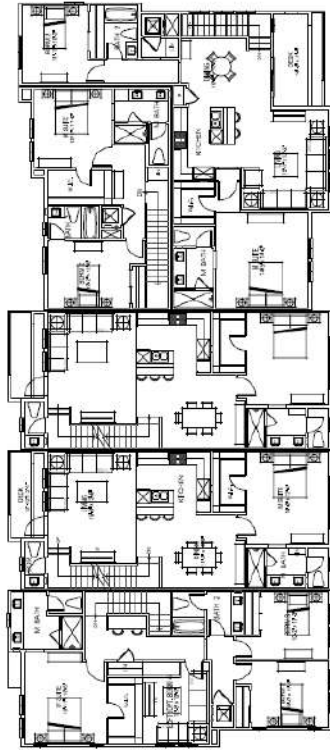
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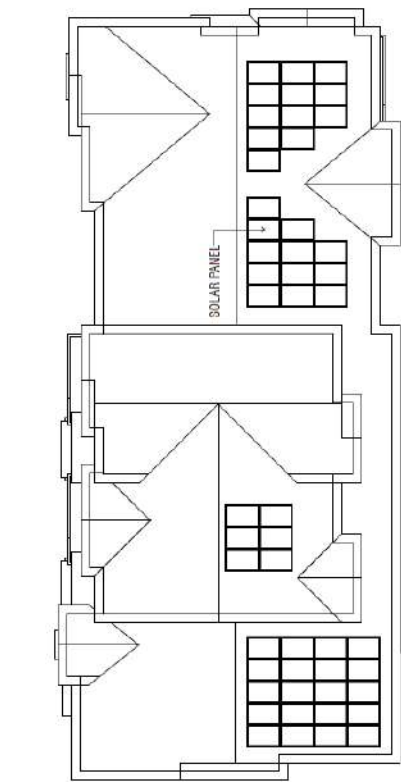
Item 7.



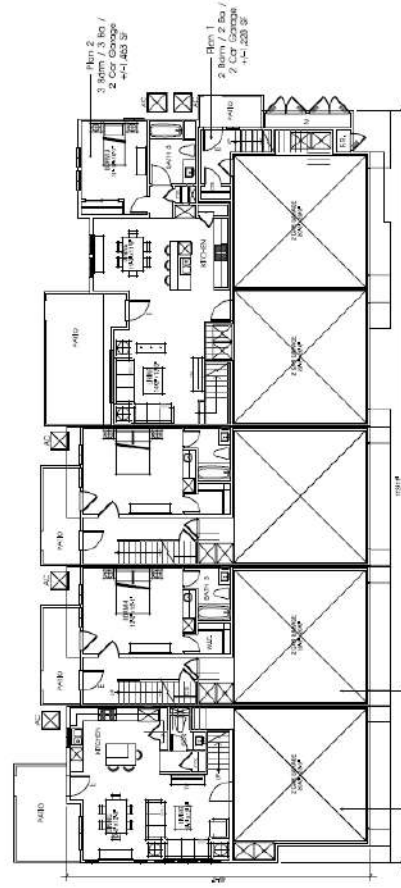
Third Floor



Second Floor



Roof



First Floor

OVERALL BUILDING AREA: ±10,200 SF

OCCUPANCY: R2
 CONSTRUCTION TYPE: V8
 SPRINKLER SYSTEM: FULL

- NOTE:
1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. SQUARE FOOTAGE AND AREA VALUES ARE APPROXIMATE
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT



5 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA

A-15
 CITY SUBMITTAL 3
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Item 7.



Right



Rear



Left



Front

Note: Artist's conception; colors, materials and application may vary.

Color Scheme 1 Shown,
 Refer to Sheet CM-1

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Floor Chamart Trim
- Deck Accents: Metal Railing
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

5 PLEX ALLEY HOMES | Conceptual Perspectives



IRIS
 ESCONDIDO, CA

A-16
 CITY SUBMITTAL 3
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Front Perspective



Rear Perspective

5 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA

A-17

CITY SUBMITTAL 3

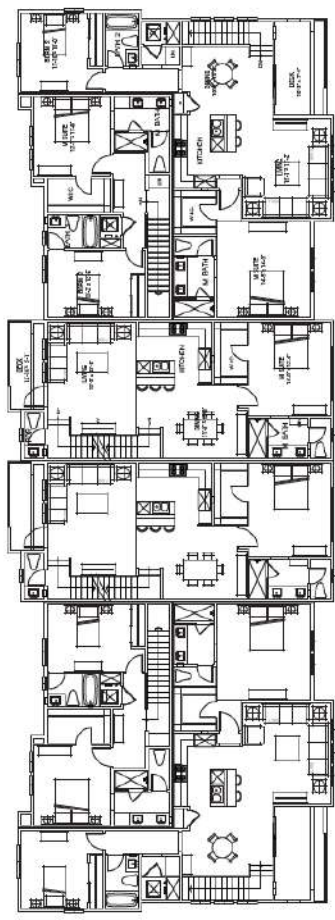
© 2021 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA | 2021.915 | 12-10-21



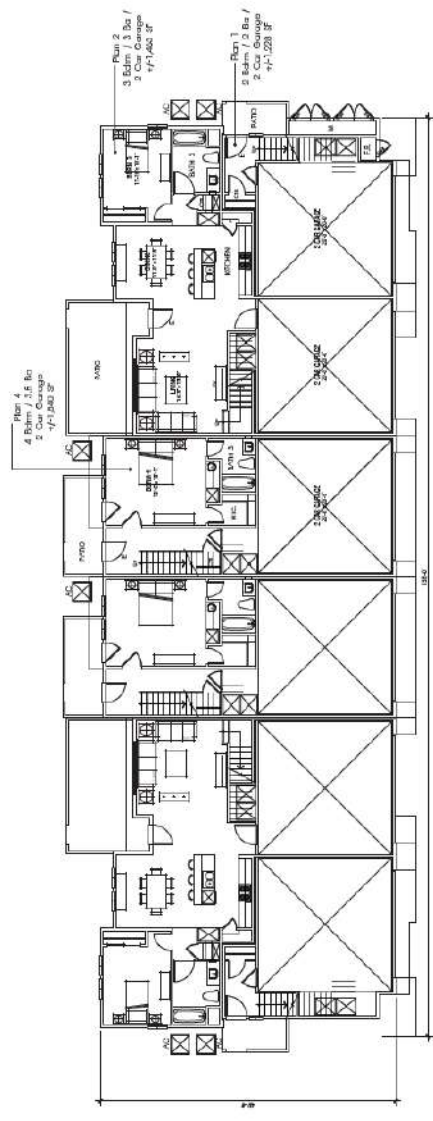
Item 7.



A-18
 CITY SUBMITTAL 3
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Second Floor



First Floor

OVERALL BUILDING AREA: ±11,830 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: V8
 SPRINKLER SYSTEM: Full 13

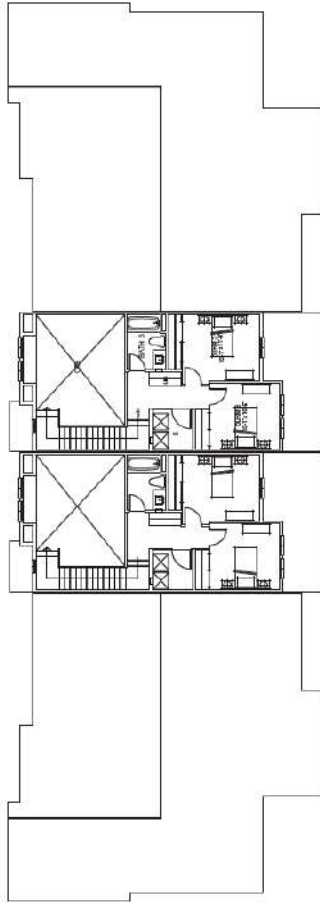
NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT
 3. ANY AND ALL CHANGES MUST BE CONCEPTUAL, FINAL LAYOUT AND
 CONSTRUCTION PER SOLAR CONSULTANT

6 PLEX ALLEY HOMES | Conceptual Floor Plans

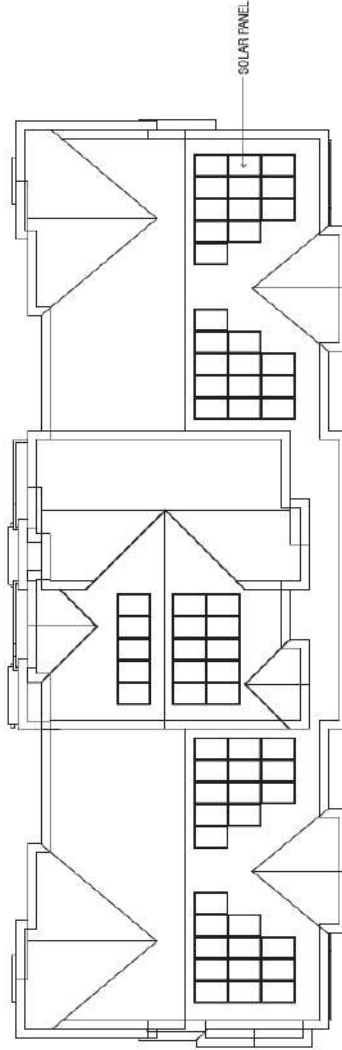
IRIS
 ESCONDIDO, CA



Item 7.



Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: V8
 SPRINKLER SYSTEM: Full 1.3

NOTE
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
 3. CONSTRUCTION FOR SOLAR CONSULTANT



6 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA



A-19
 CITY SUBMITTAL 3
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Item 7.



Rear



Front

Note: Aritisi's conception; colors, materials and application may vary

Note: Aritisi's conception; colors, materials and application may vary



Right



Left

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Blue Finish Fiber Cement Siding
- Accent: White Horizontal Siding
- Deck: Composite Decking
- Deck Accents: Metal Railings
- Window & Door Trim: Stucco over Faux Tile
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

6 PLEX ALLEY HOMES | Conceptual Elevations



IRIS

ESCONDIDO, CA

A-20

CITY SUBMITTAL 3

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Front Perspective



Rear Perspective

6 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA

A-21

CITY SUBMITTAL 3

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WHHA
ARCHITECTS • HALLMARKS • INTERIORS

ESCONDIDO SITE

ESCONDIDO COMMUNITY HALLMARKS
MARKS 1,201 | 1,202,1315
MARCH 2021

SCHEME 1

CONCEPT COLOR & MATERIALS

Finishing	Material	Color	Material	ALL BUILDINGS
Roofing	Asphalt Shingles	Dark Grey	Dark Grey	Dark Grey
Walls Color #1 (Interior)	Paint	White	White	White
Walls Color #2 (Interior)	Paint	Light Grey	Light Grey	Light Grey
Walls Color #3 (Interior)	Paint	Dark Grey	Dark Grey	Dark Grey
Floors Color #1 (Interior)	Hardwood	Light Wood	Light Wood	Light Wood
Floors Color #2 (Interior)	Hardwood	Dark Wood	Dark Wood	Dark Wood
Floors Color #3 (Interior)	Hardwood	Medium Wood	Medium Wood	Medium Wood
Exterior	Stucco	Light Stucco	Light Stucco	Light Stucco
Exterior	Stucco	Dark Stucco	Dark Stucco	Dark Stucco
Exterior	Stucco	Medium Stucco	Medium Stucco	Medium Stucco

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ESCONDIDO SITE

ESCONDIDO COMMUNITY HALLMARKS
MARKS 1,201 | 1,202,1315
MARCH 2021

SCHEME 2

CONCEPT COLOR & MATERIALS

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ESCONDIDO SITE

ESCONDIDO COMMUNITY HALLMARKS
MARKS 1,201 | 1,202,1315
MARCH 2021

SCHEME 1

CONCEPT COLOR & MATERIALS

Finishing	Material	Color	Material	ALL BUILDINGS
Roofing	Asphalt Shingles	Dark Grey	Dark Grey	Dark Grey
Walls Color #1 (Interior)	Paint	White	White	White
Walls Color #2 (Interior)	Paint	Light Grey	Light Grey	Light Grey
Walls Color #3 (Interior)	Paint	Dark Grey	Dark Grey	Dark Grey
Floors Color #1 (Interior)	Hardwood	Light Wood	Light Wood	Light Wood
Floors Color #2 (Interior)	Hardwood	Dark Wood	Dark Wood	Dark Wood
Floors Color #3 (Interior)	Hardwood	Medium Wood	Medium Wood	Medium Wood
Exterior	Stucco	Light Stucco	Light Stucco	Light Stucco
Exterior	Stucco	Dark Stucco	Dark Stucco	Dark Stucco
Exterior	Stucco	Medium Stucco	Medium Stucco	Medium Stucco

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ESCONDIDO SITE

ESCONDIDO COMMUNITY HALLMARKS
MARKS 1,201 | 1,202,1315
MARCH 2021

SCHEME 2

CONCEPT COLOR & MATERIALS

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CONCEPTUAL COLOR AND MATERIALS

IRIS

ESCONDIDO, CA

CM-1
CITY SUBMITTAL 3
72-10-21



EXHIBIT "D"

FACTORS TO BE CONSIDERED / FINDINGS OF FACT Resolution No. 2023-04

PLANNING CASE NUMBERS: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127
and PL21-0128

Annexation/Reorganization Determinations:

1. The proposed annexation/reorganization conforms to the annexation policies established in the Escondido General Plan Land Use and Community Form Element that are intended to guide development to meet present and future needs, achieve a vibrant community, and enhance the character of Escondido.
2. The five parcels proposed to be annexed are located within the Escondido Sphere of Influence and Escondido Planning Area.
3. The reorganization includes annexation to the City of Escondido and detachment from County Service Area No. 135 (Regional Communications). The parcels also will be excluded from the Rincon Municipal Water District, Improvement District "E" for fire services.
4. The City of Escondido will provide fire and emergency response to the proposed annexation territory. City sewer service would be available to the subject parcels. The City of Escondido Police Department, which already patrols the general area and works cooperatively with the Sheriff, would assume responsibility for law enforcement. The annexation would not introduce new service providers to the area or become a departure from the existing pattern of service delivery in this portion of Escondido.
5. The proposed annexation will not conflict with any specific development plans for the properties. Future development will be subject to the provisions of the Escondido General Plan and Zoning Code upon annexation.
6. The public health, safety and welfare will not be adversely affected by the proposed change because the proposed City zoning of Planned Development-Residential (PD-R 14.6) will be consistent with the proposed City of Escondido General Plan land-use designation of Urban III, as further described in the sections below and in the Planning Commission staff report dated December 13, 2022.
7. The requirements of the California Environmental Quality Act (CEQA) have been met because it was found/determined the Project will not have a significant effect on the environment because mitigation measures and project design features will avoid or reduce potential impacts to less than a significant level, as demonstrated in the Final Environmental Impact Report prepared for the Project.

General Plan Amendment Determinations:

1. The public health, safety and welfare will not be adversely affected by the proposed General Plan Amendment from Suburban (S) to Urban III (U3). A Draft Environmental Impact Report was prepared for the project and circulated for public review from September 20, 2022 to November 3, 2022, as required under CEQA. This environmental review document found that development of the property could have potentially significant impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation, and mitigation measures were proposed to reduce these impacts to a less than significant level.
1. The proposed General Plan Amendment for the subject site would be compatible with existing development patterns in the surrounding areas. Residential neighborhoods in the surrounding area consist of a mix of residential uses, types and densities, and several of these neighborhoods are planned developments that have implemented site-specific development standards, such as the clustering of small residential lots in and around common open space areas. All setbacks proposed by the project would be consistent with the setbacks required of a traditional Urban III/R-3 development. While some buildings would exceed the 35 feet height limit (up to 37 feet in height for select buildings/features) imposed the R-3 zone, no buildings would exceed three stories. The design of the proposed condominium units incorporates a subdued color palette and a range of exterior finishes to be compatible with surrounding residential development.
3. The proposed General Plan Amendment from Suburban (S) to Urban III (U3) would be consistent with the goals and policies of the General Plan as a whole. In the General Plan's Housing Element, Housing Policy 1.1 calls for the expansion of housing stock while preserving the health, safety, and welfare of residents and the fiscal stability of the City, while Housing Policy 2.2 calls for efforts to increase homeownership through education, availability, and affordability. The General Plan Amendment would facilitate the development of up to 102 for-sale condominium units to support the City's housing stock. Per Planned Development Policy 6.3, planned developments are expected to address visual impacts, preservation of natural setting, the use of superior architectural features, adequate separation between structures within the site and between the site and neighboring properties, and preservation of common open space. The project has been designed with a subdued color palette compatible with the surrounding area. Common and private open space would be provided for the Project. Proposed setbacks would be consistent with R-3 development requirements. The Fire Department has reviewed the project plans to ensure that adequate fire protection and emergency access would be provided. Mitigation measures have been included in the EIR to mitigate potential project related impacts to the environment.
4. The proposed General Plan Amendment is suitable and will not affect the allowed land uses in any zones. The purpose of the proposed General Plan Amendment is to change the land use designation of the property from Suburban (S) to Urban III (U3). The specific use proposed for the site (multi-family residential at a maximum density of 14.6 dwelling units per acre) would then be consistent with the new Urban III land-use designation that allows a maximum density up to 18 dwelling units per acre.

