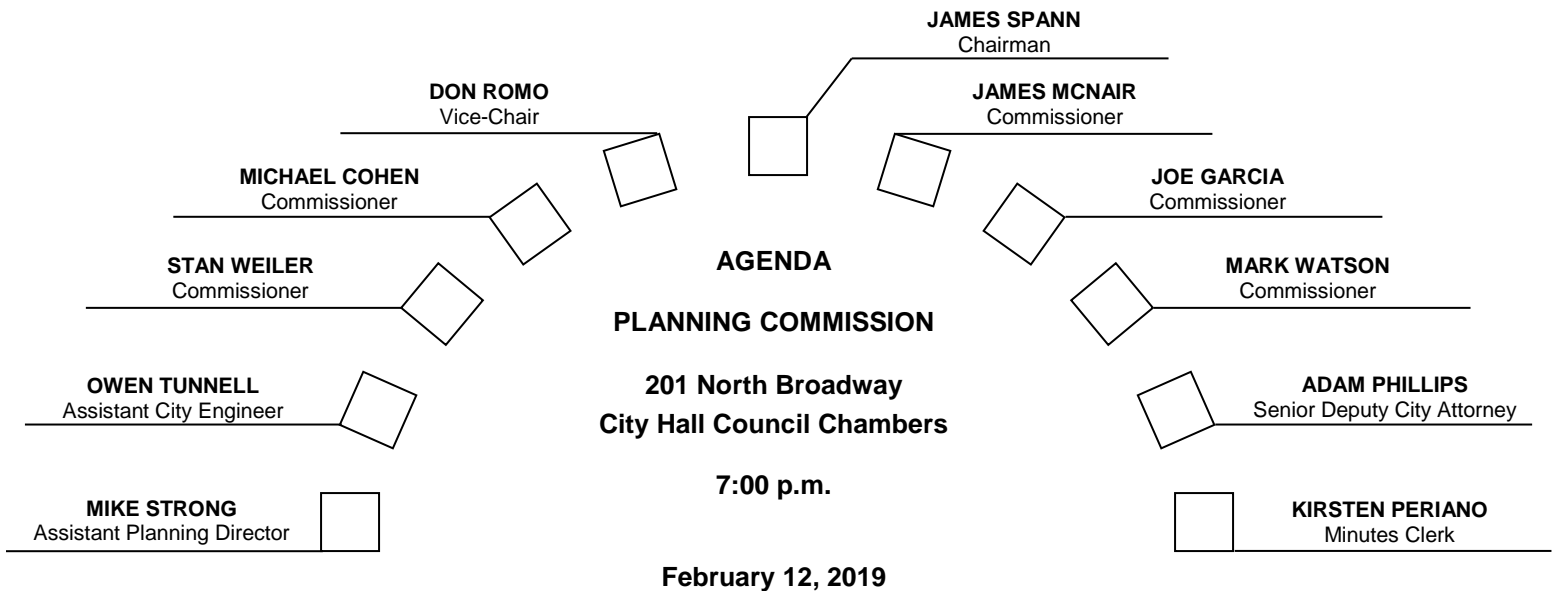


# CITY OF ESCONDIDO

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## Planning Commission and Staff Seating



**A. CALL TO ORDER:** 7:00 p.m.

**B. FLAG SALUTE**

**C. ROLL CALL:**

**D. MINUTES:** 11/27/18

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The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

**Electronic Media:** Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and may be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

**Availability of supplemental materials after agenda posting:** any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

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**The Planning Division is the coordinating division for the Planning Commission.**  
**For information, call (760) 839-4671.**

**E. WRITTEN COMMUNICATIONS:**

"Under State law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda."

**1. Future Neighborhood Meetings**

**F. ORAL COMMUNICATIONS:**

"Under State law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

**G. PUBLIC HEARINGS:**

**Please try to limit your testimony to 3 minutes.**

**1. MODIFICATION TO A MASTER DEVELOPMENT PLAN AND NEW PRECISE DEVELOPMENT PLAN – PHG 18-0026:**

REQUEST: A modification to a previously approved Master Development Plan and new Precise Development Plan for Lexus Escondido. The Project proposal includes the following actions:

- Increase the boundaries of the existing Master Development Plan to include 1539 Tanglewood Lane, 0.50 acres, and 1551 Tanglewood Lane, 0.34 acres (0.84 acres total);
- Demolish two (2) existing residences on adjacent lots (1539 and 1551 Tanglewood Lane);
- Add an inventory parking lot on adjacent lots to accommodate up to 140 vehicles; and
- The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 0.84-acre property, comprising of two (2) adjacent parcels, is generally located at the bend of Tanglewood Lane, just south of S. Auto Park Way and west of Interstate-15, addressed as 1539 and 1551 Tanglewood Lane (APNs: 235-090-12-00 and 235-090-13-00).

ENVIRONMENTAL STATUS: The Project is exempt from the provisions of CEQA, pursuant to Categorical Exemption 15311, Accessory Structures. Section 15311/Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to small parking lots.

APPLICANT: Rich Garcia – Martin & Paige Architecture, Inc.

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

## **2. MASTER AND PRECISE DEVELOPMENT PLAN AND GRADING EXEMPTION – PHG 17-0019:**

**REQUEST:** The proposal is a request for a Master and Precise Development Plan for the development of a 15-unit rental apartment building. The building would include three levels of residential units, as well as a basement storage room containing a bicycle rack and individual tenant lockers (minimum 80 cubic feet per tenant). Twenty-six off-street parking spaces (15 covered and 11 uncovered) would be provided. Open space would include one private balcony per unit, as well as landscaped areas around the building. A Grading Exemption is also proposed for the construction of a fill-slope and retaining wall exceeding 10' within 50' of the northerly and easterly property lines (proposed wall height up to 22.5 feet); the wall would include planter blocks to allow for concealment with vines and/or other vegetation. The proposal also includes the adoption of the environmental determination prepared for the project.

**PROPERTY SIZE AND LOCATION:** The 0.51-acre project site is located on the north side of East Grand Avenue, and is addressed as 1316 East Grand Avenue (APN 230-230-1400). The closest cross street is East Ohio Avenue, located approximately 260 feet to the west of the project site.

**ENVIRONMENTAL STATUS:** The project is exempt from environmental review in conformance with the California Environmental Quality Act's section 15332, "Infill Development Projects".

**APPLICANT:** Nathan Houck

**STAFF RECOMMENDATION:** Approval

**COMMISSION ACTION:**

**PROJECTED COUNCIL HEARING DATE:**

## **3. ZONING CODE AMENDMENT – AZ 19-0001:**

**REQUEST:** A proposed amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to update the requirements for wireless communication facilities within the right-of-way. The amendment includes an update to the entitlement process to streamline deployment of 5G networks and simplified language to be consistent with Federal Communications Commission Order. The proposal also includes new guidelines for wireless communications facilities in the right-of-way, as well as the environmental determination prepared for the project. No development project is proposed.

**PROPERTY SIZE AND LOCATION:** Citywide

**ENVIRONMENTAL STATUS:** Exemption under the General Rule, CEQA Section 15061(b)(3).

**APPLICANT:** City of Escondido

**STAFF RECOMMENDATION:** Approval

**COMMISSION ACTION:**

**PROJECTED COUNCIL HEARING DATE:**

**H. CURRENT BUSINESS:**

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

**I. ORAL COMMUNICATIONS:**

"Under State law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

**J. PLANNING COMMISSIONERS**

**K. ADJOURNMENT**

**CITY OF ESCONDIDO**

**ACTION MINUTES OF THE REGULAR MEETING OF THE  
ESCONDIDO PLANNING COMMISSION**

**November 27, 2018**

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Spann, in the City Council Chambers, 201 North Broadway, Escondido, California.

**Commissioners present:** James Spann, Chairman; Don Romo, Vice-chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

**Commissioners absent:** None.

**Staff present:** Bill Martin, Director of Community Development; Mike Strong, Assistant Planning Director; Owen Tunnell, Principal Engineer; Mike McGuinness, City Attorney; Kirsten Peraino, Minutes Clerk; and Jay Paul, Senior Planner.

**MINUTES:**

Moved by Commissioner Weiler, seconded by Commissioner Watson, to approve the Action Minutes of the October 23, 2018, meeting. (6-1) Commissioner Cohen abstained due to absence from previous meeting.

**WRITTEN COMMUNICATIONS:** – Received.

**FUTURE NEIGHBORHOOD MEETINGS:** – None.

**ORAL COMMUNICATIONS:** – None.

**PUBLIC HEARINGS:**

**1. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 17-0002:**

**REQUEST:** A Modification to a previously approved Conditional Use Permit for California Metals Service (CMS) to expand their metals processing facility and operations onto an adjacent industrial property. The use also includes California Redemption Value (CRV) recycling services to the public. The proposal includes the construction of a new, 7,000 SF metal building for processing and storage of materials; outdoor acculoder system for loading materials into trucks; various outdoor storage areas; additional parking; above-ground propane tank; 1,000 gallon above-ground outdoor diesel fuel tank; storm water improvements and treatment system; and additional landscape screening along the Highway 78 frontage. Secondary truck access to Mission Road would be provided through an adjacent parcel owned by the applicant. The proposal also includes the adoption of the environmental determination prepared for the project.

**PROPERTY SIZE AND LOCATION:** The approximately 1.8-acre site is comprised of two parcels and is located on the northern side of W. Mission, addressed as 1428 W. Mission Road (APNS 228-290-43 and 228-290-41).

**ENVIRONMENTAL STATUS:** Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Section 15301 “Existing Facilities.”

**STAFF RECOMMENDATION:** Approval.

**PUBLIC SPEAKERS:** None.

**COMMISSIONER DISCUSSION AND QUESTIONS.**

**COMMISSION ACTION:** Approved (7-0-0) with the additional condition that the applicant shall submit a Precise Development Plan for the site improvements to the Engineering Division within 90 days of this approval.

**CURRENT BUSINESS:**

**1. CLIMATE ACTION PLAN STATUS UPDATE (PHG 18-0009):**

Report provided.

**PUBLIC SPEAKERS:** Patricia B and Laura Hunter spoke in favor of the Climate Action Plan.

**COMMISSION ACTION:** Report Received; No action taken.

**ORAL COMMUNICATIONS:** None.

**ADJOURNMENT:**

Chair Spann adjourned the meeting at 8:38 p.m. The Planning Commission meeting scheduled for December 11, 2018 has been cancelled. The next regularly scheduled Planning Commission meeting will be held at 7:00 p.m. on Tuesday, January 8, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

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Mike Strong, Secretary to the Planning  
Commission

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Kirsten Peraino, Minutes Clerk

## PLANNING COMMISSION

Agenda Item No.: G.1  
Date: February 12, 2019

**PROJECT NUMBER / NAME:** PHG 18-0026 / Lexus Escondido

**REQUEST:** A modification to a previously approved Master Development Plan and new Precise Development Plan for Lexus Escondido to demolish two (2) residences and construct a new inventory parking lot for the adjacent Lexus car dealership. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** 1539 and 1551 Tanglewood Lane; and 1205 Auto Park Way

**APPLICANT:** Judith Jones-Cone, Lexus

**APN / APNS:** 235-090-12-00 and 13-00

**PRIMARY**

**REPRESENTATIVE:** Rich Garcia

**GENERAL PLAN / ZONING:** PC/PD-C

**DISCRETIONARY ACTIONS REQUESTED:** Modification to a Master Development Plan and new Precise Development Plan

**PREVIOUS ACTIONS:** Planning Case Nos. 2006-10-PD and PHG 12-0001

**PROJECT PLANNER:** Mike Strong, Assistant Planning Director  
[mstrong@escondido.org](mailto:mstrong@escondido.org)

**CEQA RECOMMENDATION:** Exempt (CEQA Guidelines Section 15311 "Small Parking Lots")

**STAFF RECOMMENDATION:** Provide a recommendation to City Council to approve the Project

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2019-01

**CITY COUNCIL HEARING REQUIRED:** ☒ YES ☐ NO

**REPORT APPROVALS:** ☒ Bill Martin, Community Development Director  
☐ Mike Strong, Assistant Planning Director



## **A. BACKGROUND:**

In 2006, the City Council approved a Master Plan Development application for Lexus Escondido at 1205 Auto Park Way (Planning Case No. 2006-10-PD). The Lexus dealership was proposed and approved to offer amenities beyond the sale of vehicles, auto service, and the sale of parts and accessories; the approval included a restaurant on the third floor, a conference center on the second floor, food and beverage center and retail boutique space on the first floor, a monument sign with an electronic message board, and a digital media screen. At the time the 2006 application was processed and approved, the roof decks were designated as “garden patios” with no planned use of the space. In 2013, the City Council approved a modification to the Master Development Plan (Planning Case No. PHG 12-0001) to allow outdoor events with amplified music on the third floor roof decks. Today, the full-service Lexus dealership includes a 326,000 square-foot facility with 20,000 square feet of event space and outdoor fire pits that can be used for concerts, weddings, banquets, etc.

Over the past couple of years, Lexus Escondido has actively been working to facilitate expanding the existing inventory of its dealership, and through this application, is seeking to obtain a modification to the original Master Development Plan to expand the boundary of Lexus Escondido to construct a new inventory parking lot.

It is important to note that Planning Case Nos. 2006-10-PD and PHG 12-0001 were both separately processed through a business enhancement zone incentive program which made the permit requests eligible for processing directly to the City Council and exempt from review by any other entity including, the Planning Commission. This is the first time a permit request for Lexus Escondido has been presented to the Planning Commission for review and consideration. Although the Planning Commission may broadly consider previous permit condition compliance through their deliberations at their meeting on February 12, 2019, the Planning Commission’s review and consideration of the permit request should be generally limited to the scope of the permit application as detailed herein.

## **B. PROJECT ANALYSIS:**

### **1. General Plan / Zoning**

In consideration of the proposed use, future land use compatibility is primarily based on information from General Plans and other regional and local planning documents. These documents were examined to assess the project’s potential consistency. The General Plan land-use designation for the site is Planned Commercial (PC), which provides for a variety of commercial activities within a self-contained, comprehensively planned development. It is also included within the Promenade Retail Center and Vicinity Target Area (p. II-74 of the Land Use Portion of the General Plan). The Target Area generally includes the southwestern quadrant of I-15/W. Valley Parkway encompassing the large shopping center and the middle school property,

which is also designated as Planned Commercial for future commercial development. The existing use of 1539 Tanglewood Lane and 1551 Tanglewood Lane as single-family residences are non-conforming to the current land use designation.

Auto dealerships are largely reliant on inventory to support sales and require the space necessary to store vehicles. Site constraints can impact the ability to increase sales. Furthermore, damage to inventory can happen because vehicles need to be moved multiple times by employees to retrieve vehicles in over-stacked areas. The existing Lexus Escondido 7.90-acre site is inventory constrained. The addition of 1539 and 1551 Tanglewood Lane offers space for an additional 140 vehicles. This provides opportunities for more efficient spatial management with far less chances of damage occurring to inventory. The proposed project would be consistent with the Target Area Guiding Principles, as well as other economic-premised policies of the General Plan, in that the project can help draw in more consumers, grow revenues, and improve overall economics.

## **2. Site Modifications and Site Standards**

The permit request consists of a modification to a previously approved Master Development Plan and new Precise Development Plan for Lexus Escondido. The Project proposal includes the following actions:

- Increase the boundaries of the existing Master Development Plan to include 1539 Tanglewood Lane, 0.50 acres, and 1551 Tanglewood Lane, 0.34 acres (0.84 acres total added);
- Demolish two (2) existing residences on adjacent lots (1539 and 1551 Tanglewood Lane);
- Add an inventory parking lot on adjacent lots to accommodate up to 140 vehicles; and
- The proposal also includes the adoption of the environmental determination prepared for the project.

Storage space for inventory parking is proposed to be located within two (2) feet from front property line and just over six (6) feet from the southerly property line. The drive aisle ramp is proposed on the north property line and a bio retention system is predominately proposed along the west property line. Pursuant to Table 33-335 of Article 16 (Commercial Zones Ordinance), required yards shall not be used for vehicle parking. In general, there are no required front, side, or rear yard setbacks in commercial zones (CG Zone) unless the yard of a property is adjacent or abutting the yard of a residentially zoned property. All adjacent and abutting properties are zoned for planned commercial development. Therefore, in consideration of the basic commercial zoning code requirements, the location of car inventory storage may locate anywhere on 1531 and 1551 Tanglewood Lane.

In accordance with Section 33-780 of Article 39 (Off-Street Parking Ordinance), every parking area abutting residentially zoned property shall provide a solid wall, view-obscuring fence or compact evergreen hedge six (6) feet in height, provided that along the street side said wall, fence or hedge shall not exceed thirty-six (36) inches in height. The application request includes an exception to this standard to build a six (6) foot wall along Tanglewood Lane to ensure that

proposed use is well-screened and the application supports land use compatibility. Pursuant to Section 33-401 of Article 19 (Planned Development Ordinance), exceptions to standards of the Zoning Code shall be granted by the Planning Commission and City Council where a finding can be made that such exception encourages a more desirable environment and are warranted in order to foster the establishment of a comprehensively planned and designed development. After project implementation, most of the car storage would not be visible from surrounding properties. The street side elevation is approximately 697 to 699 feet above mean sea level. The finished grade of the lot would be approximately 681 to 687 feet above mean sea level. The lower profile and proposed location would reduce the visibility of the car storage on the inventory lot. A line-of-sight analysis (provided on sheet A3.1P in the site plan) demonstrates that car inventory storage would be more completely screened by the proposed six (6) foot wall. New berm landscaping would help screen the wall from street view.

The proposed use facilitates converting functioning residential uses to a commercial use of property. Therefore, the development of "commercial land" abuts residential property (either built or zoned). It is important to note that the presence of adjacent and nearby residential uses was factored into the design of the project and appropriate transitional methods have been incorporated, as follows:

- Site Orientation: The site design is oriented toward the Lexus dealership at 1205 Auto Park Way. Parking, pedestrian access, and dealership entrances should be oriented away from the residences (back-to-back relationship).
- Buffer: The street (Tanglewood Lane) is used as a boundary between commercial and residential land uses.
- Topography: The project uses existing topography to naturally separate commercial and residential areas. Additionally, a lower finished grade is utilized to enhance compatibility with surrounding development, especially adjacent residential neighborhoods.
- Fencing/Landscaping: Screened landscaped areas naturally separate commercial and residential areas (a combination of landscaping, berming, and wall/fencing is necessary). The use of high quality materials in the construction of fencing and landscaping, which are featured on property lines adjacent to the residential properties on the north and south, as well as along Tanglewood Lane, would decrease long-term maintenance costs and decrease the likelihood that neglected, unsightly areas would occur.
- Lighting: Lighting used to illuminate an off-street parking areas are arranged so as to deflect light away from any adjoining property or from public streets through fixture type, height and location. Exterior lighting is limited to low profile and low level to ensure that any such light source would not glare upon adjacent property or public streets.