Tentative Subdivision Map Determinations:

1. The Project proposes a one-lot Tentative Subdivision Map in conjunction with the development of 102 air-space condominium units. The location, design, and residential density of the proposed one-lot air-space condominium residential development is consistent with the goals and policies of the

Escondido General Plan (as proposed as a component of the General Plan Amendment to Urban III) because multi-family residential development is permitted and encouraged in the Urban III land-use designation. The proposed infill residential Project is 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 that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities.

2. The Project site is physically suitable for the proposed density of development because the Project site is within an urban area that is developed with a mix of single-family residential, planned development residential and a residential care and independent living facility with a range of densities. The proposed Urban III land-use designation allows up to 18 dwelling units per acre. Based on the Project site (6.98 net acres), the underlying County land-use designation would allow up to 125 units. The request to subdivide the Project site into one lot and develop 102 air-space condominium units with a density of 14.6 dwelling unit per acre would be consistent with the proposed Urban III land-use density and development requirements. Furthermore, the proposed Tentative Subdivision Map is consistent with applicable provisions of the General Plan that addresses growth management and maintaining the fiscal stability of the City because the Project applicant minimizes ongoing costs to taxpayers through annexation into a CFD or establishment of another funding mechanism as required by the Project conditions of approval.
3. The approval of the proposed Project would be based on sound principles of land use and is well-integrated with its surroundings near similar residentially developed properties because adequate access, parking, utilities, public services and landscaping would be provided (as detailed in the staff report). The residential Project also would not be out of character for the area which contains other multi-story development with a range of residential uses and densities. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
4. 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, nor block any significant views.
5. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the Tentative Subdivision Map for the Project would not violate the requirements, goals, policies, or spirit of the General Plan. The Project site is suitable for the proposed residential type of development and density as detail in the Planning Commission staff report dated December 13, 2022 and also noted in the above sections.
6. The Project would be compatible with the surrounding uses because the site is within an urban residential area developed with a variety of residential developments of varying density, lot sizes and design. The topography of the site is relatively flat to gently sloping from the northwest to the south and southeast. Extensive grading is not proposed. The topography of the Project site allows for appropriate access and the creation of buildable pad areas without the need to export or import

significant quantities of material. Adequate public utilities and services 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 lots. The proposed Project also would not result in a significant impact to biological or natural resources, as mitigated to reduce potential impacts to a less than significant level.

7. 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; lot configuration; traffic and emergency access; and grading; 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 Project site is located within an infill urban setting and all potential impacts would be mitigated to less than a significant level.
8. The design of the Tentative Subdivision 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.
9. The design of the Tentative Subdivision Map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provide opportunities for passive/solar heating.
10. All permits and approvals applicable to the proposed Tentative Subdivision Map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) will have been obtained prior to the recordation of the map.
11. The proposed Tentative Subdivision Map will 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 Tentative Subdivision Map meets all of the requirements or conditions imposed by the Subdivision Map Act and the Escondido Zoning Code, as detailed in the staff reports, the Escondido General Plan and above findings.

EXHIBIT "E"

CONDITIONS OF APPROVAL

Planning Case Numbers: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

This Project is conditionally approved as set forth on the application received by the City of Escondido on **August 6, 2020**, and the Project drawings consisting of Civil Plans/Grading, Sections, Site Plans, Floor Plans, Architectural Elevations, Landscape Plans and Colored Elevations; all designated as approved on **January 11, 2023**, and shall not be altered without express authorization by the Development Services Department.

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.** If the Permit was filed as or concurrent with a Tentative Map, the Permit shall expire 36 months from the effective date of City Council approval of the Tentative Map, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code.
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 slopes up to an additional one foot in height, and modifications to retaining wall heights. 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 Community Development 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 Community Development.

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 Community Development.
- 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 Community Development. 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 Community Development Department.

- 11. Community Facility District or Funding Mechanism.** In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with City Ordinance 2020-10, unless another amount is approved by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into Services CFD 2020-1 or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. 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.

- 12. 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.

13. Clerk Recording.

- a.** State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance

with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increases after the date of this approval, the Applicant shall be responsible for the increase.

- 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.

14. 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.

15. 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.

16. 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.

17. 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 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. 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, unless modified by this Project Planned Development. 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 Services 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 are 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.

16. Phasing. A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

C. Parking and Loading/Unloading.

1. As shown on the plans, an enclosed two-car garage shall be provided for each condominium unit. A minimum of 25 open guest spaces also shall be provided. The garages shall be maintained to provide parking for two cars and storage or other use of the garage space shall not impede the use of the garages for parking of vehicles.
2. 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 owners' association assumes all responsibility for maintaining all on-site landscaping; storm water facilities, 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 Engineering Services 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 Department 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 Department 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 Development Services.

E. Specific Planning Division Conditions:

1. The Project shall be managed by a professional management company. A self-managed Home Owners Association ("HOA") shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project Covenants, Conditions, and Restrictions ("CC&Rs").
2. The storm water basin and any fencing associated with the basin shall be maintained by the Project HOA. The basin and landscaping shall be design to be a visual amenity for the Project with an appropriate mix of shrubs, ground cover and grasses. If fencing is provide to restrict access to the basin, the fencing shall be an open decorative design (e.g., tubular steel, split rail or other type of decorative fencing). The height of any fencing associated with the basin shall not exceed 42 inches and shall not limit sight distance at the intersection.

F. Mitigation Measures:

MM-BIO-1. Trimming, grubbing, and clearing of vegetation shall be avoided during the avian breeding season, which generally runs from February 15 to August 31 (as early as January 1 for some raptors) to the extent feasible. If trimming, grubbing, or clearing of vegetation is proposed to occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist no more than seven days prior to vegetation clearing to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, trimming, grubbing, and clearing of vegetation shall be allowed to proceed. If active bird nests are confirmed to be present during the pre-construction survey, a buffer zone will be established by the biologist. Construction activities shall avoid any active nests until a qualified biologist has verified that the young have fledged, or the nest has otherwise become inactive.

MM-BIO-2. Prior to impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit.

MM-BIO-3. Prior to any project impacts to potentially jurisdictional resources, demonstration that regulatory permits from USACE, RWQCB, and CDFW have been issued or that no such permits are required shall be provided to the City. Permanent impacts to 0.05 acre of USACE/RWQCB jurisdictional non-wetland waters of the United States/State, 0.10 acre of CDFW jurisdictional habitat, and 0.02 acre of CDFW jurisdictional streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following off-site options, unless otherwise required by the USACE, RWQCB, and/or CDFW during the regulatory permitting process:

- Purchase of establishment/re-establishment, rehabilitation, enhancement, and/or preservation credits from an off-site mitigation bank with a service area that overlaps the project and that is approved by the USACE, RWQCB, and CDFW, such as the San Luis Rey Mitigation Bank, and Brook Forest Conservation/Mitigation Bank; and/or
- Acquisition or use of other off-site mitigation lands in the region to include establishment/re-establishment, rehabilitation, enhancement, and/or preservation of USACE, RWQCB, and CDFW jurisdictional resources.

Mitigation for RWQCB-jurisdictional waters shall include a minimum 1:1 establishment/ reestablishment to ensure no-net-loss. Final mitigation requirements shall be determined during the permitting process in coordination with the USACE, RWQCB, and CDFW, as appropriate.

MM-BIO-4. The project applicant shall replace impacted mature trees at a minimum 1:1 ratio, unless otherwise determined by the City. The project applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development. This condition can be satisfied on-site if the project's landscape plans include the appropriate number of oak trees and other tree species.

MM-BIO-5. The project applicant shall prepare an infectious tree disease management plan for the project. This plan should include a description of how the infectious tree disease management plan will be implemented. All trees that would be removed by the project should be inspected for contagious tree diseases including, but not limited to, thousand canker fungus (*Geosmithia morbida*), polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agilus auroguttatus*). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the project site without first being treated using best available management practices relevant for each tree disease observed.

MM-CR-1. Prior to the issuance of a grading permit, 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"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-CR-2 through MM-CR-10, and the following information:

- Parties entering into the agreement and contact information.
- Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
- Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
- Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
- Treatment of identified Native American cultural materials.
- Treatment of Native American human remains and associated grave goods.
- Confidentiality of cultural information including location and data.
- Negotiation of disagreements should they arise.
- Regulations that apply to cultural resources that have been identified or may be identified during project construction.

MM-CR-2. Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe.

The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

MM-CR-3. The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.

MM-CR-4. During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring 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. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. 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 (i.e., soil conditions are comprised solely of fill or granitic bedrock).

MM-CR-5. In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.

MM-CR-6. If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), 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(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.

M-CR-7. All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource

or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing 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. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). 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.

MM-CR-8. As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary 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. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.

MM-CR-9. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any 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 for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) 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.

MM-CR-10. Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions 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. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.

MM-GEO-1. Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

MM-HAZ-1a. Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that an asbestos survey has been conducted on any buildings that are to be demolished or removed from the project site. If asbestos is found, the Applicant shall follow all procedural requirements and regulations of to properly abate and dispose of all on-site asbestos-containing materials before general demolition activities commence.

MM-HAZ-1b. Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the applicant shall follow all OSHA procedural requirements and regulations for its proper removal and disposal before general demolition activities commence.

MM-HAZ-2. Prior to construction activities on the project site, the Applicant shall submit verification that the undocumented fill material placed in front of 2039 North Iris Lane has been removed or evaluated for the potential for contaminants. If contaminated, the soil must be removed and disposed of according to local and state regulations. If contaminated soil is identified, the applicant shall follow all procedural and regulatory requirements for its proper removal and disposal before general construction activities commence.

MM-N-1. If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines. A noise mitigation plan based upon the location of the construction equipment, topography and construction schedule shall be prepared by an acoustical consultant. The noise mitigation plan shall identify measures to reduce sound levels to below 75 dBA. Such measures could include a temporary noise barrier along any property line where the impacts could occur. The proposed noise barrier shall be of solid non-gapping material to adequately reduce construction noise levels below the noise threshold of 75 dBA at the property lines. The noise mitigation plan shall determine the final height and location of a temporary barrier if one is necessary.] The mitigation plan may also identify location and timing restrictions on drilling equipment usage. The mitigation plan shall be submitted to the City for review and approval prior to initiation of rock drill staging activities within 160 feet of any occupied noise sensitive land use.

MM-TR-1a. The project shall implement CAPCOA reduction measure T-1 (Increase Residential Density).

MM-TR-1b. The project applicant shall pay the City of Escondido \$67,500 for pedestrian improvements at the following five intersections to reduce VMT impacts:

- Intersection of Centre City Pkwy at Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte at South Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of Broadway at Vista Ave (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte Parkway at Mountain View (Install pedestrian countdown timers on each corner (4 countdown timers).

- Intersection of Country Club Lane at Broadway (Install high visibility crosswalk on north, south and east legs (3 crosswalks).

G. Specific Building Division Conditions:

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

H. Specific Engineering Conditions of Approval:

GENERAL

1. The applicant 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. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. 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 City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklist. Landscaping Plans shall be prepared by a Landscape Architect and submitted with the second review of the Grading Plans.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map and Grading Plan. 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.
5. 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.
6. 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.

7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Division a copy of the Tentative Subdivision Map as presented to the Planning Commission and the City Council. The Tentative Subdivision Map will be signed by the Planning Division verifying that it is an accurate reproduction of the approved Tentative Subdivision Map and must be included in the first submittal for plan check to the Engineering Services 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 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 within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
North Iris Lane	Local Collector Street (62'/42')
Robin Hill Lane (Private)	Residential Street (44'/32')

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

3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
4. All on-site failing sections of asphalt driveway and concrete gutter must be repaired and/or replaced to the satisfaction of the City Engineer.
5. Access to this project from N. Iris Lane shall be per alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
6. The major access entrance shall be designed per the approved Tentative Subdivision Map.
7. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
8. All on-site roads, driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks, street lights, paving and base.
9. For North Iris Lane and Robin Hill Lane the sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
10. Final street improvements shall be to the satisfaction of the City Engineer and shall be based on City of Escondido standard drawing Figure 3.

11. Plans for construction within any right-of-way or easement under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
13. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
14. The developer may be responsible for an overlay of North Iris Lane 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.
15. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
16. The developer shall be required to construct an emergency access road through the project to the satisfaction of the City Engineer and City Fire Marshal.
17. The proposed street system shall be designed to align with other existing intersections to the satisfaction of the City Engineer.
18. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
19. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
20. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
21. The developer shall be required to construct LED street lights in accordance with Escondido Standard Drawing No. E-1-E along North Iris Lane.
22. All gated entrances shall be designed and improved to the satisfaction of the City Engineer.
23. The developer shall install trash capture devices on existing storm drain inlets along the project's frontage to the satisfaction of the City Engineer.
24. The project shall pay an in-lieu fee totaling \$67,500.00 at the time the first grading plan is submitted to the Engineering Department for VMT mitigation measures identified in the transportation study for the project. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.
25. The project shall pay a fair-share contribution for the widening of North Iris Lane for approximately 280 linear feet Northeast of City Centre Parkway. The fair share amount is calculated at 6.5% and requires a fee of \$10,075 and shall be paid with the first submittal of the grading plan to the Engineering Department. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.

26. The project shall pay a fair-share contribution for improvements to the intersection of City Centre Parkway and North Iris Lane which include modifying the signal operations and restriping the Westbound approach on North Iris Lane from a left and through right configuration to a left and left through configuration. This fair share amount is calculated at 3.1% and requires a fee of \$6,975 and shall be paid with the first submittal of the grading plan to the Engineering Services Division. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a digital copy 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. 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.
3. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
4. 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.
5. 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.
6. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
7. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
8. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

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 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. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the property owner's association. Provisions stating this shall be included in the CC&Rs.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin and any other post construction BMP's shall be submitted and approved as part of the grading plan check.
4. A 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 hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to issuance of the grading permit or recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon Del Diablo Municipal Water District will sign approval of the improvement plans with respect to the water mains.

SEWER

1. The Developer is required at their sole expense to design and construct an 8-inch public sewer main. The 8-inch sewer main shall connect to the existing 10-inch sewer main in North Iris Lane and shall continue up Streets B, C, D and H. A minimum 20-foot Public Utility easement shall be provided for the public sewer mains. There shall be no permanent structures allowed within the Public Utility easement.
2. Private 6-inch PVC sewer laterals shall connect to the public sewer main and shall be shown on the improvement and grading plans.
3. All sewer laterals shall be constructed per current City of Escondido Design Standards and the current Uniform Plumbing Code.