### **3. Site Operations**

As indicated by the applicant, Lexus vehicles would continue to be dropped off on the 1205 Auto Park Way property. After completing a pre-deliver inspection in the shop at 1205 Auto Park Way, some vehicles would be driving to the proposed parking lot (1539 and 1551 Tanglewood Lane)

by driving on Tanglewood Lane. The new parking lot can accommodate up to 140 vehicles. These vehicles would be duplicate new car vehicles of cars already stored on the 1205 Auto Park Way property. Should a vehicle need retrieval, a lot attendant would access the lot via a pedestrian stairway from the 1205 Auto Park Way site and then drive the vehicle on Tanglewood Lane to the dealership. Approximately ten (10) cars or less are expected to be driving on Tanglewood, subsequent to initial import. There is currently a lot attendant team of six (6) employees and there are three (3) to four (4) on shift at any given time. The sales department hours of operation are Mon-Fri: 8 a.m. to 9 p.m., Sat: 8 a.m. to 6 p.m., and Sun: 10 a.m. to 6 p.m. The 1539 and 1551 Tanglewood Lane inventory lot would be secured with an automatic gate and the applicant intends on installing security cameras on the site that are tied into the larger dealership surveillance system at the 1205 Auto Park Way site. Additionally, a third party security team would patrol and monitor the Tanglewood Lane properties.

In general, homes are more sensitive to changes that may result in increased noise, vibrations, or increased levels of traffic congestion. Non-residential uses are typically less sensitive to these types of changes because they interfere less with normal commercial, office, or industrial activities. The project would not result in or generate any adverse noise, dust, odor or traffic impacts. Except as expressly amended hereby this permit request (as recommended for adoption by City Council), all previous conditions and performance standards applicable to Planning Case Nos. 2006-10-PD and PHG 12-0001 shall continue in full force and effect in accordance with the provisions thereof on the date adopted by Resolution No. 2006-269-R and Ordinance Nos. 2013-05, unless otherwise approved through permit modification. The foregoing site operations applicable to 1539 and 1551 Tanglewood Lane would be limited to the scope of the details of the request and/or as conditioned.

#### **4. Supplemental Details of Request**

1. Property Size: 1539 Tanglewood Lane, 0.50 acres; and 1551 Tanglewood Lane, 0.34 acres (0.84 acres total). Lexus Escondido also owns another adjacent 7.90-acre.
2. Existing Buildings:
  - A. 1539 Tanglewood Lane residence to be removed.
  - B. 1551 Tanglewood Lane residence to be removed.

The subject residences are not listed on the Escondido historic sites survey or local register listing and not eligible for historic resource designation.
3. Proposed Buildings: None. Improvements to consist of surface parking with associated landscaping and screen walls.
4. Other Proposed:  
Modifications 140 non-striped parking spaces, conditioned to ensure adequate fire access;

Six (6) foot split face CMU pilaster and vinyl fencing on adjacent residential property lines;  
Six (6) foot high decorative split face CMU wall on street side;  
Landscaping screen hedge (Tanglewood Lane street section);  
Six (6) foot to twelve (12) foot inward facing retaining wall with fall arrest netting;  
New storm water infrastructure (bioretention); and  
New landscape planters along perimeter.

5. Parking: 140 non-striped parking spaces to be provided.
6. Number of Employees: Up to three (3) or four (4) parking attendants on-site, fluctuating on the time of day.
7. Number of Vehicles: Up to 140 duplicate, new vehicles.
8. Hours of Operation: Hours would fluctuate based on need and demand of the sales department. However, the sales department hours of operation are Mon-Fri: 8 a.m. to 9 p.m., Sat: 8 a.m. to 6 p.m., and Sun: 10 a.m. to 6 p.m. The 1539 and 1551 Tangelwood Lane inventory lot is not open to the public.
9. Fencing/Screening: A six (6) foot split face CMU pilaster and vinyl fencing on north and south property lines and a six (6) foot high decorative split face CMU wall on street side. The street side would be screened with landscaping as shown on the plans.
10. Signage: No signage proposed.
11. Master Development Plan Modifications: The application requires accommodation of a wall height exception from thirty-six (36) inches to six (6) feet along the street side (Tanglewood Lane).

**C. ENVIRONMENTAL STATUS:**

The proposed project is categorically exempt from environmental review in conformance with CEQA Sections 15311, "Accessory Structures." Section 15311/Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to small parking lots. The Secretary of the California Resources Agency has determined that the projects in these classes do not have significant effect on the environment, and therefore are categorically exempt from CEQA.

#### **D. AREAS OF CONTROVERSY**

City staff recently received two (2) complaints regarding the regular use of outdoor space at the Centre (i.e. outdoor events with amplified music on the third floor roof decks at 1205 Autopark Way). The correspondence is provided as Attachment 2 and identifies a history of noise related impacts to surrounding residential properties. The Centre has historically hosted special events with music during the summer, with other catered event use throughout the year. Although the complaint is not directly related to the scope of the details of the permit request to construct a new inventory parking lot, it is associated with the Lexus dealership property and previous permit approvals (PHG 12-0001).

Planning Case No. PHG 12-0001 was approved by City Council in 2013 to allow outdoor events with amplified music. A Mitigated Negative Declaration was prepared to analyze the potential noise-related impacts of the project, among other environmental considerations, that were considered prior to project approval. Pursuant to CEQA, there is a requirement that a public agency, in approving feasible mitigation measures contained in Mitigated Negative Declarations, must also adopt a Mitigation Monitoring and Reporting Program (MMRP). Such a program is to be designed to ensure compliance with the changes to a project which were required by the City in order to reduce or avoid significant environmental effects of the outdoor events with amplified music. In accordance with the adopted MMRP, the Centre's property manager must prepare and implement a Noise Compliance Plan to address the responsibility for monitoring compliance with the established noise levels at property line, including but not limited to monitoring noise and sounds levels along the property lines during events. Furthermore, an annual noise compliance report shall also be filed. Through these documents, the objective was to have the City continue to work with the General Manager at the Centre to improve neighborhood livability by enforcing the City's noise regulations and ensuring events and activities do not cause more noise than normally allowed. As set forth in the MMRP and conditions of approval, this issue will continue to be addressed through condition satisfaction review and evidence of compliance. For each project for which a MMRP is required and adopted, full compliance with the adopted program for the project shall be a condition of approval of the project.

The Planning Division of the City of Escondido first learned about noise-related impacts from special event use in 2015, when a group of residents began contacting the Police Department and Code Enforcement Division about how they were impacted by noise during special events. To date, the Centre has been responsive to complaints. The City has worked with the Centre to conduct research, hold meetings, interact with residents and the General Manager at the Centre and investigated complaints. At most times, there appears to be noise-level compliance. In consideration of the most recent correspondence, and to be fully responsive to inquiries and complaints from the citizens, the Planning Division shall verify that the project is in compliance with the adopted program and ask the General Manager to re-evaluate the content of the Noise Compliance Plan to make sure that noise meters are in a reasonable position to register sound propagation and to ensure that a noise hotline is full-serviced. All efforts will be made by the City

to resolve disputed issues in the field and/or carry out or seek other remedies as permitted by law.

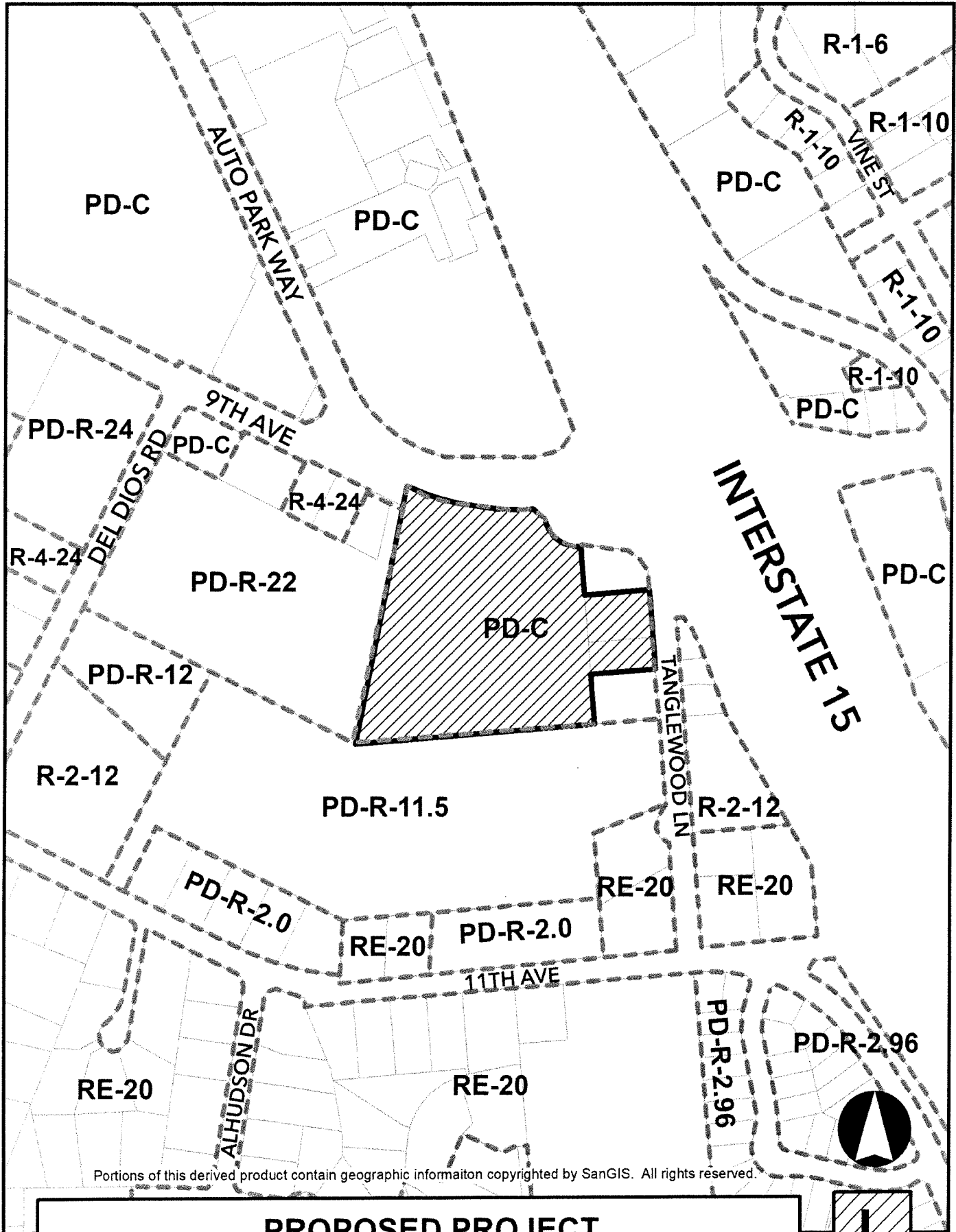
**E. CONCLUSIONS:**

The Planning Commission has the authority to approve changes to a previously approved Master Development Plan at a public hearing when the changes do not affect the boundaries of the subject zone and the changes do not change uses of land. Proposed modifications that exceed these limitations shall be considered pursuant to Section 33-408 of Article 19 of the Escondido Zoning Code (Planned Development Ordinance), which requires a Planning Commission recommendation to City Council. The Planning Commission is being asked to consider a modification to a previously approved Master Development Plan and approval of a new Precise Development Plan for Lexus Escondido to add a new inventory lot to the existing dealership. No other discretionary permits are requested or required for the proposed scope of work.

The proposed project is consistent with the General Plan and the project meets all nearly all the applicable zoning standards. The proposed wall on the street side (Tangelwood Lane) shall be governed by site-specific standards for the reasons stated herein this February 12, 2019 Staff Report. The project as proposed would not have a significant effect on the environment, as designed and conditioned. Auto dealerships are generally reliant on inventory space to support sales and require the space necessary to store vehicles. Adding car-storage can help the dealer increase sales and service a larger customer base, thus supporting local business grow revenues. The location, size, design, and operating characteristics of the proposed inventory lot is adjacent to two (2) homes that are zoned PD-C; however, the site is suitable for the type and intensity of use or development which is proposed because the action to approve the permit would bring the subject site into conformance with the commercial land use designation of the property. Notwithstanding, most of the car storage would not be visible from surrounding properties. The lower profile and proposed location would reduce the visibility of the inventory lot. In addition to the lower pad elevation, new walls and landscaping would screen car inventory storage, as well as existing off-site berm and trees. Staff recommends that the Planning Commission approve Planning Case No. PHG 18-0026 based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2019-01 (Attachment 3).

**ATTACHMENTS:**

1. Location and General Plan Map
2. Public Correspondences
3. Draft Planning Commission Resolution No. 2019-01



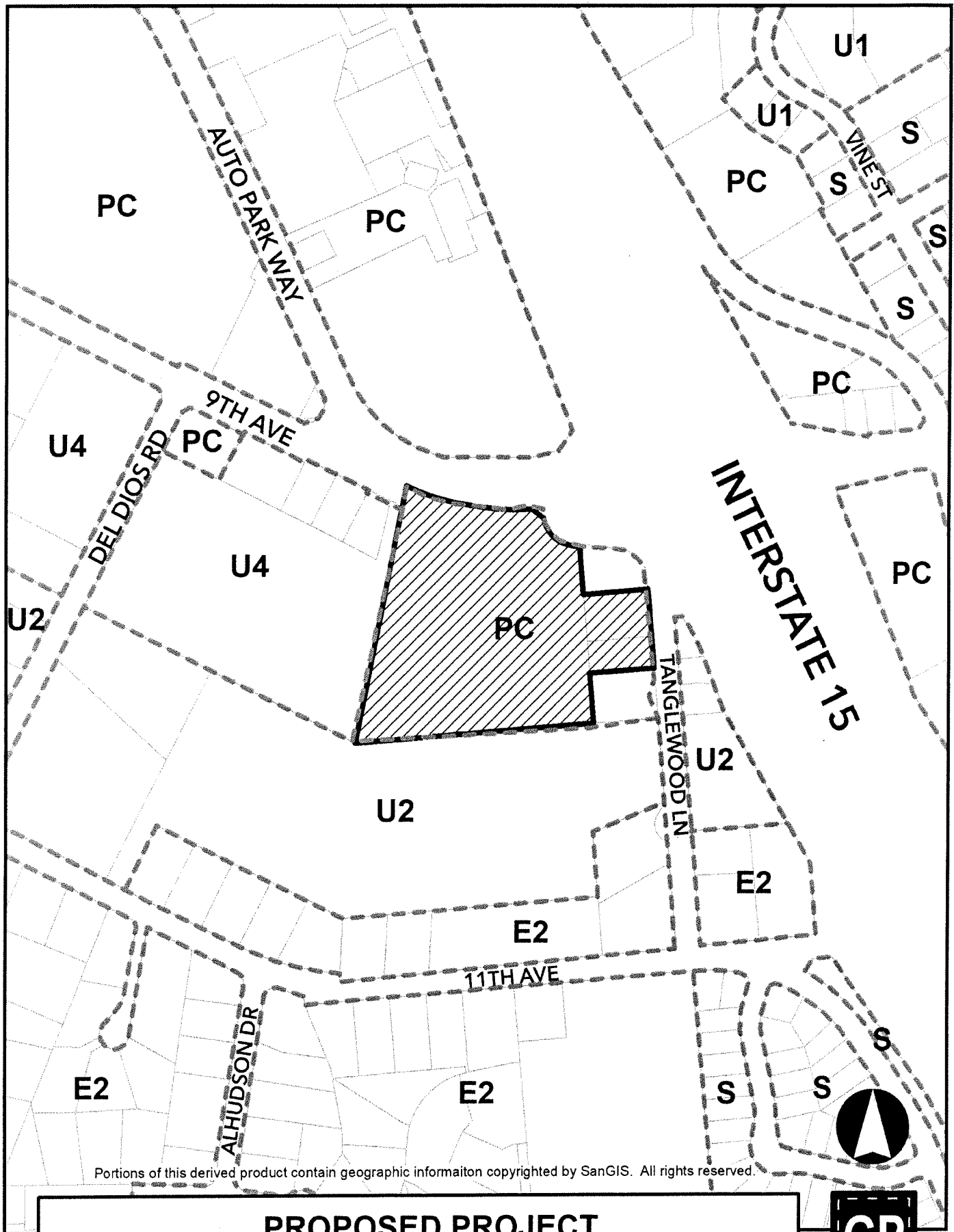
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**PROPOSED PROJECT  
PHG 18-0026**



LOCATION/ZONING





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**PROPOSED PROJECT**  
**PHG 18-0026**



**ATTACHMENT 2**  
**PUBLIC CORRESPONDENCE**  
**PHG 18-0026**

February 4, 2019

Charlete Jones

1404 West 11<sup>th</sup> Ave

Escondido, CA 92029

Dear City Council,

This will be the 11<sup>th</sup> year that we have lived in our home on West 11<sup>th</sup> Ave. We have enjoyed the neighborhood and area. We were disappointed when Vintana was approved for a sound system years ago. We were against it back then and are still not happy with the noise that it produces. We also worry about our home values as this affects it if we were ever to want to relocate.

We stand in agreement with our neighbors and request that there be consequences when they violate the sound levels that they agreed upon. On occasion, their music is very loud and disruptive. We also request that there be a south monitor. The houses on 11<sup>th</sup> Avenue and surrounding streets are all affected by their noise. We do not find it a relaxing time at home when their concerts are blaring in our direction.

Years ago, we were against this establishment having a sound system added to their restaurant. We still are against it and feel it is time for you to hear us now. We are Escondido residents who deserve for our City Council to listen to us and keep our neighborhood quiet.