4. 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 and 10-feet clear from water mains.
5. 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.
6. All 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.
7. The project design shall be such that all existing or new sewer manholes are accessible at all times by City vactor trucks for maintenance.
8. 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.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET

CLASSIFICATION

North Iris Lane

Local Collector Street (62'/42')

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. A public sewer easement shall be dedicated over the private streets.
5. An emergency access easement shall be granted to the City on the Final Map. The minimum width of the easement shall be 24 feet and to the satisfaction of the City Engineer and Fire Marshal.
6. 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. All street vacations shall be accomplished by means of a separate public hearing if required. 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 until all conflicting easements are resolved, 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 new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, 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 in effect at the time and in such amounts as may prevail when building permits are issued.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Services Division and Planning Division for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, private street lighting, private storm drains, landscaping and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs must state that the property 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 shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

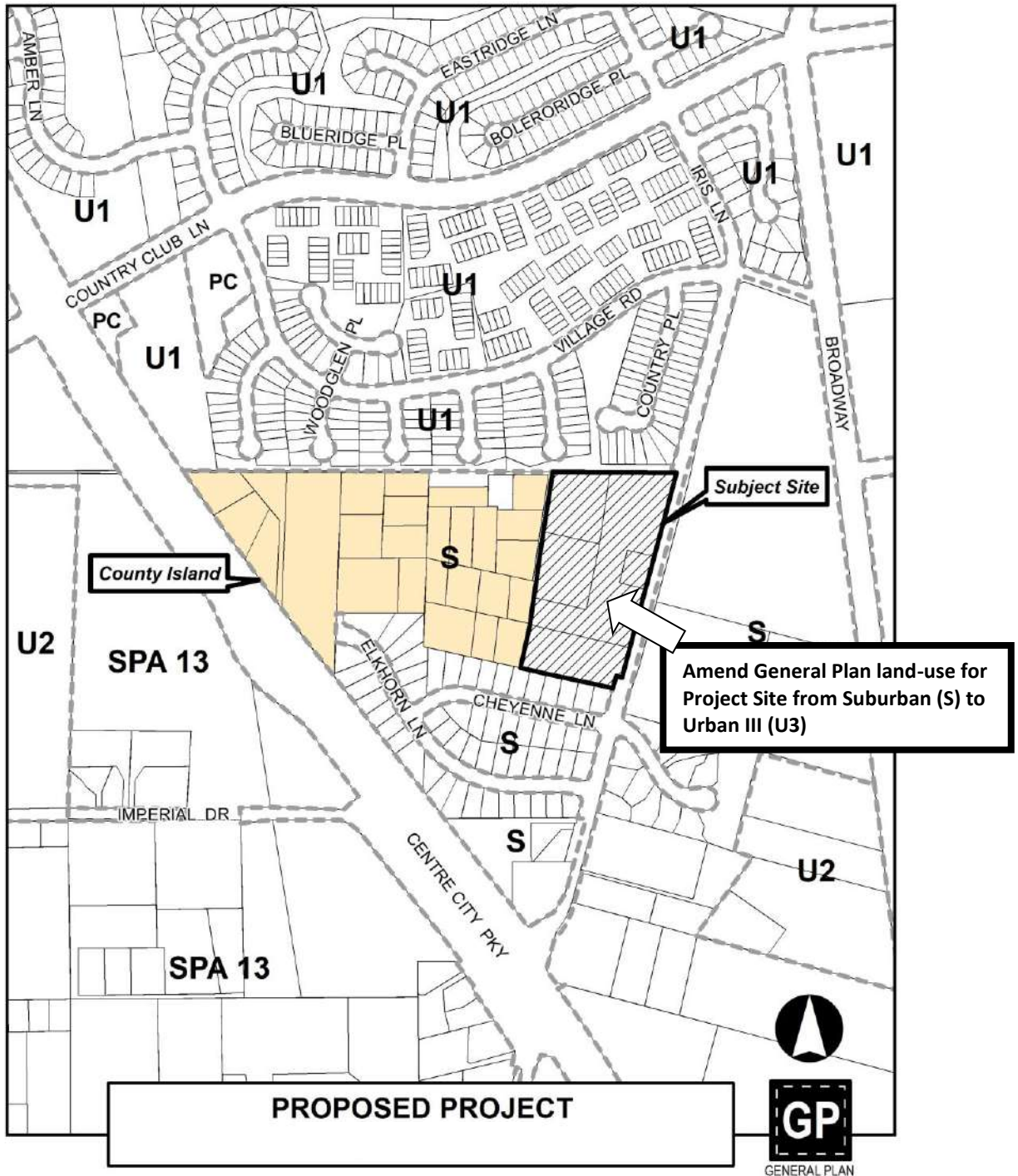
UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

EXHIBIT "F"

General Plan Amendment Resolution No. 2023-04 (North Iris Condominium Project)

APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00



Change General Plan Map from Suburban (S) to Urban III (U3) for subject site



STAFF REPORT

January 11, 2023
File Number 0697-20

SUBJECT

SHORT-FORM RENT INCREASE APPLICATION FOR GREENCREST MOBILEHOME PARK (FILE NO. 0697-20-10314)

DEPARTMENT

Development Services; Housing & Neighborhood Services Division

OPTIONS

- 1) Review and Approve Greencrest Mobilehome Park short-form application and adopt Rent Review Board Resolution No. RRB 2023-01.
- 2) Find a violation of City's Mobilehome Rent Review Board Guidelines, deny the short-form application, and prohibit Greencrest Mobilehome Park from filing a short-form application for five years.

Staff Recommendation: Approval of Application (Development Services: Andrew Firestine, Director of Development Services)

Presenter: Eric Bunge, Management Analyst

FISCAL ANALYSIS

Staff time and resources were expended to process the short-form application. Staff reviewed the application, evaluated the mobilehome park for code violations and conducted public outreach with the affected park residents, park manager and owners. No additional fiscal impact was incurred by the City.

HISTORY OF PROPOSITION K

On June 8, 1988, the Escondido residents voted to approve Proposition K to enact Mobilehome Rent Control in the City of Escondido ("City"). Under Proposition K, if a park owner wants to increase the rent on a mobilehome rent control space, they must file an application with the City and obtain approval from the Mobilehome Park Rent Review Board ("Board"). This Board is an independent body comprised of the City of Escondido Councilmembers.

In 1997, the Board adopted changes to the Mobilehome Rent Review Board Guidelines ("Guidelines") to allow for the acceptance of a "short-form" application. The short-form is an abbreviated and less administrative burdensome application process for park owners and City staff. A park owner can request



CITY of ESCONDIDO

STAFF REPORT

a rent increase based solely on the change in the San Diego Metropolitan Area's Consumer Price Index ("CPI"), All Items/All Urban Consumers component, since the last increase was granted by the Board. The requested increase may not exceed ninety percent (90%) of the increase in CPI since the last application was granted by the Board, or 8% of the current rent, whichever is less, subject to a two-year limit. Park owners are allowed to apply one-year from the date the last application was submitted.

On June 24, 2020, the Board amended the Guidelines to increase the allowable CPI measurement from 75% to 90% and added vacancy control protections to limit how much a rent-controlled space could be increased upon an in-place transfer or sale.¹ The previous Guidelines allowed an in-place transfer to be increased to market value. Under the amended Guidelines, space rent may be increased to market rate when a park owner also owns the mobilehome or no mobilehome sits on a space. Mobilehome residents, park owners, and City staff came together to negotiate this amendment and the Board approved these changes in Board Resolution 2020-04R. Park owners agreed to not use the short-form application for five years if it was determined that the park owner increased space rent beyond the levels provided in Subsection M.

New state legislation Assembly Bill 2782 was passed on August 21, 2020 and the new law (California Civil Code Sections 798.17(i) – (k)) went into effect on January 1, 2021. The new law removes the exemption to local rent control for long term leases entered into after February 13, 2020. It also provides that on January 1, 2025, all exemptions to rent control for long-term leases are repealed, so that all long-term leases, regardless of the date they were entered into, will be subject to local rent control. This new law was adopted after the 2020 Guidelines were amended and is not explicitly stated in the Mobilehome Rent Review Board Guidelines, but the City must adhere to State law which supersedes any local guidelines.

BACKGROUND

Greencrest Mobilehome Park ("Park") is an all-age park located at 541 W 15th Avenue. The Park has a total of 129 spaces of which 69 spaces are subject to rent control. The Park is requesting an increase for the 69 spaces. The amenities available for the residents include a clubhouse, pool, playground, and laundry facilities.

The Park submitted a short-form application on August 3, 2021, but was found ineligible on September 2, 2021, on the grounds that the Park violated the amended Guidelines by increasing one space above the 8% in-place vacancy control passed in June 2020. Specifically, Space 9, an in-place transfer, went from \$335.62 to \$574.45 (71% increase) without prior Board approval. City staff made this determination internally as part of the application intake process. Upon further review of the circumstances relating to the increase and the Park's understanding of the new amended Guidelines, City staff reached out to the

¹ In-place transfer means the transfer of ownership of a mobilehome with the mobilehome remaining on the mobilehome lot following the transfer.



CITY of ESCONDIDO

STAFF REPORT

Park’s management company, Thompson Properties, to invite them to submit a new short-form application to allow for the Board’s review of the application.

The Park thereafter submitted a short-form application on September 28, 2022 (Attachment “1”). City staff reviewed the application and requested space rental information on long-term leases that were not included in the initial application. The Park complied and City staff identified two spaces, 4 and 61, which were long-term leases signed after February 13, 2020, and therefore not exempt from local rent control. Staff notified the Park of the two long-term leases in violation of AB 2782 and the Park began to correct the error. City staff reviewed the application and deemed the application to be complete on November 7, 2022. Upon further review of the application, the additional space that was found to be in violation of the Guidelines, space 9, was considered. City staff inquired about the rent increase and Park management acknowledged the mistake and has informed staff that they are taking corrective action to rectify them.

City staff mailed a letter on November 23, 2022, notifying the affected Park residents of the application, proposed rent increase, upcoming residential meeting, and public hearing date (Attachment “2”).

The Park’s short-form application was available for review at the Park’s office, Housing & Neighborhood Services Division’s counter at City Hall, and the City’s website. City staff elected to post the application online on the Housing & Neighborhood’s website to promote transparency and remove potential barriers to access.

Housing & Neighborhood Services and Code Compliance staff facilitated an onsite meeting for the affected residents on December 1, 2022 at 6:00 p.m. Code Compliance was present to answer any questions and conducted a lighting inspection.

City staff delivered a notice to residents on December 28, 2022, informing them of the January 11, 2022 City Council Meeting (Attachment “3”).

THE RENT INCREASE APPLICATION

Although the application appears to be out-of-compliance with the Guidelines due to the non-approved rent increases, City staff recognizes this is the first application submitted since the adoption of 8% vacancy control rule and AB 2782 which changed long-standing law exempting long-term leases from local rent control laws. City staff identified the errors in rent charged and notified the Park management company who has represented that they are taking corrective action. For space 9, the tenant was retroactively credited the overpayments and readjusted appropriate rent payment. Spaces 4 and 61 are subject to rent control per the date the leases were signed and park management has informed staff that it will contact both tenants to refund payments. Therefore, staff is recommending the approval of the application.



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PARK OWNER’S REQUEST

The Park is requesting an increase of 8%. According to Section 12(D) of the Guidelines, the requested increase may not exceed ninety percent (90%) of the increase in CPI since the last increase granted by the Board, or 8% of the current rent, whichever is less, subject to the two-year limit in Guidelines Section J. Ninety percent of the CPI calculation for the period of Dec 30, 2020, through June 30, 2022, was 10% so the 8% cap was chosen. The average monthly rent for the residents affected by this application is \$512.05. The average monthly increase requested for the 69 spaces is \$39.04 per space, per month. The last increase for the Park was approved in December 2019 for 2.087%, which amounted to an average increase of \$9.88 per space, per month.

RESIDENT MEETING AND COMMENTS

Individual letters were sent to each affected resident on November 23, 2022, notifying them of the application and the hearing date. The notice included information about a resident meeting scheduled at the Park’s clubhouse on December 1, 2022 at 6 p.m. Two residents were present and expressed to City staff some safety issues which included a broken light within the Park, concern that there is no street lighting around the Park, and their desire for security to roam the Park. One resident expressed concern of the two-year time period of consideration of CPI, however City staff stated it was allowed under the Guidelines. No Resident Representative was selected for the Park.

The Park offers a rent subsidy program for residents who are having difficulty paying their rent. Management outlined the parameters and indicated that residents need to apply for the Section 8 waitlist, fill out an application for the program at the office, and show proof of current income to qualify (Attachment “4”).

CODE COMPLIANCE INSPECTION

An inspection of the common areas was conducted on December 12, 2022 (Attachment “5”). There were no general Park violations in the common areas and one lighting violation found during the lighting inspection on December 1, 2022. The lighting violation was corrected and all violation were cleared on December 19, 2022 (Attachment “6”).

ADDITIONAL FACTORS AFFECTING THE APPLICATION AND INCREASE

In conformance with the Guidelines, the decision of the Board will be finalized by adoption of the Resolution confirming the findings of the Public Hearing. The Notice of Determination will be mailed to the Park applicant and residents immediately upon adoption of the Resolution. Park owners and management must give a 90-day notice of any rent increase to affected residents upon the adoption of the Resolution.



CITY *of* ESCONDIDO

STAFF REPORT

RESOLUTION:

- a. Resolution No. RRB-2023-01

ATTACHMENTS

- a. Attachment "1" – Greencrest Park Application
- b. Attachment "2" – Resident Short-Form Letter Notification
- c. Attachment "3" – 10-Day Public Hearing Notice
- d. Attachment "4" – Rental Assistance Program
- e. Attachment "5" – Code Compliance Inspection
- f. Attachment "6" – Code Compliance Letter Clearing Violation

RESOLUTION NO. RRB-2023-01

A RESOLUTION OF THE CITY COUNCIL/ MOBILEHOME
RENT REVIEW BOARD OF THE CITY OF ESCONDIDO,
CALIFORNIA AUTHORIZING A RENT INCREASE FOR
GREENCREST MOBILEHOME PARK
(File Number: 0697-20-10314)

WHEREAS, Article V of Chapter 29 of the Escondido Municipal Code is a codification of the Escondido Mobilehome Rent Protection Ordinance ("Ordinance") and provides for mobilehome space rent regulation; and

WHEREAS, the City of Escondido Mobilehome Park Rental Review Board ("Board") is charged with the responsibility of considering applications for rent increases; and

WHEREAS, a short-form rent increase application pursuant to Section 12 of the Rent Review Board Guidelines was filed on September 28, 2022 ("Application") by Greencrest LLC, the owner of the rental spaces in Greencrest Mobilehome Park ("Park") is an all-age Park located at 541 W 15th Avenue, Escondido. The Application was deemed complete by City staff on November 7, 2022; and

WHEREAS, this is the nineteenth rent increase application filed by the Park since the Ordinance became effective in 1988. The last rent increase was granted by Board Resolution No. RRB 2019-05 on December 18, 2019, for an increase of 2.087% which amounted to an average increase of \$9.88 per space, per month; and

WHEREAS, the Application stated the average monthly rent per affected space was \$512.05 for the 69 spaces requested for a rent increase. The Park requested an increase of 8%. The Application estimated this amount to be an average of \$39.04 (8%) per space, per month; and

WHEREAS, a notice of the Park's application was mailed to all affected homeowners on December 28, 2022. Notice of the time, date, and place of the rent hearing before the Board was mailed to the Park and to all affected tenants on January 11, 2023; and

WHEREAS, on December 1 and December 12, a Mobilehome Park Rent Review Code Compliance Inspection Report ("Inspection Report") was completed. The Inspection Report noted one park lighting violation; and

WHEREAS, on December 19, 2023 Code Compliance completed a reinspection and all violations were cleared; and

WHEREAS, on January 11, 2023, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, the Resident Representative, and other residents of the community at large; and

WHEREAS, after all present had been given an opportunity to speak, the hearing was closed. Following an opportunity for discussion among the Board members, and clarifying questions to the parties and staff, the Board voted to grant an average rent increase of \$39.04 per space, per month, for the 69 spaces.

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

1. That the above recitations are true.
2. That the City Council finds that the Greencrest Mobilehome Park short-form application increase is consistent with the Guidelines, and approves the rent increase Application submitted by Greencrest LLC.