Sincerely,

Charlete Jones

## Joanne Tasher

---

**From:** Adam Finestone  
**Sent:** Monday, February 4, 2019 2:01 PM  
**To:** Bill Martin; Mike Strong  
**Subject:** FW: Vintana/The Center Music volume

Just received this re: Lexus/Vintana

Adam Finestone, AICP  
Principal Planner  
City of Escondido

**From:** s slade <sslade50@yahoo.com>  
**Sent:** Monday, February 4, 2019 1:44 PM  
**To:** Adam Finestone <afinestone@escondido.org>  
**Subject:** Vintana/The Center Music volume

Hello Adam,

My name is Sara Slade and I am Samantha Otte's neighbor who lives about a 1/4 mile above her home on Sal Glen.

I am also one of the original people who met with The Center's lawyer and Drew Davis when they originally requested the Cabaret Permit in 2013.

In the past 6 years. I have been in contact with Drew Davis in regards to the music volume several times.  
The first year was their learning year on what worked best, where to place speakers, in what direction was least intrusive to the neighbors. The did a pretty good job in that I think I may have notified Drew once in 2015.  
The concerts/music is usually during the summer months. I might add, that we dine at Vintana quite frequently because we enjoy the atmosphere! :)

In October 2018. We had a MAJOR issue with a couple of concerts/bands that were definitely above the 70 db mandated by the city. My home looks down on top of the building and the music travels up the hill. Amplitude is increased when using amplifiers and we all know that when this happens noise carries farther. Now, I understand playing music, having concerts is part of doing business but we were assured that the level of music would not exceed 65db. When I hear music blaring clearly INSIDE my home, with windows and doors closed, the db level is obviously higher than what is allowed. Anytime my life is interrupted by loud unwarranted music, it is unacceptable!

Now, I have come to the conclusion that every time they go through employee changes, or they have all these different musical groups, bands come in to play, they do NOT monitor the set up of their amplification equipment or may not be given the maximum db levels to follow. I also have noticed in past years, the level of noise has been minimal, where by it didn't necessitate a complaint BUT then there are those few times where all of sudden we have a blow out. Case in point, in October 2018, when the volume from the music is louder than my television in my office, while my sliding door is open, cooling off my home from the days heat, that is unacceptable!

I appreciate you taking the time to reading my email and knowing that Samantha and her family are not the only ones affected by The Center's lack of monitoring the music volume. I believe better monitoring of the setup process of those who are scheduled to perform will work. :)

Thank you and I look forward to hearing from you soon!

Sara Slade  
760-533-8377

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### ATTACHMENT 3

Planning Commission  
Hearing Date: February 12, 2019

Effective Date: February 23, 2019

#### PLANNING COMMISSION RESOLUTION NO. 2019-01

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
RECOMMENDING TO THE CITY COUNCIL  
APPROVAL OF A MODIFICATION TO A PREVIOUSLY  
APPROVED MASTER DEVELOPMENT PLAN AND  
NEW PRECISE DEVELOPMENT PLAN TO  
CONSTRUCT A NEW INVENTORY PARKING LOT  
AND AND ASSOCIATED SITE IMPROVEMENTS

APPLICANT: Lexus Escondido

CASE NO: PHG 18-0026

WHEREAS, Lexus Escondido (herein after referred to as "Applicant"), filed a verified application with the City of Escondido regarding property located at 1539 and 1551 Tanglewood Lane (APNs: 235-090-12-00 and 13-00), in the Planned Development Commercial (PD-C) Zone, more particularly described as shown on Exhibit A ("the property"); and

WHEREAS, said verified application constitutes a request for a modification to a previously approved Master Development Permit and a new Precise Development Plan to demolish two (2) residences and construct a new inventory parking lot for the adjacent Lexus car dealership as shown on Exhibit "B" and on file in the Planning Division, Planning Case No. PHG 18-0026; and

WHEREAS, said application was processed by the Planning Division 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 CEQA (Public Resources Code Section 21000 et seq.); and

WHEREAS, the use for which the Project is applied for is permitted within the zone in which the property is located; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (14 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 did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project; and

WHEREAS, the Planning Commission is an advisory body to the City Council pursuant to Chapter 20 of the Escondido Municipal Code and Sections 33-408 and 33-409 of Article 19 (Planned Development Zone Ordinance) of the Escondido Zoning Code, where as here, due to the application request for a modification to a previously approved Master Development Plan, the City Council is the highest review authority for the Project, and accordingly, all review by other bodies shall be in the form of a recommendation to the City Council after a public hearing; and

WHEREAS, the Planning Commission of the City of Escondido did, on February 12, 2019, hold a duly noticed public hearing as prescribed by law and all those desired to be heard were heard. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated February 12, 2019, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido:

- 1. That the above recitations are true and correct.
- 2. The Planning Commission, in its independent judgement, has determined the project to be exempt from environmental review. Pursuant to CEQA, the Project is exempt from further environmental review because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment CEQA Sections 15311, "Accessory Structures," as described in the February 12, 2019 Planning Commission staff report.
- 3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter and recommends approval to the City Council, subject to compliance with conditions, attached as Exhibit "D."



4. This Planning Commission expressly declares that it would not have approved this land use development applicaiton except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

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

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

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 12<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, Chairman

\_\_\_\_\_  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
MIKE STRONG, Secretary of the  
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

\_\_\_\_\_  
KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

Decision may be appealed to City Council  
pursuant to Zoning Code Section 33-1303

## **EXHIBIT "A"**

### **LEGAL LOT DESCRIPTION PHG 18-0026**

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

APN: 235-090-12-00

THE SOUTHERLY 125 FEET OF THE NORTHERLY 425 FEET OF THE EASTERLY 175 OF LOT 2, BLOCK 312 AS SHOWN ON SHEET "B" OF THE RE-SURVEY OF A PORTION OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, FILED AUGUST 13, 1892; THE SOUTHERLY AND NORTHERLY LINES OF THE ABOVE DESCRIBED PARCEL TO BE PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 2 AND THE WESTERLY LINE TO BE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 2, SAID DISTANCES TO BE MEASURED AT RIGHT ANGLES TO THE NORTHERLY AND EASTERLY LINES OF SAID LOT 2.

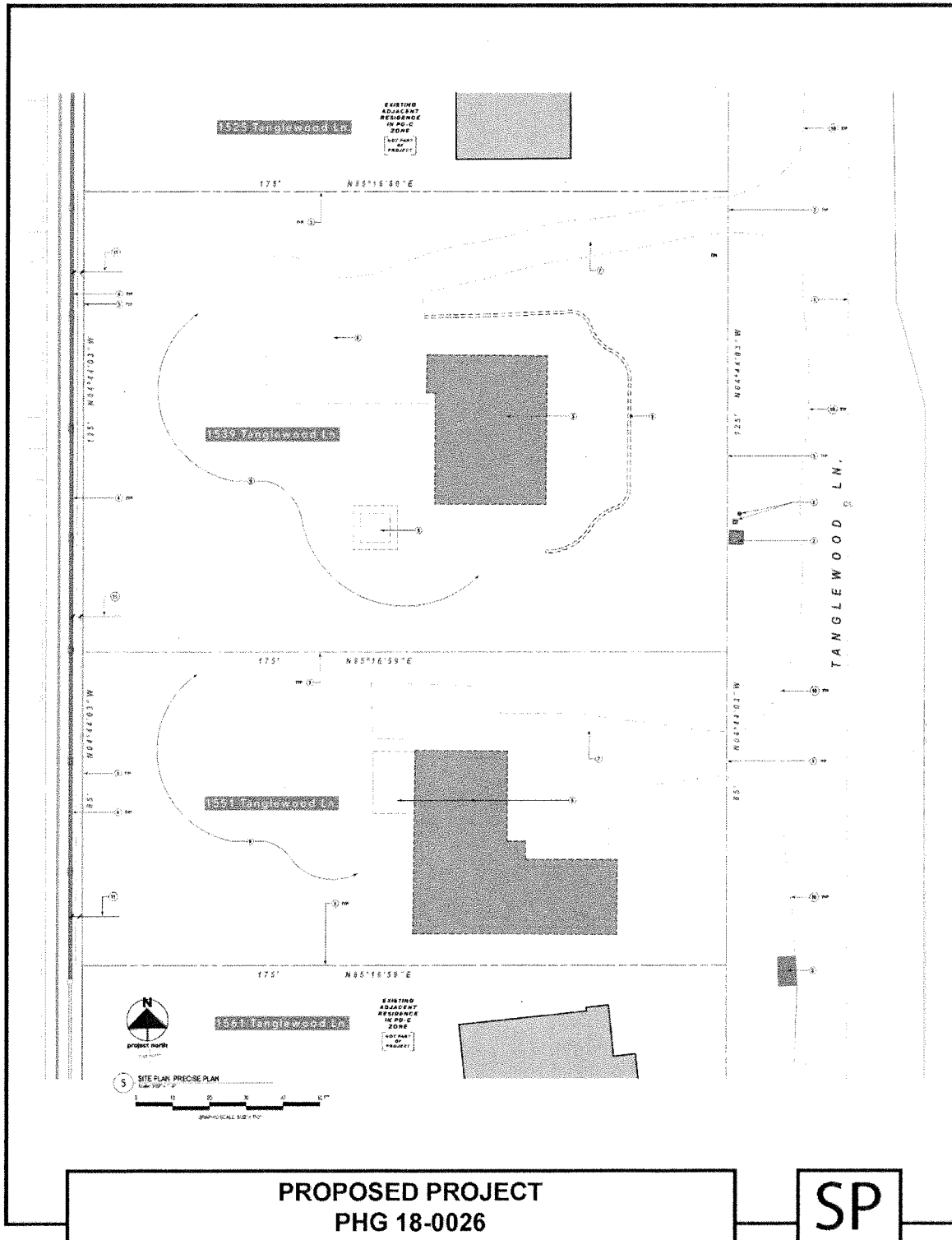
APN: 235-090-13-00

THE SOUTHERLY 85 FEET OF THE NORTHERLY 510 FEET OF THE EASTERLY 175 OF LOT 2, BLOCK 312 OF RANCHO RINCON DEL DIABLO, ACCORDING TO MAP THEREOF NO. 724, MADE BY GRAHAM AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892.