CITY OF ESCONDIDO
SHORT-FORM

**MOBILEHOME PARK APPLICATION FOR
SPACE RENT INCREASE**



**201 NORTH BROADWAY
ESCONDIDO, CALIFORNIA 92025-2798**

**Phone: (760) 839-6265
Fax: (760) 741-0619**

Updated 3/3/2021

CITY OF ESCONDIDO

MOBILEHOME RENT REVIEW BOARD

INSTRUCTIONS FOR SHORT FORM RENT REVIEW APPLICATION

These instructions are to assist you in successfully completing your rent review application.

GENERAL INSTRUCTIONS:

1. Please type or print clearly in black ink on all application forms. Please complete all sections.
2. Attach additional pages, as needed using only 8.5" x 11" letter size paper. Be sure to identify the name of the park on all attachments. Once your application is complete, please number the pages.
3. Provide one (1) original and five (5) copies of the entire application. Please remember to number the pages of your completed application before copying.
4. All applications must include five (5) sets of gummed address labels* addressed to park residents affected by the proposed increase, including park name, address, and space number.

Example: John Doe
 Escondido Mobile Estates
 200000 Washington, Space 1
 Escondido, CA 92025

**Be sure to include labels with the park owner's name and address and/or his/her representative on the sets of gummed labels.*

Mobilehome Park Space Rent Sheets

This section shows rental amounts for each space affected by the application, since the date of the last increase (or the past two years if no rent review hearing has been held during that period). Please read the instructions carefully on the space rent worksheet and be sure to include the totals in the appropriate boxes.

Mobilehome Park Space Rent Sheets

This section shows rental amounts and increases for each resident owned mobilehome sale in the park since June 24, 2020, or since the date of the last rent increase application, (whichever date is more recent). Please read the instructions carefully on the worksheet and be sure to include the totals in the appropriate boxes.

Owner's Affidavit

This form must be signed by the park owner, attesting to the accuracy of the submitted information.

REVIEW:

Upon receipt of the application, the City has 30 days to determine if the application is complete. If it is not complete, further information will be requested from the applicant. When the application is complete, the applicant will be notified. For further details of the application process, please see the attached sheet which outlines the rent review process. We have also included a copy of the Rent Review Board Guidelines for you to reference. Please refer to Section 12 for short form application guidelines.

The application and all supporting documents should be delivered to:

City of Escondido
Mobilehome Rent Control Administration
Attn: Belinda Rojas
201 North Broadway
Escondido, CA 92025

If you have any questions, please call Belinda Rojas, (760) 839-6265.

CITY OF ESCONDIDO
201 North Broadway
Escondido, CA 92025-2798
(760) 839-6265

SHORT-FORM APPLICATION FOR MOBILEHOME SPACE RENT INCREASE

Park Name Greencrest Mobilehome Park Telephone 760-745-4352
Address 541 W. 15th Ave Escondido, CA 92025
Owner Greencrest LLC Telephone 949-722-1698
Address 301 E. 17th St Ste 208 Costa Mesa, CA 92627
Representative Bart Thomsen Telephone 949-722-1698

(If other than owner; all City correspondence will be addressed to this person)

Address _____
Site Manager Katie Morris Telephone 949-722-1698

Today's Date: 9-28-22

Date of last RRB increase 12-18-19 Period covered by CPI request Dec 2020 - June 2022
Number of Spaces in Park 129 Spaces affected by proposed increase 67
Change in CPI during period _____% 90% of change in CPI _____%
Increase requested by Park 8 % # of In-Place Transfers as of 6/24/20²² 0
or since last Rent Increase Application (whichever is more recent)

Briefly describe the park. Include amenities and services provided without additional charge. Attach additional pages if more space is needed.

Clubhouse
Laundry Room
Playground
Pool

SPACE RENTALS

Complete for all spaces affected by Proposed Increase at: Greencrest MHP

Date of last Rent Review Board Hearing: 12-18-19

Date of last increase: 2-1-21

DIRECTIONS: 1. List the monthly space rent collected for all affected spaces at the date the last increase was granted. 2. **If spaces have been added due to termination of long-term leases or space rents have been raised during a calendar year since the last increase was granted, list the highest rent paid for each space during that calendar year.** If the last increase was granted more than three years ago, use additional pages as needed. *This sheet may be duplicated as necessary.*

Resident Name and Space #	<u>Rent in</u> <u>Sept</u> 20 <u>20</u>	<u>Rent in</u> <u>Sept</u> 20 <u>21</u>	Current Rent <u>(9/1/22)</u>	Requested Increase (<u>\$</u>)	Percentage Increase	Requested New Rent

See attached

Greencrest Rent Increase Application February 2023
Last Rent Increase Effective February 1, 2021

Space	Resident	Rent In		Current Rent	Percentage Increase	Requested Increase	Requested New Rent
		September 2020	September 2021				
1	Filadelfo Rivera	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
2	Olivia Wennerholm	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
3	Juan Escobedo	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
6	Pablo Correa Flores	\$575.00	\$621.00	\$621.00	8.0%	\$ 49.68	\$670.68
8	Liborio Marrufo	\$326.90	\$333.72	\$333.72	8.0%	\$ 26.70	\$360.42
9	Daniel Gallardo Morales	\$328.76	\$574.45	\$574.45	8.0%	\$ 45.96	\$620.41
10	James Crouse	\$328.76	\$335.62	\$335.62	8.0%	\$ 26.85	\$362.47
14	Will Peart	\$328.76	\$335.62	\$335.62	8.0%	\$ 26.85	\$362.47
15	Marcelino Rivera	\$561.51	\$573.23	\$573.23	8.0%	\$ 45.86	\$619.09
18	Maria Guerrero	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
19	Santos Vargas	\$439.23	\$448.40	\$448.40	8.0%	\$ 35.87	\$484.27
20	Mrs Michael Casillas	\$328.76	\$335.62	\$335.62	8.0%	\$ 26.85	\$362.47
21	German Lopez	\$434.36	\$443.43	\$443.43	8.0%	\$ 35.47	\$478.90
23	Nex Romero	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
25	Maria Roberts	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
28	David Chavez	\$439.23	\$448.40	\$448.40	8.0%	\$ 35.87	\$484.27
29	Ida Hanson	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
31	Jaime Mendez	\$506.81	\$517.39	\$517.39	8.0%	\$ 41.39	\$558.78
34	Winston Chavez	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
35	Andres Gonzalez	\$569.49	\$581.38	\$581.38	8.0%	\$ 46.51	\$627.89
37	Faustino Parra	\$506.81	\$517.39	\$517.39	8.0%	\$ 41.39	\$558.78
38	Vilgan Gomez	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
40	William Rubbo	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
41	Monica Flores	\$501.92	\$512.40	\$512.40	8.0%	\$ 40.99	\$553.39
42	Arnulfo Garcia	\$506.81	\$517.39	\$517.39	8.0%	\$ 41.39	\$558.78

Space	Resident	Rent In September 2020	Rent In September 2021	Current Rent September 2022	Percentage Increase	Requested Increase	Requested New Rent
43	Antonio Cruz	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
44	Jose Salas	\$574.41	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
45	Anna Romero	\$575.00	\$584.78	\$625.71	8.0%	\$ 50.06	\$675.77
51	Amancio Sanchez	\$574.41	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
57	Joel Valdez	\$434.36	\$443.43	\$443.43	8.0%	\$ 35.47	\$478.90
59	Lucy Hazen	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
60	Arturo Torres	\$574.41	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
62	Mauro Rubalcava	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
63	Maria Urieta	\$623.45	\$625.00	\$625.00	8.0%	\$ 50.00	\$675.00
64	Luis Romo	\$501.92	\$512.40	\$512.40	8.0%	\$ 40.99	\$553.39
65	Maureen Winstanley	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
67	Yolanda Perez	\$528.97	\$540.01	\$540.01	8.0%	\$ 43.20	\$583.21
69	William Tibbs	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
74	Gloria Smith	\$506.81	\$517.39	\$517.39	8.0%	\$ 41.39	\$558.78
75	Marisa Garcia	\$623.45	\$625.00	\$625.00	8.0%	\$ 50.00	\$675.00
78	Julio Nava	\$439.23	\$448.40	\$448.40	8.0%	\$ 35.87	\$484.27
79	Roberto Gonzalez	\$574.41	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
83	Jose Olvera	\$506.81	\$517.39	\$517.39	8.0%	\$ 41.39	\$558.78
88	Brian Thomas	\$326.90	\$333.72	\$333.72	8.0%	\$ 26.70	\$360.42
89	Catalino Castillo	\$623.45	\$625.00	\$625.00	8.0%	\$ 50.00	\$675.00
90	Victor Barriga	\$574.41	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
92	Elvira Gonzalez	\$434.36	\$443.43	\$443.43	8.0%	\$ 35.47	\$478.90
94	Silvia Martinez	\$322.02	\$328.74	\$328.74	8.0%	\$ 26.30	\$355.04
96	Margarita Perez	\$574.41	\$586.40	\$586.40	8.0%	\$ 46.91	\$633.31
97	Rodolfo Robles	\$591.20	\$603.54	\$603.54	8.0%	\$ 48.28	\$651.82
100	Miriana De Caro	\$439.23	\$448.40	\$448.40	8.0%	\$ 35.87	\$484.27
102	Edilberto Castillo	\$439.23	\$448.40	\$448.40	8.0%	\$ 35.87	\$484.27
108	Bernardo Sanchez	\$623.45	\$625.00	\$625.00	8.0%	\$ 50.00	\$675.00
109	Martha Lugo	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00

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Item 8.

Space	Resident	Rent In		Current Rent September 2022	Percentage Increase	Requested Increase	Requested New Rent
		September 2020	September 2021				
110	Fred Burkhardt	\$625.00	\$658.13	\$658.13	8.0%	\$ 52.65	\$710.78
111	Stephen Burkhardt	\$439.23	\$448.40	\$448.40	8.0%	\$ 35.87	\$484.27
112	Thomas Springer	\$328.76	\$335.62	\$335.62	8.0%	\$ 26.85	\$362.47
115	Kathy Hearn	\$540.61	\$551.89	\$551.89	8.0%	\$ 44.15	\$596.04
116	Misael Loyola	\$326.90	\$333.72	\$333.72	8.0%	\$ 26.70	\$360.42
118	Miles Garvey	\$623.45	\$625.00	\$625.00	8.0%	\$ 50.00	\$675.00
120	Jose Gallegos	\$574.41	\$586.40	\$586.40	8.0%	\$ 46.91	\$633.31
121	Mike Halloran	\$326.90	\$333.72	\$333.72	8.0%	\$ 26.70	\$360.42
122	Vicente Saldivar	\$439.23	\$448.40	\$448.40	8.0%	\$ 35.87	\$484.27
123	Mario Gaspar	\$575.00	\$575.00	\$575.00	8.0%	\$ 46.00	\$621.00
125	Gilbert Rodriguez	\$574.41	\$586.40	\$586.40	8.0%	\$ 46.91	\$633.31
127	Karen Heinze	\$326.90	\$333.72	\$333.72	8.0%	\$ 26.70	\$360.42
128	Maria Del Refugio Vazquez	\$340.61	\$383.33	\$383.33	8.0%	\$ 30.67	\$414.00

5

Greencrest MHP

OWNER'S AFFIDAVIT

I (We,) Katie Morris

being duly sworn, depose and say that I (We) am (are) the owner(s)/authorized representative(s) of the owner(s) of said park involved in this request and that the foregoing statements or answers contained herein and the information submitted herewith are in all respects true and correct to the best of my (our) knowledge and belief. I (We) make the foregoing statement, the statements and answers contained herein and declare under penalty of perjury that the same are true and correct.

Signed: Katie Morris
Signature

Owner/Type or print name

Signature
Katie Morris - Representative
Representative/Type or print name

Mailing address: 301 E. 17th St. Ste 208
Costa Mesa, CA 92627

(6)

Greencrest M

Item 8.

IN-PLACE TRANSFER/ SALE(S)

DIRECTIONS:

Enter the information for every in-place transfer of a resident owned mobilehome in the park after June 24, ~~2020~~ ²⁰²², or since the last rent increase application, whichever date is more recent. "In-place transfer" means the transfer of the ownership of a mobilehome with the mobilehome remaining on the mobilehome lot following the transfer.

Final Space Rent - rent charged to the departing tenant for the final month of rent before the sale

Space Rent after Sale - rent paid by the new tenant for the first month after the sale

Park Average Space Rent - total amount of rent charged for all spaces in a mobilehome park occupied by a resident owned mobilehome, divided by the number of spaces in the park occupied by a resident owned mobilehome (calculated on the most recent annual rent control survey)

Use additional Sheets if necessary

Space #	Sale Date	Final Space Rent Before Sale (\$)	Space Rent After Sale (\$)	Park Average Space Rent	Current Lease Type (LT/RC)
	None			548.21	

7

MOBILE HOME PARK ANNUAL RENT CONTROL SURVEY

July 1, 2022 through June 30, 2023

Greentree LLC

541 W. 15th Ave Escondido, CA 92025

Barl Thomson

8 Pinhurst Lane Newport Beach, CA 92660

949-772-1688

Park Name:
 Owner Name:
 Owner Address:
 Owner Phone:

Please provide the information requested below for ALL spaces in your park. Indicate exempt long-term leases, vacancies, and spaces subject to a short-term rent increase in the appropriate column. To indicate exempt status for a vacancy, the space must have been vacant for the previous six-months. Manager/Assistant Manager/Council-owned spaces or other park-owned spaces are NOT exempt from the rent control administration space fee unless they are also subject to an existing long-term lease. Long-term leases and eligible vacancies are exempt from the space fee. You will be billed for ALL spaces not listed on this worksheet and for all spaces where incomplete information is provided. You are billed on an annual basis in accordance with Council Resolution 2005-132. This survey is due by October 15, 2022. If we have not received the requested information by October 31, 2022, you will be billed for all spaces in your park. This fee is due by December 31, 2022. Return the completed forms electronically in excel format to: Holly Nelson, Housing & Neighborhood Services at hthomson@escondido.org

I, Katie Morris, representative of Greentree Mobilehome Park, certify, under the penalty of perjury, the accuracy and completeness of all information provided on this space rent worksheet to the best of my knowledge as submitted to the City of Escondido for the purpose of calculating the rent control administration fee for the above-mentioned mobilehome park.

Space No	Tenant's Last Name	Monthly Rent (as of 7/1/2022)	Type of Space (Rent Control Long Term Lease, Park Owned, Vacant, Other)	Date the lease was signed	Type of Last Rent Control Hearing (Short Term Long Term None)	Last Rent Control Hearing Date or Vacancy Date or Lease Expiration Date	Date of last rent increase
4	Kayla Susan Ruiz	\$647.48	Long Term Lease	7/1/2020	None	06/30/2030	Anniversary
5	Maria Vazquez	\$584.78	Long Term Lease	8/1/2013	None	07/31/2023	Anniversary
7	Lucia Robles	\$605.48	Long Term Lease	11/1/2015	None	10/31/2025	Anniversary
13	Victor Valdez	\$622.76	Long Term Lease	5/1/2013	None	04/30/2023	Anniversary
12	Stephen Mc Mahon	\$598.58	Long Term Lease	9/1/2015	None	08/31/2025	Anniversary
17	Kenneth Erney	\$625.71	Long Term Lease	7/1/2011	None	06/30/2031	Anniversary
24	Gabino Torres	\$605.48	Long Term Lease	11/1/2019	None	10/31/2029	Anniversary
26	Herito Ramirez	\$584.78	Long Term Lease	8/1/2014	None	07/31/2024	Anniversary
30	Werna Gonzalez Garibay	\$625.00	Long Term Lease	11/1/2015	None	12/31/2024	Anniversary
33	C. Cleopha Ida	\$622.76	Long Term Lease	5/1/2019	None	04/30/2029	Anniversary
36	Ezequiel Espinosa	\$598.58	Long Term Lease	9/1/2011	None	08/31/2031	Anniversary
39	Gustavo Valdez	\$662.50	Long Term Lease	1/1/2020	None	12/31/2029	Anniversary
45	Maria Romero	\$584.78	Long Term Lease	8/1/2012	None	07/31/2022	Anniversary
48	Frick Ortiz	\$584.78	Long Term Lease	8/1/2017	None	07/31/2027	Anniversary
49	Juan Lombra	\$658.13	Long Term Lease	11/1/2017	None	10/31/2027	Anniversary
50	Paulette Lang	\$622.76	Long Term Lease	6/1/2013	None	05/31/2023	Anniversary
52	Rosa Torres	\$605.48	Long Term Lease	12/1/2013	None	11/30/2023	Anniversary
53	Angelita Rodriguez	\$697.23	Long Term Lease	9/1/2016	None	08/31/2026	Anniversary
54	Robert Van De Hey	\$504.09	Long Term Lease	3/1/2010	None	12/31/2024	Anniversary
55	Josie Manuel Lopez Armenta	\$625.00	Long Term Lease	8/1/2018	None	07/31/2028	Anniversary
56	Conrado Aguilar	\$619.12	Long Term Lease	4/1/2015	None	03/31/2025	Anniversary
58	Ricardo Gonzalez	\$622.76	Long Term Lease	5/1/2011	None	04/30/2023	Anniversary
61	Ryan Rodriguez Lino	\$640.65	Long Term Lease	4/1/2020	None	03/31/2030	Anniversary
66	Hilber Aguilar	\$622.76	Long Term Lease	5/1/2012	None	12/31/2024	Anniversary
68	Francisco Lopez	\$622.40	Long Term Lease	2/1/2015	None	01/31/2025	Anniversary

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70	Ramon Gutierrez	\$650.63	Long Term Lease	10/1/2018	None	09/30/2028	Anniversary
71	Norge Rivera	\$622.30	Long Term Lease	2/1/2016	None	01/31/2026	Anniversary
72	Cindy Chavez	\$598.58	Long Term Lease	10/1/2015	None	09/30/2025	Anniversary
73	Yolanda Gonzalez	\$622.76	Long Term Lease	6/1/2015	None	05/31/2025	Anniversary
76	Gerardo Cebalero	\$605.48	Long Term Lease	11/1/2019	None	10/31/2029	Anniversary
80	Alejandro Suarez	\$650.63	Long Term Lease	10/1/2015	None	09/30/2025	Anniversary
81	Joel Marin	\$666.25	Long Term Lease	5/1/2012	None	17/31/2024	Anniversary
82	Francisco Castro	\$665.63	Long Term Lease	4/1/2010	None	03/31/2030	Anniversary
84	Rafael Cardenas	\$672.95	Long Term Lease	4/1/2011	None	03/31/2031	Anniversary
85	Jesus Sandoval	\$650.63	Long Term Lease	9/1/2010	None	08/31/2030	Anniversary
86	Tiffany Nguyen	\$697.23	Long Term Lease	9/1/2018	None	08/31/2028	Anniversary
87	Aurelio Luna	\$579.27	Long Term Lease	7/1/2018	None	06/30/2028	Anniversary
93	Juan Mendez	\$598.58	Long Term Lease	9/1/2016	None	08/31/2026	Anniversary
95	Luis Serna	\$625.71	Long Term Lease	7/1/2019	None	06/30/2029	Anniversary
98	Fernando Gallagos	\$650.63	Long Term Lease	9/1/2016	None	08/31/2026	Anniversary
99	Eduar Gallagos	\$650.63	Long Term Lease	9/1/2016	None	08/31/2026	Anniversary
101	Mario Martinez	\$676.91	Long Term Lease	6/1/2010	None	12/31/2024	Anniversary
103	Pedro Velazquez	\$658.13	Long Term Lease	11/1/2010	None	10/31/2030	Anniversary
104	Fernando Dominguez	\$622.30	Long Term Lease	2/1/2015	None	01/31/2025	Anniversary
106	Jose Hernandez	\$676.42	Long Term Lease	2/1/2014	None	01/31/2024	Anniversary
107	Jose Gonzalez	\$676.91	Long Term Lease	5/1/2018	None	04/30/2028	Anniversary
117	Glenn Gutierrez Orozco	\$622.76	Long Term Lease	6/1/2010	None	12/31/2024	Anniversary
119	Felix Torres	\$598.58	Long Term Lease	10/1/2019	None	09/30/2024	Anniversary
124	Hugo Benitez	\$635.63	Long Term Lease	8/1/2015	None	07/31/2025	Anniversary
126	Alejandro Cervantes	\$622.30	Long Term Lease	2/1/2016	None	01/31/2026	Anniversary
129	Esteso Mora	\$676.91	Long Term Lease	6/1/2019	None	05/31/2029	Anniversary
1	Fladelfo Rivera	\$328.74	Rent Control	N/A	None	12/18/2019	2/1/2021
2	Olivia Wernholm	\$328.74	Rent Control	N/A	None	12/18/2019	2/1/2021
3	Juan Escobedo	\$575.00	Rent Control	N/A	None	12/18/2019	2/1/2021
6	Pablo Correa Flores	\$671.00	Rent Control	N/A	None	12/18/2019	2/1/2021
8	Liberto Marrufo	\$333.72	Rent Control	N/A	None	12/18/2019	2/1/2021
9	Daniel Galardo Morales	\$378.64	Rent Control	N/A	None	12/18/2019	2/1/2021
10	James Crouse	\$335.62	Rent Control	N/A	None	12/18/2019	2/1/2021
14	Will Pearl	\$335.62	Rent Control	N/A	None	12/18/2019	2/1/2021
15	Marcelino Rivera	\$523.23	Rent Control	N/A	None	12/18/2019	2/1/2021
18	Marina Guerrero	\$575.00	Rent Control	N/A	None	12/18/2019	2/1/2021
19	Santos Vargas	\$448.40	Rent Control	N/A	None	12/18/2019	2/1/2021
20	Mrs. Micheli Castias	\$335.62	Rent Control	N/A	None	12/18/2019	2/1/2021
21	German Lopez	\$443.43	Rent Control	N/A	None	12/18/2019	2/1/2021
23	Ben Romero	\$575.00	Rent Control	N/A	None	12/18/2019	2/1/2021
25	Maria Roberts	\$328.74	Rent Control	N/A	None	12/18/2019	2/1/2021
28	David Chavez	\$448.40	Rent Control	N/A	None	12/18/2019	2/1/2021
29	Ida Harrison	\$328.74	Rent Control	N/A	None	12/18/2019	2/1/2021
31	Jarime Alender	\$517.39	Rent Control	N/A	None	12/18/2019	2/1/2021
34	Winston Chavez	\$575.00	Rent Control	N/A	None	12/18/2019	2/1/2021
35	Andres Gonzalez	\$581.38	Rent Control	N/A	None	12/18/2019	2/1/2021
37	Rafaelina Parra	\$517.39	Rent Control	N/A	None	12/18/2019	2/1/2021
38	Viggo Gomez	\$575.00	Rent Control	N/A	None	12/18/2019	2/1/2021

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40	William Robos	\$328.79	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
41	Pamela Flores	\$512.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
42	Arnulfo Garcia	\$517.39	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
43	Antonio Cruz	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
44	Jose Salas	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
51	Amancio Sanchez	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
57	Joel Valdez	\$483.43	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
59	Lucy Hazen	\$328.74	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
60	Arturo Torres	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
62	Maurio Rubalcava	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
63	Manu Uribe	\$625.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
64	Luis Romo	\$512.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
65	Maureen Winstanley	\$328.74	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
67	Volanda Perez	\$540.01	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
69	William Tibus	\$328.74	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
74	Gloria Smith	\$517.39	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
75	Martina Garcia	\$625.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
78	Julio Nava	\$448.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
79	Roberto Gonzalez	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
83	Jose Olivera	\$517.39	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
88	Brian Thomas	\$333.72	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
89	Catalino Castillo	\$625.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
90	Victor Barrera	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
92	Elysa Gonzalez	\$443.43	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
94	Silvia Martinez	\$328.74	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
96	Margarita Perez	\$586.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
97	Rodolfo Robles	\$663.54	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
100	Milhana De Carlo	\$448.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
102	Felipecho Casillo	\$448.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
108	Bernardo Sanchez	\$625.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
109	Martha Lugo	\$575.00	Rent Control	N/A	Short Form	11/30/2021	2/1/2021
110	Fred Burkhart	\$658.13	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
111	Stephen Burkhart	\$448.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
112	Thomas Springer	\$335.62	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
115	Kathy Hearn	\$551.89	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
116	Micuel Loyola	\$333.72	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
118	Miles Garvey	\$625.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
120	Jose Gallegos	\$586.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
121	Mike Hallock	\$333.72	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
122	Vicente Saldivar	\$448.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
123	Mario Gaspar	\$575.00	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
125	Gilbert Rodriguez	\$586.40	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
127	Karen Henze	\$333.72	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
128	Marta Del Refugio Varquez	\$383.33	Rent Control	N/A	Short Form	12/18/2019	2/1/2021
33			Park Owned				
16			Park Owned				
22			Park Owned				
27			Park Owned				

Item 8.

32	Park Owned				
36	Park Owned				
47	Park Owned				
77	Park Owned				
91	Park Owned				
105	Park Owned				
113	Park Owned				
114	Park Owned				

All Spaces Total Rent	\$	63,943.80
Rent Control Total Rent	\$	31,876.39
Long Term Leases Total Rent	\$	32,068.47
Park Owned Total Rent	\$	

Average Space Rent for Resident Owned Mobilhomes:			Total # of Spaces in the Park	129
Average Resident Owned Rent:	\$	546.53	# of Rent Control Spaces	66
Rent Control Spaces Average Rent:	\$	487.96	# of Exempt Short-Term Spaces	66
Non-Rent Control Spaces Average Rent (Long Term Leases):	\$	629.79	# of Exempt Long-Term Leases Spaces	51
			# of Park Rental Spaces (Park Owned):	12
			# of Vacant Spaces	0

PLEASE ADD all utilities included in the space rent

Rent Controlled Spaces	EXAMPLE: Water, Sewer, Trash
Non-Rent Controlled Spaces	
Rent Controlled Spaces	
Non-Rent Controlled Spaces	



Housing & Neighborhood Services Division
 201 North Broadway, Escondido, CA 92025
 Phone: 760-839-4841 Fax: 760-839-4313

Re: Short-form Rent Increase Application Submitted by Greencrest MHP

Dear Resident:

A **short-form application** for a rent increase for your Park has been received and determined to be complete. Under the City's "Short-form" Guidelines, a park owner may request an increase for up to 90% of the change in CPI since the last increase, not to exceed the past two-year period, or an 8% cap whichever is the lesser. The Board will presume that this amount is a fair request unless residents from a majority of the spaces in the park that are subject to rent control appear at a hearing to present reasons why the increase should not be granted.

This letter is to inform you about:

1) RESIDENT MEETING

- Date = Thursday, December 1st at 6pm
- Location = Park Clubhouse
- Purpose = To discuss the short-form hearing process, answer any questions, and select a resident representative.

2) RENT REVIEW BOARD HEARING

- Date = January 11th, 2022 at 5 p.m.,
- Location = City Council Chambers, 201 North Broadway, Escondido

3) HOW THIS MAY IMPACT YOU

- The park is requesting an 8% increase
- The park owner may apply the lesser of 8% or 90% of the change in CPI for the period Dec 30, 2020, through June 30, 2022 (which is 10%).
- **Findings** = City staff has reviewed the short-form application and determined that space #55 rent was increased over the 8% in-place transfer cap. Rents for spaces #4 and #61 incurred an increase in violation of the new CA Civil Code Section 798.17. This states that any long-term leases recorded into after February 13, 2020 are now subject to rent control. City staff have been in touch with park management and they have been proactively working to correct these errors.
- Average Increase Per Space = \$ 39.04
- Average Space Rent = \$ 512.05

4) WHERE TO RECEIVE MORE INFORMATION

- Attend the resident meeting on December 1st
- The application is available on the city's website, at your park's office and at the Housing Division counter at City Hall during normal business hours.
- Contact Eric Bunge at (760) 839-4562 or ebunge@escondido.org

Sincerely,

Eric Bunge
 Housing Management Analyst



CITY OF ESCONDIDO
Mobilehome Rent Control Administration
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4562

RESIDENT NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Escondido, sitting as the Mobilehome Rent Review Board, will hold a public hearing to consider the following item:

The rental increase application submitted by:
Greencrest Mobilehome Park, 541 W 15th Ave, Escondido, CA 92027.

A copy of the application is available for review at Greencrest Park Office, Housing Division at City Hall, 201 N. Broadway, Escondido, CA 92025, and the City's website. A copy of the staff report will be available at the Housing Division counter five days prior to the hearing date.

A hearing to determine whether or not a rent increase will be granted has been scheduled before the Rent Review Board on **January 11, 2023, at 5 p.m.** in the City Council Chambers, 201 N. Broadway, Escondido, CA 92025. This will be an in-person meeting and additional safety protocols may be in place. If you are protesting the short-form application, you should register in the foyer prior to the opening of the public hearing. The purpose of the hearing is for the Rent Review Board to obtain input from the owner and tenants about why an increase should, or should not be, granted. The Rent Review Board is neither required to grant an increase, nor is it allowed to grant a decrease in the current rent.

If you challenge the decision of the Board in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Rent Review Board at or prior to the public hearing.

The hearing is the time and place for you to express your opinion about the rent increase request. If you desire, you may also submit information in writing to Mobilehome Rent Control Administration in the Housing Division. Written information will be included in the reading file of the Rent Review Board (City Council) prior to the hearing.

At the hearing, the Rent Review Board may make a determination about the rent increase or they may request additional information from the owner and/or tenants before they make a decision. If additional information is requested, a new hearing will be scheduled. If an increase is granted, the owner must notify you in writing of the amount of the increase at least 90 days before the increase goes into effect.

Sincerely,

Eric Bunge
Housing Management Analyst

Rent Assistance Program - About

This program is offered to residents who may be suffering economic hardships in their daily lives. Any rental assistance will be in the form of the approved amount credited to monthly rent.

The approval for rent assistance will be made by the Costa Mesa office. Determination of eligibility will be based on the submission of the completed confidential questionnaire along with proof of income. The application process and results will remain a private matter between management and the resident and decisions typically take 5 business days once a fully completed application is received. Contact info for the Costa Mesa office is 949.642.0770 or info@tprop.net.

The requirements for the rental assistance are as follows:

- * Provide most recent paystubs or other reliable forms of proof of income of which cover a two-month period
- * Provide last 3 months of all bank account statements, all pages
- * Provide most recent tax return
- * Requalification is required annually
- * Resident must have attempted to apply for Section 8 Rental Assistance – if the program is closed, or a waitlist applies, submit with this application applicable verbiage from the website
- * Current income must be less than 90% of the income at time of qualification and approval for tenancy
- * Resident is in good standing with the community's Rules and Regulations
- * Resident in the community for a minimum of 24 months

Rental Assistance will be terminated, on any of the following events:

1. The sale or transfer of the mobilehome/RV
2. Failure to maintain, repair, or care for the mobilehome/RV
3. Failure to comply with the terms of the Rental Agreement or Rules and Regulations
4. Termination of tenancy in the park
5. At any time management deletes the program
6. Change in financial circumstances that would alter eligibility status
7. Evidence of inaccurate information provided during the application process

GREENCREST MOBILEHOME PARK

Item 8.

October 19, 2022

541 W 15th Street Sp
Escondido, CA 92025

Dear _____

Our records show that your tenancy agreement at Greencrest Mobilehome Park has month to month terms. This type of agreement allows for a rent increase subject to your local government's rent control ordinance.

As such, on _____, 2023, the rent for your space will be increased by \$ _____, to \$ _____. This is an increase of _____%.

As a reminder, the community offers a private rent subsidy program. Our program is not a loan. The program is provided voluntarily and for free by the owner.

To apply for our rent subsidy program, please contact the community manager. There is a short application that you will need to complete and proof of income is required. You will also need to provide proof that you are currently on the waitlist for the Section 8 Housing Choice Voucher. If the waitlist is closed, please bring proof that you have tried to apply. A print out from the website stating that the wait list is currently closed will work.