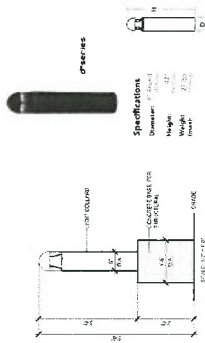
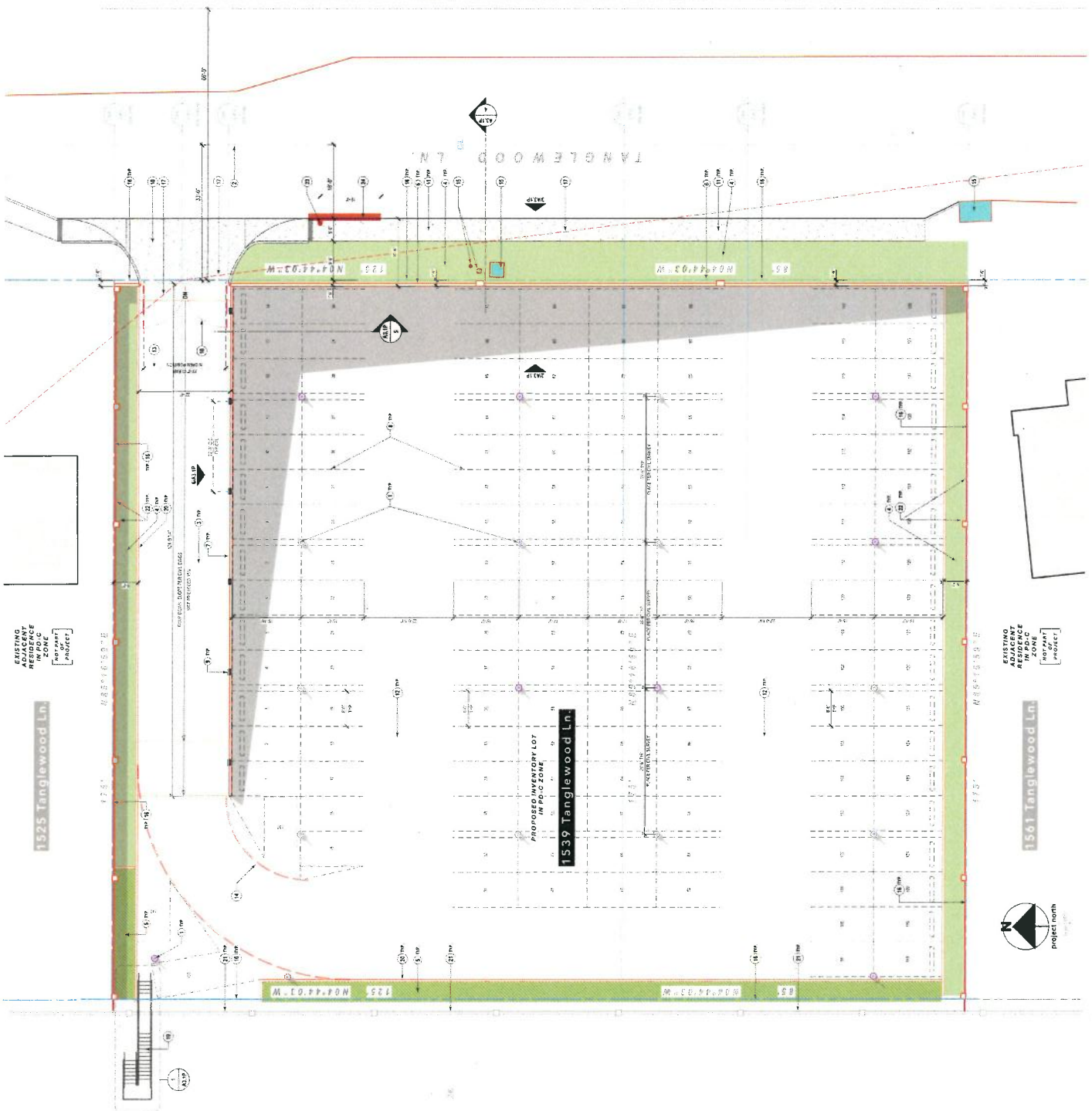
THE NORTHERLY AND SOUTHERLY LINES THEREOF TO BE DRAWN PARALLEL THE NORTHERLY LINE OF SAID LOT 2 AND THE WESTERLY LINE TO BE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 2, SAID DISTANCE TO BE MEASURED AT RIGHT ANGLES TO THE NORTHERLY AND EASTERLY LINES OF SAID LOT 2.

# EXHIBIT "B"

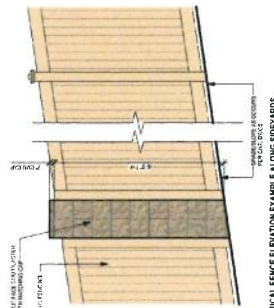
SITE PLAN  
PHG 18-0026







**48" HIGH LED LAMP AS DESCRIBED PER NOTE 1**



**SITE PLAN LEGEND**

- PROPERTY LINE (SEE SITE PLAN)
- PROPERTY ADJACENT TO OTHER
- PROPERTY ADJACENT TO OTHER
- PROPERTY ADJACENT TO OTHER
- PROPERTY ADJACENT TO OTHER

**5 SITE PLAN PRECISE PLAN**



**PROPOSED PROJECT  
PHG 18-0026<sub>23</sub>**

**PS**

PRECISE SITE PLAN







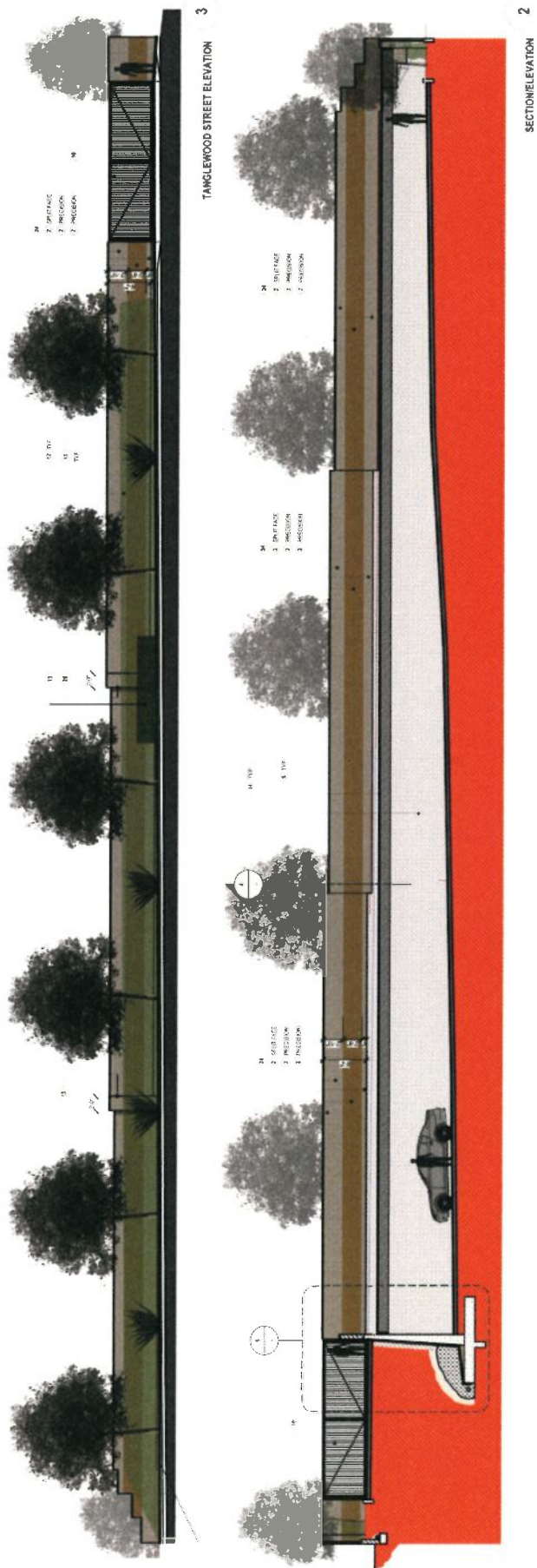


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PROPOSED PROJECT  
PHG 18-0026<sub>27-</sub>

S

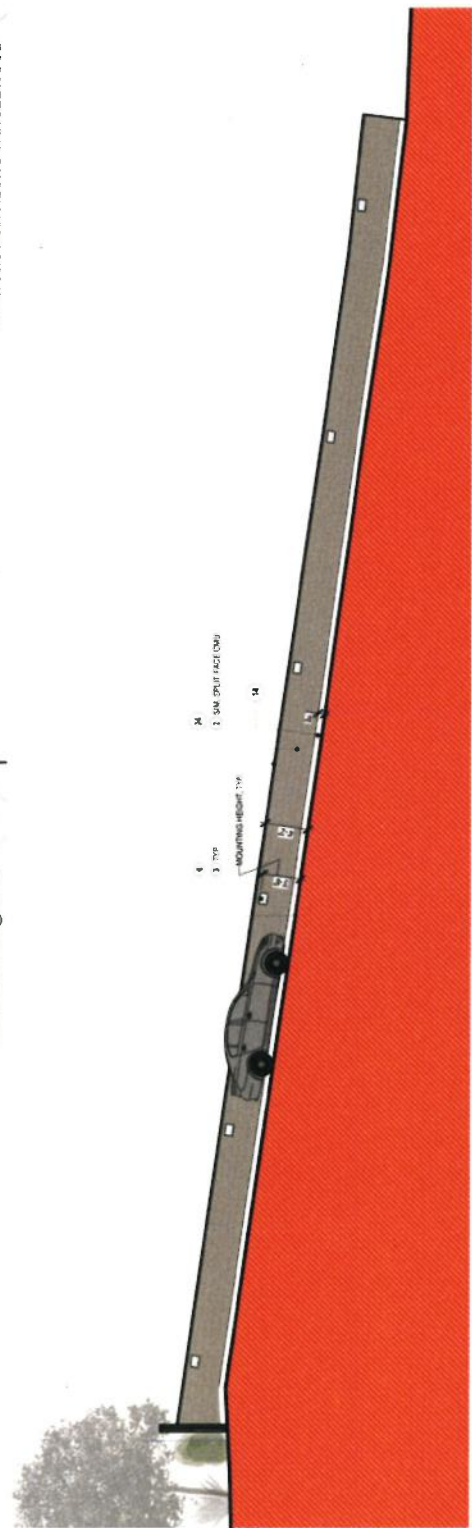
SECTIONS/ELEVATIONS





## SECTIONS/ELEVATIONS

## SECTIONS/ELEVATIONS



WALL SECTION @ RAMP

WALL ELEVATION @ RAMP

## **EXHIBIT “C”**

### **FACTORS TO BE CONSIDERED/FINDINGS OF FACT PHG 18-0026**

#### Environmental Determinations:

The proposed project is categorically exempt from environmental review in conformance with CEQA Sections 15311, “Accessory structures.” Section 15311/Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to small parking lots. The Secretary of the California Resources Agency has determined that the projects in these classes do not have significant effect on the environment, and therefore are categorically exempt from CEQA.

Under CEQA, exemptions shall not be applied in the following circumstances:

(1) A categorical exemption shall not be used for a project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

(2) A categorical exemption shall not be used for a project located on a site which is included on any list of hazardous waste sites compiled pursuant to Section 65962.5 of the Government Code.

(3) A categorical exemption shall also not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

That is, a project that would ordinarily be insignificant in its impact on the environment, may be significant in a particularly sensitive or hazardous area. The City has completed its review of the application and there is no reasonable possibility of a significant effect due to unusual circumstances surrounding the project. The subject site is not in an area of special significance that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The Project is exempt from CEQA.

#### Planned Development Determinations:

All the required findings for Planning Commission have been satisfied in accordance with Section 33-403 of Article 19 (Planned Development Ordinance) of the Escondido Zoning Code.

(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. Future land use compatibility is based on information from General Plans. The General Plan was examined to assess potential consistency with the goals and objective defined therein. The General Plan land-use designation for the site is Planned Commercial (PC), which provides for a variety of commercial activities within a self-contained, comprehensively planned development. The proposed use does not alter the underlying General Plan designation and maintains commercial lands within the City. The site, after Project implementation, is intended to support the larger Lexus Escondido dealership. Additionally the proposed use furthers other goals and policies of the General Plan in that it ensures compatible transition from commercial development to residential neighborhoods, while sustaining and developing the city's economy and fiscal stability.

(2) The proposed location allows the Planned Development to be well integrated with its surroundings. The subject site is located among other commercial uses, as well as two non-conforming single-family residences. The subject site is in close proximity to residential land use activities, which consists of the aforementioned non-conforming single-family residences on either side of the subject site, as well as other residential uses on Tanglewood Lane. Because the analysis of the area's sensitivity or compatibility is based on the presence of residential properties, focused site design efforts have been made to screen the car inventory storage and reduce the visual impact of the proposed use so that the street still appears and functions as a residential neighborhood. Additionally, the Project would not result in or generate any adverse noise, dust, odor or traffic impacts. This helps ensure compatible transition from the larger commercial developments from the north, to existing residential neighborhood.

(3) All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. Lexus vehicles would continue to be dropped off on the 1205 Auto Parkway property. After completing a pre-deliver inspection in the shop at 1205 Auto Parkway, some vehicles will be driving to the proposed parking lot (1539 and 1551 Tanglewood Lane) by driving on Tanglewood Lane. The new parking lot can accommodate up to 140 vehicles. These vehicles would be duplicate new car vehicles of cars already stored on the 1205 Auto Parkway property. Approximately ten (10) cars or less are expected to be driving on Tanglewood, subsequent to initial import.

(4) The proposed location and design allows residents and business establishments proposed 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 public facilities necessary to serve the project are in place, or are proposed as associated site improvements.

(5) The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. In accordance with Section 33-780 of Article 39 (Off-Street Parking Ordinance), every parking area abutting residentially zoned property shall provide a solid wall, view-obscuring fence or compact evergreen hedge six (6) feet in height, provided that along the street side said wall, fence or hedge shall not exceed thirty-six (36) inches in height. The application request includes an exception to this standard to ensure that proposed use is well-screened and the application supports land use compatibility.

(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. The site is physically suitable to accommodate the proposed inventory storage, and adequate on-site circulation, parking and screening would be provided. After project implementation, most of the car storage would not be visible from surrounding properties. The street side elevation is approximately 697 to 699 feet above mean sea level. The finished grade of the lot would be approximately 681 to 687 feet above mean sea level. The lower profile and proposed location would reduce the visibility of the car storage on the inventory lot. Car inventory storage will be more completely screened by the proposed six (6) foot wall. New berm landscaping would help screen the wall from street view.

(7) The uses proposed have a beneficial effect not obtainable under existing zoning regulations. The proposed project is consistent with the General Plan and the project meets all nearly all the applicable zoning standards. In consideration of the code requirements and intent of the Planned Development Ordinance, providing a more flexible regulatory framework and allowing an exception to the wall height in the front yard, increases the amount of on-site screening provided, and would have a beneficial effect not obtainable under existing zoning regulations.

## **EXHIBIT “D”**

### **CONDITIONS OF APPROVAL PHG 18-0026**

This project is conditionally approved as set forth on the application and project drawings, all designated by the Planning Commission on February 12, 2019, and shall not be altered without the express authorization by the Planning Division.

Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. The permit request is specifically connected to 1539 and 1551 Tangelwood Lane to construct a new inventory parking lot for the adjacent Lexus car dealership at 1205 Autopark Way. Nothing in the following Conditions of Approval shall relieve or waive compliance with all previous Conditions of Approval associated with Planning Case Nos. 2006-10-PD and PHG12-0001 (and/or other permit or actions associated with 1205 Tanglewood Lane.

#### **GENERAL**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
2. 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.
3. All requirements of the Public 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.
4. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development.
5. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). All lighting on the site shall be pedestrian level, bollard, and/or low profile to promote land use adjacency. Any lighting used to illuminate an off-street parking

area or walking path shall be arranged so as to deflect light away from any adjoining property or from public streets through fixture type, height and location. Exterior lighting of buildings shall be limited to low level incandescent spotlights and similar illuminating devices hooded in such a manner that the direct beam of any such light source will not glare upon adjacent property or public streets.

6. No signage is permitted for this use.
7. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08). Furthermore, no loud or boisterous noises shall emanate from the inventory lot, either by persons congregating there or by the playing of recording instruments, communication radios, and/or television sets or other sound-producing equipment.
8. All new utilities and utility runs shall be underground.
9. No outdoor storage of any type is permitted unless specifically authorized by this permit to construct a inventory parking lot for new cars. All parts and materials incidental to the operation of said dealership shall be stored at the main facility at 1205 Autopark Way. All vehicle repair and maintenance shall occur at the main facility, and all use and disposal of residual parts shall be done in a manner that is satisfactorily in compliance with all local, state, and federal laws.
10. Lexus vehicles would continue to be dropped off on the 1205 Auto Parkway property. After completing a pre-deliver inspection in the shop at 1205 Auto Parkway, some vehicles will be driving to the proposed parking lot (1539 and 1551 Tanglewood Lane) by driving on Tanglewood Lane. Should a vehicle need retrieval, a lot attendant would access the lot via a pedestrian stairway from the 1205 Auto Parkway site and then drive the vehicle on Tanglewood Lane to the dealership. Factory direct drop-offs or truck loading/unloading is prohibited (i.e. no transport trucks on Tanglewood Lane).
11. The hours of operation of the inventory lot are Mon-Fri: 8 a.m. to 9 p.m., Sat: 8 a.m. to 6 p.m., and Sun: 10 a.m. to 6 p.m. The 1539 and 1551 Tanglewood Lane inventory lot will be secured with an automatic gate and the applicant intends on installing security cameras on the site that are tied into the larger dealership surveillance system at the 1205 Auto Parkway site. Public access to the inventory lot is prohibited.
12. The vehicles may be cleaned no more than once weekly by a mobile car washer in compliance with any best management practices that may be required by law for stormwater protection. Additional cleaning may be needed from time to time to respond to inclement weather conditions.
13. Striping shall be provided on-site for stalls and/or or directional flow for fire lane access.