If you have any questions about this rent increase, our rent subsidy program, or additional community related issues that you would like to chat about, please contact the office. You may also contact the Costa Mesa office directly at 949.642.0770 or at info@thomsenproperties.net.

Thank you for your continued tenancy at Greencrest Mobilehome Park.

Greencrest Mobilehome Park



DATE: December 12, 2022

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: ED BENNETT, CODE COMPLIANCE MANAGER CB

SUBJECT: GREENCREST MOBILEHOME PARK

The Greencrest - Mobile Home Park was inspected on December 12 2022, with the lighting inspection conducted the evening of December 1, 2022. The inspections were required when the City of Escondido received an application for a park rent increase. There were no general park violations found in the common areas and there was one park lighting violation found during the lighting inspection; the inspection report is attached.

A resident meeting was held on December 1, 2022. The meeting was attended by two residents, two park managers and two city staff. One resident offered to act as the resident representative. There were no code enforcement issues raised during the meeting.

There were two code compliance complaints received for this the park during the past year.

Cc: Andrew Firestine, Director of Development Services
Holly Nelson, Manager of Housing and Neighborhood Services Division



December 12, 2022

**MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT**

Park Name: Greencrest Mobile Home Park
541 W. 15th Ave.
Escondido, CA. 92025

Park Owner: Greencrest Mobile Home Park LLC
8 Pinehurst Ln
New Port Beach, CA. 92660

Park Managers: Jim Younce **Phone:** (760) 745-4352
Marlene Andaluz-Estrada

Inspection Date: December 12, 2022 **Inspector:** Stephen Jacobson

The following report is based on the inspection of the mobile home park conducted under provisions outlined in the California Code of Regulations, Title 25, Division I, Chapter 2 and the Escondido Zoning Code, Article 45. This inspection report only addresses health and safety issues that are related to areas for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. There were no general park violations.

December 12, 2022
Greencrest Mobile Home Park
Rent Control Inspection Report
Page 2

There was one area of the park needing illumination per 25 CCR 1108:

(Lighting Inspection; 12-01-2022)

1. Inoperative light on the pole outside space 44.



Code Enforcement Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

December 19, 2022

Greencrest Mobile Home Park LLC
8 Pinehurst LN
New Port Beach CA 92025

Greencrest Mobile Home Park
C/O Jim Younce & Marlene Andaluz-Estrada
541 W. 15th St.
Escondido, CA 92025

Dear Katie and Jim

This notice is to formally advise you that the lighting violation noted in the rent control inspection report dated December 12, 2022 has been corrected.

We appreciate having the parks cooperation during this process. Our mutual efforts are important in maintaining safe and healthy parks in our city. Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Bennett". The signature is written in a cursive style with a horizontal line extending to the right.

Ed Bennett
Code Compliance Manager
760 839-4509

CC: Andrew Firestine, Director of Development Services
Holly Nelson, Manager of Housing and Neighborhood Services Division.



STAFF REPORT

January 11, 2023
File Number 0670-30

SUBJECT

CONSIDERATION OF RECREATIONAL VEHICLE PARKING REGULATIONS

DEPARTMENT

City Attorney

RECOMMENDATION

Request the City Council adopt Ordinance No. 2023-02, amending Escondido Municipal Code section 28-142 to regulate recreational vehicle ("RV") parking.

Staff Recommendation: Approval (City Attorney: Michael R. McGuinness, City Attorney)

Presenter: Gary J. McCarthy, Assistant City Attorney

FISCAL ANALYSIS

Adoption of Ordinance No. 2023-02 will require the ordering and installation of signs at all entrances to the City of Escondido ("City") providing the statutorily required notice to enforce the new RV parking regulations under state law. The estimated cost for the sign installation is \$10,000. The Police Department Operating Budget requires no change to address enforcement costs.

PREVIOUS ACTION

The City Council originally adopted Chapter 28 of the Escondido Municipal Code ("EMC") in 1972. On August 4, 2016, the Transportation and Community Safety Commission approved amendments to EMC section 28-142. On March 8, 2017, the City Council adopted Ordinance No. 2017-04 amending EMC section 28-142.

On November 16, 2022, the City Council adopted Resolution No. 2022-176, delegating authority to the City Manager to study, establish and post parking regulations and signage at all municipally owned parking lots.

BACKGROUND

City staff regularly receive complaints regarding long term RV parking on City streets and property, trash and debris left by RV owners (including hypodermic needles), and human waste under or near RVs. For example, on two occasions in recent months, City staff responded to clean up sewage spills from an RV on Pine Avenue. In August, the owner could not move his RV and called a tow truck to move the RV 20



CITY of ESCONDIDO

STAFF REPORT

feet to allow City staff access to clean up the spill site. City records show the same RV experienced a sewage leak in February 2022, but under a different owner. Between August and November 2022, the vehicle owner remained in the general area and used a five-gallon plastic bucket, provided by City staff, to collect the human waste leaking from the RV’s holding tank. City staff does not know where the owner discarded the waste from the bucket. During the initial August response, City staff observed one RV near the Pine Avenue spill site. During the second spill response from the same RV, staff observed two RVs near the spill site. In December, the number of RVs near the spill site grew to four.

RVs parked on City streets have negatively affected traffic safety and quality of life for those who live and work in Escondido. Traffic safety impacts of RVs parked or stored on city streets include:

- Impaired visibility of pedestrians for drivers;
- Impaired access to driveways and cross traffic on narrow residential streets; and
- Impaired sight distance for drivers and pedestrians when RVs are parked close to an intersection or on a curve.

Quality of life impacts of RVs parked or stored on city streets include:

- Illegal discharge of wastewater onto streets or the storm water system;
- Trash or litter left by the RV owners; and
- Reduced on street parking for regular-sized vehicles for residents and business customers.

Ordinance 2023-02

California Vehicle Code section 22507 authorizes local authorities to restrict the parking of certain vehicles on certain streets during all or certain hours of the day, including designating certain streets upon which preferential parking privileges are given to residents adjacent to streets for their use and enjoyment.

The cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Imperial Beach, National City, Oceanside, San Diego, San Marcos, Santee Solana Beach and Vista all have parking regulations prohibiting or restricting the parking of RVs, oversized vehicles and/or trailers on public streets.

Regulating the parking of RVs on city streets benefits and promotes the health, safety and general welfare of the community by preserving the residential character of neighborhoods and preserving the commercial character of business areas. These restrictions will also aid in reducing and preventing the illegal discharge of wastewater from RVs into our storm water systems and preventing the illegal disposal of trash on streets. Additional benefits as it relates to pedestrian and traffic safety include enhanced visibility and sight distance for motorists, pedestrians and bicyclists, and improved access to driveways and on-street parking for residents and business patrons.



CITY of ESCONDIDO

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The proposed ordinance is a CityWide RV parking restriction on highways, streets, alleys, public ways, public places or City parking lots with certain specified exceptions including:

1. One 24-hour period per month within 100 yards of the address listed on the RV's Department of Motor Vehicle registration (State law requires vehicle owners to update vehicle registration address within ten days of a move);
2. In City parking lots posted as authorizing recreational vehicle parking (The City Manager monitors and regulates by signage and enforcement the usage of all City parking lots to ensure that City parking lots are used to their highest and best use for the benefit of local businesses and customers and as otherwise required by law);
3. If an RV belongs to a federal, state, or local agency;
4. During a proclaimed City emergency at the discretion of the Director of Emergency Services; and
5. When the City issues a special event permit authorizing RV parking in designated areas of the City.

The ordinance authorizes the police department to tow and impound an RV after a single violation. A violation of the ordinance is an infraction, however, a third or more violation within a year may be charged as a misdemeanor.

RV Parking Options

The EMC currently allows RV parking on residential private property (EMC § 33-550 *et seq.*) and in travel trailer parks (EMC § 33-890 *et seq.*) such as the Escondido RV Resort. RV parking is also available at Dixon Lake Campground, and multiple other travel trailer parks throughout the County of San Diego. Moreover, allowing for City parking lots to be posted as exempt from the prohibition provides the ability to create additional alternate parking as needed.

Implementation

The Escondido Police Department will enforce this ordinance in a fair and equitable manner. When appropriate, for example during the initial implementation, officers will emphasize education or use their discretion to issue a warning. Additionally, the City's RV restrictions will not apply until the City places signs at all entrances to the City.

To make it clear that the restrictions apply to all city streets, Escondido's sign content will read:

NO PARKING
ANY RECREATIONAL VEHICLES
ON ALL CITY STREETS & CITY PARKING LOTS
UNLESS POSTED SIGNS AUTHORIZE PARKING
VIOLATORS SUBJECT TO CITATION AND/OR
TOWING AT OWNER'S EXPENSE
EMC 28-142



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Upon approval by the City Council, staff will order the signs and materials, and obtain Caltrans' right of way permits as may be needed. Installation of approximately 58 signs will take approximately six weeks. Staff will conduct community outreach in both English and Spanish by providing notice of the new RV parking regulations through the City's websites and social media accounts, the City Manager's Weekly Activity Report and news releases. Staff expects enforcement of the ordinance will begin after April 1, 2023.

ORDINANCES

- b. Ordinance No. 2023-02 (First Reading and Introduction)

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ESCONDIDO MUNICIPAL CODE SECTION 28-142, TO REGULATE RECREATIONAL VEHICLE PARKING.

WHEREAS, the parking or storing of recreational vehicles, whether motorized or towed, on city streets can negatively affect traffic safety and quality of life for those who live and work in Escondido; and

WHEREAS, traffic safety impacts of recreational vehicles parked or stored on city streets include impaired visibility of pedestrians for drivers, impaired access to driveways and cross traffic on narrow residential streets, and impaired sight distance for drivers and pedestrians if the recreational vehicle is parked close to an intersection or on a curve; and

WHEREAS, quality-of-life impacts of recreational vehicles parked or stored on city streets include illegal discharge of wastewater onto streets or the storm water system, trash or litter left by the recreational vehicle owners, and reduced on-street parking for passenger vehicles for residents and business customers; and

WHEREAS, allowing recreational vehicles to park on city streets for one 24-hour period per month within 100 yards of the address listed on the recreational vehicle's Department of Motor Vehicle registration balances the needs of recreational vehicle owners in the City with other users of public streets; and

WHEREAS, pursuant to California Vehicle Code section 4160, any registered owner of a vehicle who moves or acquires a new address different from the address shown upon the registration card issued for the vehicle shall within 10 days change the address on the registration card; and

WHEREAS, allowing for city parking lots to be posted as exempt from the prohibition gives the ability to create additional alternate parking as needed; and

WHEREAS, Resolution No. 2022-176 delegates authority to the City Manager to monitor and regulate by signage and enforcement the usage of all city parking lots to ensure that the city parking lots are used to their highest and best use for the benefit of local businesses and customers and as otherwise required by law; and

WHEREAS, Chapter 33, Article 25 of the Escondido Municipal Code regulates the parking of recreational vehicles in residential zones when not within completely enclosed structures, permitting such parking in the residential agriculture (R-A), residential estates (R-E), and single-family residential (R-1) zones, and on a property developed with a single-family residence in the multifamily zones (R-2, R-3 and R-4) subject to specific development standards; and

WHEREAS, Escondido offers recreational vehicle parking in the Dixon Lake Campground; and

WHEREAS, there is a permitted and licensed travel trailer park renting space to recreational vehicles within Escondido boundaries; and

WHEREAS, there are multiple travel trailer parks renting space to recreational vehicles throughout the County of San Diego; and

WHEREAS, the availability of alternate recreational vehicle parking balances the needs of all recreational vehicle owners with all City residents and other users of public streets; and

WHEREAS, California Vehicle Code section 22507 authorizes local authorities, by resolution or by ordinance, to restrict the parking of certain vehicles on certain streets during all or certain hours of the day, including designating certain streets upon which preferential parking privileges are given to residents adjacent to streets for their use and enjoyment; and

WHEREAS, pursuant to California Vehicle Code section 22507, such a parking restriction shall not apply until signs or markings giving adequate notice thereof are placed; and

WHEREAS, pursuant to California Vehicle Code section 22507, a resolution or ordinance adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of the parking restriction; and

WHEREAS, Escondido Police Department Instruction 4.2 establishes policy for vehicle impounds if authorized under the authority of the California Vehicle Code; and

WHEREAS, pursuant to California Vehicle Code section 22651(n), a peace officer may remove a vehicle located within their jurisdiction if a vehicle is parked or left standing where a local authority, by resolution or ordinance, prohibited parking and authorized the removal of vehicles; and

WHEREAS, prohibiting the parking or storing of recreational vehicles on city streets promotes the health, safety and general welfare of the community by preserving the residential character of neighborhoods, preserving the commercial character of business areas, preventing the illegal discharge of wastewater from recreational vehicles into storm water systems, preventing the illegal disposal of trash on streets or easements, and preventing traffic safety problems associated with recreational vehicles parking or being stored on city streets such as impaired visibility for drivers and pedestrians or impaired access to driveways.

NOW THEREFORE, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

1. That the above recitations are true.
2. That Escondido Municipal Code section 28-142, no parking, stopping and standing, is hereby

amended to add subsections (d) through (g) as follows:

(d) No person shall stop, park, or leave standing any recreational vehicle at any time upon any highway, street, alley, public way, public place, or city parking lot in the City except:

(1) Any recreational vehicle for one 24-hour period per month, provided that the recreational vehicle is parked within 100 yards of the address to which it is registered with the California Department of Motor Vehicles;

(2) Any recreational vehicle in a city parking lot where a sign is posted authorizing recreational vehicle parking;

(3) Any recreational vehicle belonging to federal, state, or local agencies;

(4) As part of a proclamation of a local emergency issued pursuant to Chapter 7 of this Code, the Director of Emergency Services may suspend subsection (d). The suspension shall expire upon the termination of the local state of emergency unless an earlier time for expiration is provided in the proclamation of local emergency; and

(5) Where a City issued special event permit authorizes recreational vehicle parking in designated areas in the City.

(e) For the purposes of subsection (d), the term "recreational vehicle," includes, but is not limited to, the following:

(1) Recreation vehicles as defined in Health and Safety Code section 18010;

(2) Camp trailers as defined in Vehicle Code section 242;

(3) Fifth-wheel travel trailers as defined in Vehicle Code section 324;

(4) House cars as defined in Vehicle Code section 362; and

(5) Trailer coaches as defined in Vehicle Code section 635.

(f) Any recreational vehicle stopped, parked or left standing in violation of subsection (d) may be removed and impounded at the owner's expense subject to the requirements of Vehicle Code sections 22650 et seq.

(g) A third or more violation of subsection (d) within a twelve (12) month period may be charged as a misdemeanor.

3. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

4. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.



STAFF REPORT

January 11, 2023
File Number 1305-05

SUBJECT

SELECTION OF CLEAN ENERGY ALLIANCE DEFAULT ENERGY SUPPLY OPTION FOR CITY OF ESCONDIDO ELECTRICITY CUSTOMERS

DEPARTMENT

City Manager's Office

RECOMMENDATION

Request the City Council adopt Resolution No. 2023-09 selecting "Clean Impact Plus – 50% Renewable / 75% Carbon Free Energy" as the Clean Energy Alliance ("CEA") Default Energy Supply Option. Staff recommend this option because it provides the best combination of value to the customer and advancement of the goals of the City's Climate Action Plan. The City Council may, at its discretion, choose either of the other supply options ("Clean Impact" or "Green Impact") as the default option for the City of Escondido.

Staff Recommendation: Approval (City Manager's Office: Christopher W. McKinney)

Presenter: Christopher W. McKinney, Deputy City Manager / Director of Utilities

FISCAL ANALYSIS

The CEA offers three different energy supply options: (1) Clean Impact – 50% Renewable Energy; (2) Clean Impact Plus – 50% Renewable / 75% Carbon Free Energy; and (3) Green Impact – 100% Renewable.

The charts on the following page compare typical total energy bills for residential customers (Table 1) and small commercial customers (Table 2). The rates and fees in these tables have been annualized and thus reflect the average of differing summer and winter costs for energy supplies. *The sample rates and fees do not reflect any changes that the CEA Board of Directors may make when it considers rate adjustments at its regular meeting on January 26, 2023.*

As illustrated by the data in the Table 1, a typical residential customer would save 3.5% with the Clean Impact Option, 3.2% with the Clean Impact Plus Option, and 1.7% with the Green Impact Option, compared to the cost of purchase and delivery of energy from San Diego Gas and Electric ("SDG&E"). A typical small commercial customer (Table 2) would save 9.4% with the Clean Impact Option, 9.0% with the Clean Impact Plus Option, and 6.0% with the Green Impact Option. These percentage savings are based on the total electric energy bill, which includes charges paid to SDG&E for energy delivery. If the cost of energy supply only is considered, the percentage savings are higher by several percent, as shown in the tables. CEA's Joint Powers Agreement ("JPA") includes a rate setting goal to achieve a minimum 2%



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generation cost savings for the Clean Impact Option. It is anticipated that new rates set in January 2023 will increase rates. This expected increase will reduce savings, but savings are still anticipated to be in excess of the 2% target.

TABLE 1 – CEA / SDG&E Rate Comparison for Typical Residential Customers

PCIA Vintage 2022 Escondido & San Marcos	SDG&E 31% Renewable	CEA 50% Renewable Clean Impact	CEA Clean Impact Plus 75% Carbon Free	CEA Green Impact 100% Renewable
Residential: TOU-DR1				
Generation	\$ 49.65	\$ 35.26	\$ 35.26	\$ 35.26
Clean Impact Plus/Green Impact Premium	\$ -	\$ -	\$ 0.33	\$ 2.48
SDG&E PCIA+FFS - 2022 Vintage	\$ -	\$ 9.47	\$ 9.47	\$ 9.47
Generation Related Costs	\$ 49.65	\$ 44.73	\$ 45.06	\$ 47.21
SDG&E Delivery	\$ 92.46	\$ 92.46	\$ 92.46	\$ 92.46
Total Average Monthly Bill	\$ 142.11	\$ 137.19	\$ 137.52	\$ 139.67
Average 330 kWh Usage				

\$ Savings to SDG&E - Total Bill	\$ (4.92)	\$ (4.59)	\$ (2.44)
% Savings to SDG&E - Generation Costs	-9.90%	-9.24%	-4.92%
% Savings to SDG&E - Total Bill	-3.46%	-3.23%	-1.72%

TABLE 2 – CEA / SDG&E Rate Comparison for Typical Small Commercial Customers

PCIA Vintage 2022 Escondido & San Marcos	SDG&E 31% Renewable	CEA 50% Renewable Clean Impact	CEA Clean Impact Plus 75% Carbon Free	CEA Green Impact 100% Renewable
Small Commercial: TOU-A				
Generation	\$ 181.00	\$ 109.37	\$ 109.37	\$ 109.37
Clean Impact Plus/Green Impact Premium	\$ -	\$ -	\$ 1.24	\$ 9.30
SDG&E PCIA+FFS - 2022 Vintage	\$ -	\$ 45.84	\$ 45.84	\$ 45.84
Generation Related Costs	\$ 181.00	\$ 155.21	\$ 156.45	\$ 164.51
SDG&E Delivery	\$ 92.46	\$ 92.46	\$ 92.46	\$ 92.46
Total Average Monthly Bill	\$ 273.46	\$ 247.67	\$ 248.91	\$ 256.97
Average 1,240 kWh Usage; 5.4kW Average Demand				

\$ Savings to SDG&E - Total Bill	\$ (25.79)	\$ (24.55)	\$ (16.49)
% Savings to SDG&E - Generation Costs	-14.25%	-13.56%	-9.11%
% Savings to SDG&E - Total Bill	-9.43%	-8.98%	-6.03%



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Tables 1 and 2 also include Exit Fees or Power Charge Indifference Adjustments (PCIA). These are fees charged by SDG&E to customers enrolled with the CEA or any other Community Choice Energy (CCE) provider. These fees cover losses incurred by SDG&E for ending energy supply contracts entered to provide energy supply to customers that move to another provider. In developing the CEA's rates, the PCIA fees are accounted when comparing typical monthly electric utility costs between the CEA and SDG&E. The PCIA fee is charged to customers as a charge per kWh consumed and is based on when the customer leaves SDG&E's generation service. The exit fee is set annually through SDG&E's Energy Resource Recovery Account rate-setting process, so agencies that join CEA at different times will have different PCIA rates. In other words, the original CEA member cities (i.e. Carlsbad, Del Mar, and Solana Beach) will have different PCIA calculations, or "vintages," than cities that joined CEA later (e.g. Escondido and San Marcos).

The CEA expects that SDG&E rates will also increase in January 2023. The CEA will continue to participate in SDG&E's rate-setting process to protect its customers.

PREVIOUS ACTION

On October 27, 2021, the City Council adopted Resolution 2021-169 authorizing the City Manager or designee to execute, on behalf of the City, a JPA with the Clean Energy Alliance, whose members were, at that time, the cities of Carlsbad, Del Mar, and Solana Beach. The City Council also adopted Ordinance 2021-11 ordaining the City's membership in the Clean Energy Alliance. Ordinance 2021-11 was considered and adopted a second time, as required for final adoption of an Ordinance, on November 17, 2021.

BACKGROUND

The CEA is a JPA originally created by the Cities of Carlsbad, Del Mar, and Solana Beach. The CEA is one of two existing Community Choice Energy (CCE) providers in San Diego County. The City of San Marcos joined the CEA within weeks of Escondido's joining in 2021. The Cities of Vista and Oceanside joined the CEA in 2022.

The CEA, like other CCE's, purchases energy on behalf of its member cities from alternative suppliers to those in the SDG&E supply. These purchase agreements allow CEA to enter into contracts with the goal of maximizing renewable energy sources at prices still competitive with, and typically lower than, SDG&E's energy rates. The CEA provides for local control over electricity sources, the potential to choose greener energy sources, and competitive electricity prices.

All energy is delivered via the existing San Diego Gas & Electric (SDG&E) transmission and distribution system, so customers will experience no change in their physical connections to the energy grid. Billing will also continue through the existing SDG&E billing system. When service through CEA begins in Escondido in April 2023, customers will see the change in energy supplier reflected on their SDG&E bills.



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The JPA specifies renewable energy targets for its energy supply options. The CEA's default energy supply option, per the JPA, should include 50% or more qualified renewable energy (Section 6.5 - Power Supply Requirements), increasing to 100% by 2035. The agreement further states that the CEA Board shall establish product options with higher renewable and/or carbon free content that each member agency may select as its default energy product for its community.

As the launch of CEA service in Escondido approaches in April 2023, the City Council must select a default energy supply option from which Escondido customers will purchase energy.

As summarized in the "Fiscal Analysis" section, the City Council may choose one of three energy supply options as the default product for customers in Escondido:

1. **Clean Impact - 50% renewable energy content**

Clean Impact is CEA's minimum 50% renewable energy option, increasing to 100% renewable energy by 2035. This option provides the lowest rates to the customer and advances the goals of the City's Climate Action Plan. However, it is not recommended over the "Clean Impact Plus" option because "Clean Impacts Plus" provides significant additional benefits toward Climate Action Plan goals for nominal increase in cost.

2. **Clean Impact Plus - 50% renewable and 75% carbon free energy content**

Clean Impact Plus is sourced from an energy supply mix of 50% renewable and 75% carbon-free energy. The rate difference is \$0.001/kWh in addition to Clean Impact rate. This option is the staff recommended option because it provides the best combination of value to the customer and advancement of the goals of the City's Climate Action Plan.

3. **Green Impact - 100% renewable energy content**

The Green Impact energy supply product includes 100% renewable energy. This energy option has the highest cost due to the additional expense of procuring additional renewable energy. This option provides maximum benefit in terms of Climate Action Plan goals, but the energy rates are the highest of the three options (while still lower than SDG&E rates). Customers may still opt-in to this option on an individual basis regardless of which plan the City Council chooses as the default option.

Customers will automatically enter the default energy supply selected by City Council. However, individual customers may elect an alternative energy supply by contacting the CEA call center or visiting the CEA website. Customers may choose any one of the three options above, or may choose to remain with SDG&E as their energy supplier, regardless of the default selected by the City Council. Details on this process will be provided to customers during the public outreach in the months leading up to the launch of sales. As of November 2022, 99% of CEA customers in other communities are enrolled in "Clean Impact Plus." Almost all customers in the remaining 1% are enrolled in "Clean Impact." Among all customers in CEA member cities, regardless of energy supplier, more than 92% are purchasing energy from CEA, with approximately 8% opting-out of CEA to remain with SDG&E as energy supplier.



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“Renewable energy” is an energy supply produced from naturally replenishing sources that produce no emissions (e.g., solar, wind, geothermal, biomass, bio-waste, and eligible hydroelectric sources). “Carbon-free energy” is produced from sources that are not renewable, but they do not produce carbon emissions (e.g., nuclear and large hydroelectric energy sources).

RESOLUTIONS

- A. Resolution 2023-09

RESOLUTION NO. 2023-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, SELECTING "CLEAN IMPACT PLUS" AS THE DEFAULT ENERGY SUPPLY OPTION FOR CUSTOMERS PURCHASING ELECTRIC ENERGY FROM THE CLEAN ENERGY ALLIANCE

WHEREAS, the City joined the Clean Energy Alliance ("CEA") by the adoption of Ordinance 2021-11 on November 17, 2021; and

WHEREAS, the City's membership in the CEA advances the goals of the Escondido Climate Action Plan ("CAP"), adopted by the City Council on March 10, 2021, to reduce Greenhouse Gas ("GHG") emissions; and

WHEREAS, the CEA is a Community Choice Aggregation ("CCA") program created as a Joint Powers Agency ("JPA") including the Cities of Carlsbad, Del Mar, Solana Beach, Escondido, San Marcos, Oceanside, and Vista; and

WHEREAS, the CEA allows its members to share resources and jointly provide and achieve the environmental and economic benefits of a CCA program on a regional basis; and

WHEREAS, the CEA has worked to secure energy supply contracts to begin supplying electric energy to customers in Escondido in 2023; and

WHEREAS, the CEA has three energy supply profile options from which customers may choose to purchase energy, with options varying by price and the fraction of renewable energy supplies included in each; and

WHEREAS, CEA member cities choose a default option for all customers from among the three energy supply profiles, while individual customers retain the ability to choose a different option or to opt-out of CEA service entirely; and

WHEREAS, the “Clean Impact Plus” energy supply profiles offered by the CEA gives Escondido electric energy customers the best value when considering energy cost and advancement of the City’s GHG emission reduction goals.

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

1. That the above recitations are true.
2. The City Council selects “Clean Impact Plus” as the default energy supply for customers in the City of Escondido when the CEA begins supplying electric supply in 2023.



STAFF REPORT

January 11, 2023
File Number 0610-55

SUBJECT

NATIONAL LEAGUE OF CITIES APPOINTMENT –

DEPARTMENT

City Clerk's Office

RECOMMENDATION

Request the City Council appoint a representative to the National League of Cities.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck)

Presenter: Zack Beck

PREVIOUS ACTION

On September 21, 2022, the City Council voted to become a member of the National League of Cities.

BACKGROUND

The National League of Cities Congressional Cities Conference is scheduled for March 24-28, 2023 in Washington D.C. and the City of Escondido will be sending an elected representative to attend the Conference.



STAFF REPORT

January 11, 2023
File Number 0610-90

SUBJECT

REVIEW OF COUNCIL POLICIES AND RULES OF PROCEDURE

DEPARTMENT

City Clerk's Office

RECOMMENDATION

Request the City Council review the Council Policies and Rules of Procedure.

Staff Recommendation: Provide Direction (Mayor: Dane White)

Presenter: Mayor Dane White

PREVIOUS ACTION

On September 29, 2021, the City Council adopted Resolution No. 2021-156 (Attachment "1"), updating the City Council Policies and Rules of Procedure.

BACKGROUND

On December 14, 2022, Mayor Dane White requested that an item be placed on the Future Agenda to review the City Council Policies and Rules of Procedure.

ATTACHMENTS

- a. Attachment "1" – Resolution No. 2021-156

RESOLUTION NO. 2021-156

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING AND READOPTING RULES OF
PROCEDURE FOR CITY COUNCIL
MEETINGS AND CITY COUNCIL POLICIES

WHEREAS, the City Council of the City of Escondido, State of California, has previously adopted resolutions which provide Rules of Order and Procedure for City Council meetings and certain written policies governing Council procedures, methods of operation and ethics which are amended from time to time; and

WHEREAS, the City Council wishes to re-adopt its Rules and Policies for the purpose of including certain amendments and clarifications.

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

1. That the above recitations are true.
2. That the following Rules shall govern the City Council:

Section A: Rules of Order and Procedure

1. Time of Regular Meetings.

Unless the City Council schedules otherwise or cancels a meeting, the City Council shall hold regular meetings at 4:00 p.m. commencing with closed session items and thereafter at 5:00 p.m. commencing with a public session on each of the first four (4) Wednesdays of each calendar month at the City Hall.

2. Matters Covered.

For the purpose of efficiently focusing only on matters affecting the City of Escondido, the Council should consider those resolutions, motions

or matters which affect the conduct of the business of the City of Escondido or its corporate powers or duties as a municipal corporation, or such resolutions or motions supporting or disapproving legislation or actions pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of said State or nation where such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Escondido or its officers or employees as such.

3. Order of Business.

Regular business of the Council at the 5:00 p.m. public session shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Mayor or Council:

- a. Moment of Reflection
- b. Flag Salute
- c. Roll Call
- d. Closed Session Report
- e. Proclamations/Presentations
- f. Oral Communications (up to 15 minutes or as directed by the Mayor)
- g. Consent Calendar, including Affidavits of Publications, Mailing, Posting, Warrant Register & Minutes Approval
- h. Public Hearings
- i. Current Business Matters
- j. Future Agenda Items
- k. Council Members Subcommittee Reports
- l. Council Member Reports
- m. City Manager's Weekly Activity Report Highlights
- n. Oral Communications

o. Adjournment

4. Consent Calendar Defined.

Those items on the Council agenda which are generally considered routine matter of business such as the approval of minutes, approval of the warrant register, Notices of Project Completion, Treasurer's Quarterly Investment Report, certain contract and grant awards, resolutions setting hearings, final maps, and various leases and agreements are listed on the "Consent Calendar" and shall be adopted by one motion unless Council, staff or a member of the public requests specific items to be discussed and/or removed for separate action. Those items so approved under the heading "Consent Calendar" will appear in the Council minutes in their proper form, i.e., resolution accepting grant deed or easement, approval of minutes, award of bid, etc.

From time to time, the Council may schedule a "workshop" style meeting. Such workshops shall comply with all applicable noticing laws and shall be dedicated primarily to general information gathering and sharing, discussion and possible direction to staff. Final actions of the Council shall not take place at workshop sessions.

5. Oral Communications.

Time has been reserved near the beginning and end of each regular meeting agenda to provide an opportunity for members of the public to directly address the Council on items of interest to the public. The Mayor as the presiding officer may set a limit on the time at the beginning of the meeting devoted to oral communications and may at his

or her discretion extend the time for a speaker or speaker representative to address the Council. Comments on an item already appearing on the agenda shall only be taken at the time reserved for discussion of that agenda item. No action will be taken by the Council on items discussed under Oral Communications, except to refer the matter to staff or schedule for future action.

6. Council Member Reports.

The Council Member Report agenda item provides members of the Council an opportunity to report matters of general interest to the public and their fellow Council Members. No actions, votes or further discussions shall occur on any such matter(s).

7. Council Action on Agenda Matters.

Prior to the request for a motion and second by any Council member on an agenda matter, Council shall be allowed to hear any presentation by staff or member of the public, ask questions and discuss among themselves the matter to be decided. At the conclusion of the presentation, questions and discussion by Council members a request for a motion and second may be made and a roll call vote shall be taken. A motion that fails to obtain a second or a majority vote shall die.

8. Manner of Addressing Council - Time Limit.

- a. Each person addressing the Council shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record and, unless further time is granted by the presiding officer, shall limit their

address to three (3) minutes. If significant numbers of persons desire to speak on a given item, the presiding officer has the discretion to limit speaking times and/or alter the sequence of hearing matters on the agenda. Longer time limits may be permitted for an applicant, appellant, or spokesperson for a larger group, at the discretion of the presiding officer.

- b. Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any other member of the said group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetitions before the Council.
- c. City staff presentations and responses to Council questions are not governed by this time limit.

9. Posting of Agenda.

At least 72 hours before a regular meeting, the City Clerk shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public.

10. Content of Agenda.

Under state law, the City Council is limited to consideration of items which are on a posted agenda. Items may be placed on an agenda by city staff, by the Mayor, or upon the request of an individual Council member in coordination with the City Manager. The City Manager shall be in charge of preparing the Council agenda and all items shall be coordinated with the City Manager. To the fullest extent practicable, any items placed on the agenda by the Mayor, any Council member or City staff should also be listed under "Future Agenda Items" as early as possible to assure the best possible advance notice of the nature of items and discussion which are upcoming.

11. Proclamations and Presentations.

The City of Escondido recognizes members of the public, groups, or other entities in different ways. Individual Councilmembers may request the preparation of a Certificate of Achievement, Acknowledgment, or Recognition (depending on the circumstances) to be presented in their individual capacity as a member of the City Council. Such certificates shall be prepared by the City Manager's office in a manner such as to preserve consistency in design and form of the City. Such certificates shall be requested directly from the City Manager's office, with ample advance notice to the City Manager's office to enable preparation and delivery. Each Council member requesting a certificate shall be solely responsible for providing the content and verifying the accuracy of the

document. Multiple Councilmembers may sign and present such certificates subject to coordination among themselves.

The Mayor and any Councilmember may also recommend the public acknowledgement of any member of the public, group, entity or matter of public interest through the issuance and presentation of a formal proclamation on behalf of the City of Escondido. Such recommendations shall be made in coordination with the City Manager's office. Upon approval by the Mayor, such proclamations shall then be prepared by the City Manager's office in a manner such as to preserve consistency in design and form of the City. Proclamations will normally be signed on behalf of the City by the Mayor. However, if some or all City Councilmembers also wish to sign a proclamation, and signatures can be obtained in a timely maner, proclamations may be signed by the full City Council or by those members wishing to sign the document. Proclamations shall normally be presented by the Mayor at the commencement of a meeting of the City Council, unless circumstances dictate the presentation of the proclamation elsewhere. Any disagreement with whether or not such a proclamation shall be issued shall be resolved by a majority vote of the City Council.

The Mayor or any Councilmember may request that a presentation to the City Council at a regular meeting be made by members of the public, other public entities, or other groups, on issues of interest to the City Council or members of the public. Such presentations shall be coordinated with the Mayor and the City Manager's office and shall be

subject to scheduling in a manner that does not interfere with the need to conduct normal City business. Any disagreement with whether or not such a presentation is to be scheduled shall be resolved by a majority vote of the City Council.

12. Closing Time of Council Meetings.

No agenda item may be introduced after the hour of 10:00 p.m.; however, the meeting may be extended beyond 10:00 p.m. upon a majority vote of the Council members.

13. Processing of Motions.

- a. When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made and seconded, it may be stated by the presiding officer before debate. A motion may be withdrawn by the mover without consent of the Council members.
- b. The presiding officer shall at any time by majority consent of the Council members, permit a Council member to propose the reordering of agenda items.
- c. If a question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

14. Precedence of Motions.

- a. When a motion is before the Council, no motion shall be entertained except (precedence in order indicated):
 - (1) To adjourn

- (2) To fix hour of adjournment
 - (3) To lay on the table
 - (4) For the previous question
 - (5) To postpone to a certain day
 - (6) To refer
 - (7) To amend
 - (8) To postpone indefinitely
- b. A motion to adjourn shall be in order any time, except as follows:
- (1) When repeated without intervening business or discussion
 - (2) When made as an interruption of a Council member while speaking
 - (3) When the previous question has been ordered
 - (4) While a vote is being taken
- c. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is adjourned.
- d. A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by adding it to the agenda of the next regular meeting, to be discussed at the following regular meeting.
- e. A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Council member of "question" does not accomplish the

same purpose. If a motion fails, debate is reopened; if motion passes, then vote shall be taken on the main motion.

- f. A motion to amend shall be in order and is debatable only as to amendment. A motion to amend an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and amendments are to be voted first, then the main motion is amended.
- g. A motion to postpone indefinitely shall be fully debatable and if the same is adopted, the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.
- h. A motion to refer shall not be debatable except for the propriety of referring.

15. Administrative Mandamus.

Persons who are dissatisfied with a decision of the City Council may have the right to seek review of that decision by a court. In addition, the City has adopted Section 1094.6 of the Code of Civil Procedure which generally limits to ninety (90) days the time within which the decision of City boards and agencies may be judicially challenged.

16. Appeals; Continuances.

Any person appealing an action of a City Board or Commission or City Staff to the City Council has a right to two two-week postponements of the initial hearing scheduled on the appeal. After exhaustion of this right, the appeal shall be considered withdrawn. This procedure shall not limit the ability of the City Council to continue a hearing which has commenced to a subsequent meeting to receive additional public testimony or information from City Staff.

17. Reconsideration.

Any member of the Council, voting in the majority on any action of the Council, may at the same meeting, or at a subsequent time, request the Council reconsider an action. A reconsideration request made by a member of the Council voting in the minority shall not be allowed, except when made more than one (1) year after the date of the original action.

All requests for reconsideration of a Council action shall be provided to each Council member, and the City Manager in writing or via electronic mail, and the request shall be placed on the next available agenda. In the event an item to be reconsidered requires public notice, it shall be calendared and noticed after Council determines when reconsideration shall occur.

18. Personal Privilege.

The right of any Council member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned.

19. Council Conduct.

Each member of the Council shall act in a courteous and respectful manner to all members of the Council, including providing each member the full opportunity to ask questions, voice opinions and make statements without interruption during closed and open sessions of the Council.

20. Parliamentarian.

A majority vote of the Council shall generally control matters of procedure not addressed by this Resolution. The City Attorney shall decide all other questions of interpretations of these rules and any other questions of a parliamentary nature which may arise at a City Council meeting.

21. Voting and Non-Profit Entity Membership.

It shall be the policy of this Council that a council member who serves on the governing board of a private non-profit entity shall not participate in the discussion or voting process to determine whether or not that entity receives City funds. In the event the request of a non-profit entity with a council member on its governing board is part of a larger request involving several items, or is part of the budget process, a separate vote shall be taken to allow the necessary abstention.

22. Selection of Chairperson.

In the event that the Mayor and the Deputy Mayor are absent from a City Council meeting, the three remaining Council members present shall promptly determine which Council member will conduct and serve as the chairperson of the meeting.

23. Decorum and Security.

- a. While the City Council is in session, the Council members, staff, and members of the public are expected to act in a manner to preserve order and decorum for the meeting. No person shall engage in disorderly or disruptive behavior during the meeting. No person shall, either by conversation, applause, shouting, or any other conduct, interrupt or delay the proceedings.
- b. The City Manager, in coordination with the Mayor and/or Deputy Mayor, are authorized to and shall designate and post signs specifying those areas of the Chamber for the media wishing to record the meeting, areas for staff presentations, and areas which are restricted to City employees and elected officials.
- c. Signs, placards, posters, or similar objects which are larger than 8.5 by 11 inches and which disrupt the proceedings shall not be displayed during Council proceedings by members of the public.

Section B: City Council Policies.

1. Correspondence with Members of the City Council.

The purpose of this policy is to provide for a coordinated response to correspondence (i.e. letters, emails, and similar items) which is sent to the City generally, or in which the same correspondence is sent in identical fashion to all Council members. In such circumstances, the Council directs that the Mayor (or as appropriate the City Manager or City Attorney) shall answer such correspondence on behalf of the City, according to the procedure set forth below.

In addition to individual e-mail addresses, the City Manager's Office shall also establish a shared email address by which citizens may direct emails to all Council members at the same time. The shared email address shall be featured on the City's website and in other publications in such a manner as to allow citizens to use the address and thereby communicate with all Council members at the same time. All Council members shall have access to review items in the mailbox at all times. All responses to such emails shall also be sent from the shared mailbox, such that all Council members may review such responses.

With respect to other communications, such as those involving other governmental entities, organizations, and related entities where such communication occurs between the entities rather than specific individuals, the Mayor shall respond on behalf of the City, with copies to all Council members. Matters involving routine city administrative issues shall generally be responded to by either the City Manager or City Attorney, as appropriate, on behalf of the City. With respect to correspondence that consists of invitations to events, the Mayor and Council shall coordinate such invitations with the City Manager's support staff.

Because substantial portions of City Council communication, whether electronic or written, is subject to California's Public Records laws, all City Council communications shall be coordinated with the City Manager for the purpose of compliance with various laws governing public

records. All Council members using city computers shall be subject to the City's Administrative Directives regarding computer use.

2. Press Releases.

All press releases on behalf of the City shall be issued on City letterhead and only on behalf of the City generally or the entire City Council. Press releases shall be prepared and coordinated by the City Manager's Office.

3. Council Calendar.

The responsibility for managing the calendars of the City Council and the City Council members shall be delegated to the City Manager's secretary.

4. Audits.

Staff shall informally assist the City Council in a periodic accounting of individual expenditures for travel, phone use, etc.

5. Council Travel Policy.

Council members shall be bound by all City policies, as expressed in Administrative Directives or otherwise, regarding travel on City business.

The City Council shall fix an amount in the City Council budget which each Council member may use for business-related education and travel expenses, including attendance at seminars, conferences and other related educational opportunities. These funds will be separate from any budget established for Council member participation in committees associated with other public agencies and entities. If these funds are not

used during the fiscal year appropriated, they shall be returned to the General Fund.

Elected officials shall provide brief reports on meetings attended at the City's expense at the next regular City Council meeting. If multiple elected officials attended, a joint report may be made. Reports may be provided in writing as part of the Agenda packet distribution.

6. Council Communication with Staff.

The Council members shall request information or give direction only to the City Manager or City Attorney, or those persons designated by the City Manager or City Attorney to assist the Council members in such inquiries or requests. Requests for information should be directed to the City Manager, although incidental or minor requests (not involving analysis or significant time) may be requested directly from department heads, with a copy to the City Manager. Requests which involve change of policy, expenditure of funds, or use of significant staff time shall be submitted to the full Council for approval.

7. Review of Reimbursements.

The Director of Finance or a designee shall review all City Council requests for reimbursement of expenses for consistency with City policy on such expenses.

In all cases, Council members shall be bound by the same policies and procedures adopted and applicable for all City employees on a citywide basis. To the extent such policies provide for per diem reimbursements, auto allowances, and related forms of reimbursement

rather than receipt-specific reimbursement, it is hereby determined that such per diem or fixed amount reimbursements, so long as applicable to all city employees, are the best and most efficient method of reimbursing expenses on an actual and necessary basis.

9. Council Salary.

To assure attention to the Council compensation allowable under state law, the City Council shall have an agenda item during a meeting in December of odd numbered years for the purpose of determining whether or not to take action regarding Council compensation.

10. Campaign Activity Funding.

The City Council shall not direct or authorize the expenditure of public funds to prepare or distribute a publication or communication when the style, tenor, and timing of the publication or communication demonstrates that it constitutes traditional campaign activity or that it supports or opposes the approval or rejection of a ballot measure.

11. Council Use of City Staff for Public Events.

The Council believes that making opportunities available for Council members to interact with the public outside of regular public meetings is a benefit to the Council and residents of the City. The ability to communicate to the public the availability of the Councilmembers for such events is critical to their success.

Council members may request through the City Manager's Office the services of City staff to assist in the hosting of public events related to City business including, but not limited to, the electronic posting of notices

of public events involving the Council members on the City's social media platforms. To the greatest extent possible, the amount of staff resources devoted to such efforts shall be equal among all Council members.

To the extent any such staff efforts require time beyond the posting of notices on the City's or related website, the City Manager shall be responsible for determining whether such personnel resources are available, whether there is a sufficient budget to cover the costs related to such efforts, and ensuring that all council members may obtain like and equal services during the course of any fiscal year. Council members shall not use any city staff or resources as part of, or in coordination with, any campaign for public office.

Section C: City Council Ethics Policy.

1. Declaration of Policy.

The respected operation of democratic government emphasizes that elected officials be independent, impartial, and responsible to the people. It requires that they conduct themselves in a manner above reproach.

This Ethics Policy provides the following general guidelines and specific prohibitions to which elected Escondido City Officials must conform in pursuit of their assigned duties and responsibilities. This policy is in addition to all applicable provisions of state law, including the Brown Act, the Political Reform Act and implementing regulations, and all other laws governing the conduct of elected officials.

2. Disclosure of Closed Session Matter.

No member of the City Council shall disclose to any person, other than members of the Council, the City Attorney, the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, the content or substance of any information presented or discussed during a closed session meeting unless the City Council first authorizes such disclosure by the affirmative vote of three members.

3. Disclosure of Confidential Communications.

Except when disclosure is mandated by state or federal law, no member of the City Council shall disclose to any person, other than members of the Council, the City Attorney, or the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, the content or substance of any confidential or privileged communication relating to matters of City business, received under circumstances where the confidential or privileged nature of the communication is reasonably conveyed, unless the City Council first authorizes such disclosure by the affirmative vote of three members of the City Council.

4. Conduct During Negotiations/Litigation.

The City Council is authorized to provide direction to specifically identified negotiators in a legally constituted closed session on matters involving pending litigation, real estate negotiations, and labor negotiations. If the City Council in closed session provides such direction to its negotiators, all contact with the negotiating party or the party's

representative, shall be limited to, and made by, those individuals designated to handle the negotiations.

During a pending labor negotiation, no member of the City Council shall communicate any negotiating position on behalf of the City or engage in any negotiations for employee salary, benefits or working conditions. In addition, during pending litigation or real estate negotiations, no member of the City Council (unless they have been designated as a negotiator) shall have any contact or discussion with the litigating or negotiating party or the party's representative regarding the subject matter of the pending litigation or real estate negotiations.

No member of the City Council shall communicate or disclose to any person, other than members of the Council, the City Attorney, the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, any discussion or information received in closed session regarding the negotiation or litigation.

Nothing in this section shall prohibit Council members from receiving written communications provided they are made available to all Council members, the City Manager, the City Attorney, and the City's designated negotiators on an equal basis.

5. Ex Parte Communications.

The purpose of this provision is to guarantee that all interested parties to any adjudicatory matter before the City Council have equal opportunity to express and represent their interests. Ex parte communications are those communications members of the City Council

have with representatives of only one side of a matter outside the presence of other interested parties on a matter relevant to an adjudicatory proceeding. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

Any written or oral ex parte communication received by a member of the City Council in matters where all interested parties are entitled to an equal opportunity for a hearing shall be made a part of the record by the recipient.

6. Violations and Penalties.

Any violation of this Ethics Policy by a member of the City Council shall constitute official misconduct if determined by an affirmative vote of three members of the City Council in an open and public meeting. In addition to any criminal or civil penalties provided for by federal, state or other local law, any violation of this Ethics Policy shall constitute a cause for censure by City Council adoption of a Resolution of Censure.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof the 29th day of September, 2021 by the following vote to wit:

AYE : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
ZACK BECK, City Clerk of the
City of Escondido, California

RESOLUTION NO. 2021-156

KEY-

CONSENT CALENDAR CURRENT BUSINESS

PUBLIC HEARING WORKSHOP

Item 13.



CITY of ESCONDIDO

FUTURE AGENDA

1/18/2023 - NO MEETING (MLK DAY)

1/25/2023

CURRENT BUSINESS - (Z. BECK) - CITY COUNCIL DISTRICT 3 VACANCY APPOINTMENT INTERVIEWS

2/1/2023 - NO MEETING