14. No vertical lift devices may be utilized on the site to vertically stack car inventory (vertical tandem parking) without first obtaining approval from the Director of Community Development and demonstrating through site line analysis no visual impact to surrounding land uses.
15. The operation of the facility shall be consistent with the Details of Request contained within the Planning Commission staff report. Any changes to operational characteristics of the facility must first be approved by the City through the appropriate review process.
16. No trash enclosures permitted on-site. The site is incidental to the main facility at 1205 Autopark Way, to be used primarily for lot attendants to a limited extent.
17. A final landscape and irrigation plan shall be submitted to the Planning Division for review and approval. The plan shall be in substantial conformance with the conceptual landscape plan.
18. Prior to occupancy and a condition of issuance of a business license, Lexus Escondido shall install all required/proposed improvements (including screening, storm water improvements, parking areas and landscaping) in conformance with the approved site plan and landscape plan. Appropriate irrigation shall be provided for all landscape areas. All existing planter areas shall be repaired and landscaping brought into compliance with current standards. 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.
19. All landscaping, fences, and walls on site, in any adjoining public parkways shall be permanently maintained by the owner, assigns, or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping, repair and replacement of plant materials and irrigation systems, and general clean-up. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval.
20. No employee may store, or permit to be stored, a personal vehicle, truck, or other personal property on the inventory lot, or within the adjacent public-right-of-way or other public property without permission of the City Engineer. All corporate and business deliveries and truck transport shall occur at 1205 Autopark Way. Individual vehicles from the inventory may be driven to and from the inventory lot, subject to the Details of the Request of this permit.
21. Any new walls shall incorporate decorative materials or finishes, and shall be indicated on the building plans. All freestanding walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Community Development.

22. A Lot Tie Agreement shall be recorded between APNs 235-090-32-00, 235-090-12-00 and 235-090-13-00 prior to the issuance of building permits for the project.
23. The Precise Development Plan shall be null and void if not utilized within twelve (12) months of the effective date of approval.
24. At any time after project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Precise Development Plan permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
25. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
26. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

## **ENGINEERING CONDITIONS OF APPROVAL**

### **STREET IMPROVEMENTS AND TRAFFIC**

1. Frontage street improvements shall be constructed on Tanglewood Lane to Residential Road Standards in accordance with the design standards and the requirements of the City Engineer.
2. The developer shall relocate the existing street light on Tanglewood Lane and shall install a new LED light fixture in accordance with Escondido Standard Drawing No. E-1-E.

3. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of twenty-four (24) feet.
4. Adequate horizontal sight distance shall be provided at the driveway entrance. Increased parkway widths, open space easement, and restrictions on landscaping may be required at the discretion of the City Engineer.
5. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways to the satisfaction of the Traffic Engineer. Parking may be restricted along the project frontage for sight distance. A private contractor shall do any removal of existing striping and shall install all new signage and striping per the approved plans as directed by the Field Engineering.
6. All gated entrances shall be designed and improved to the satisfaction of the City Engineer and the Fire Marshal.
7. The project owner shall plant street trees along property frontage on Tanglewood Lane. to the satisfaction of Planning Director, prior to final inspection and bond release.
8. As surety for the construction of required off-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 any building permit.
9. An engineered improvement plan is required for all public improvements (unless only sidewalks, driveways and/or streetlights are required). The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

#### **GRADING**

1. A site grading and erosion control plan by a Registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The project shall conform with the City of Escondido's Storm Water Management Requirements. Both Construction BMPs and Permanent Treatment BMPs shall be provided for the project. The site grading and erosion control plan will not be forwarded from the Building Department, but shall be submitted separately to the Engineering Department.
2. A site landscaping and irrigation plan shall be submitted with the first submittal of the grading plan to the Engineering Dept.

3. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. All driveway grades shall conform to the City of Escondido Design Standards and Standard Drawings.
5. Erosion control, including riprap, interim sloping planting, gravelbags, 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 development of the project.
6. 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. 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. The cost of any third party review deemed necessary by the City Engineer shall be reimbursed by the owner.
7. After the approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
9. A Construction General Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres.
10. The developer shall be responsible for the recycling all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other locations approved by the Director of Engineering Services.
11. All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.

## **DRAINAGE**

1. Final 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. 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.
3. All on-site storm drains, detention basins, and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
4. 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. A public water main extension is required to provide water service and/or fire protection. Construction of the water main shall be in accordance with the Standards and Specifications of the City of Escondido.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.

## **CASH SECURITY 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 to private property and improvements, install new BMP's, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up 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, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.

2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when permits are issued.

#### **BUILDING CONDITIONS OF APPROVAL**

1. Demolition permits for the existing residential structures.
2. Compliance with the 2016 CBC Chapter 10 for stairs, landings, handrail and guards.
3. Permits, engineering, energy and details for site lights.
4. Permits, engineering, details for retaining walls.

#### **FIRE CONDITIONS OF APPROVAL**

1. Provide a hydrant or move existing hydrant to same side of the street as proposed project.
2. Will need to a min of 1500 GPM@ 20 PSI.

## PLANNING COMMISSION

Agenda Item No.: G.2  
Date: February 12, 2019

**PROJECT NUMBER / NAME:** PHG 17-0019 / Grand Avenue Apartments

**REQUEST:** A Master and Precise Development Plan for a 15-unit rental apartment building, as well as a Grading Exemption for a fill slope and retaining wall exceeding 10' within 50' of the northerly and easterly property lines. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** 1316 E. Grand Avenue

**APPLICANT:** Nathan Houck, Sillman Wright Architects

**APN / APNS:** 230-230-14

**GENERAL PLAN / ZONING:** GC / CG

**PRIMARY**

**REPRESENTATIVE:** Mike LaCaze, LaCaze Development Company

**DISCRETIONARY ACTIONS REQUESTED:** Master and Precise Development Plan and Grading Exemption

**PREVIOUS ACTIONS:** None

**PROJECT PLANNER:** Ann Dolmage, Associate Planner  
[adolmage@escondido.org](mailto:adolmage@escondido.org)

**CEQA RECOMMENDATION:** Exempt (CEQA Guidelines Section 15332, "In-Fill Development Projects")

**STAFF RECOMMENDATION:** Provide a recommendation to City Council to approve the project

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2019-03

**CITY COUNCIL HEARING REQUIRED:** ☒ YES ☐ NO

**REPORT APPROVALS:** ☒ Bill Martin, Community Development Director  
☒ Mike Strong, Assistant Planning Director

## **BACKGROUND:**

The project site is addressed as 1316 East Grand Avenue. It is approximately 0.51 acre in size and is situated on the north side of East Grand Avenue, approximately 260 feet east of East Ohio Avenue. The project site is significantly higher in elevation (approximately 40 feet higher) than properties to the direct east and north. The site is currently undeveloped. Development on surrounding properties primarily consists of multi-family and commercial uses, though the property to the immediate west (addressed as 1314 E. Grand Avenue) is occupied by a single-family residence.

Both 1314 and 1316 East Grand were originally intended to be part of the Walmart development at 1330 East Grand, first approved under 2003-18-CUP/GE (a Conditional Use Permit for outdoor retail display associated with the store, plus a Grading Exemption). The original design for 2003-18-CUP/GE would have placed Walmart close to the intersection of Harding Street and Grand Avenue, with the bulk of its parking on the north side of the store, and a smaller parking lot on the west side. This design would have required significant cuts into 1314 and 1316 East Grand, to lower their elevations and incorporate them into Walmart's building pads. The outdoor retail display component of Walmart was later eliminated from the project, and the Conditional Use Permit and Grading Exemption were replaced with a Plot Plan (ADM 09-0062), which moved the store to the north side of its property and shifted parking to the south, adjacent to Grand Avenue. This new design eliminated any grading at 1314 and 1316 East Grand, and the single-family residence at 1314 remained in place, while 1316 remained undeveloped.

## **A. PROJECT ANALYSIS:**

### **1. General Plan / Zoning**

The General Plan land use designation and zoning classification for the subject property are both General Commercial (CG for zoning and GC for the General Plan). The site also is located within the East Valley Parkway Target Area of the General Plan, and is covered under the East Valley Parkway Area Plan. The East Valley Parkway Area Plan allows multi-family residential projects on CG-zoned properties with approval of a Planned Development, when they are part of a mixed-use project. Furthermore, the entire western half of the East Valley Parkway Target Area falls within a Mixed-Use Overlay District, as depicted in Figure II-27 of the General Plan. As described in Figure II-6 of the General Plan, this overlay allows for "mixed-use developments with combined exclusively residential and non-residential buildings", provided that the density of the residential component is at least 30 units/acre and no more than 80 units/acre. Because the property to the direct east of the project site is occupied by a retail store (Walmart), the project proposes to combine the new apartment complex with this existing commercial use into one horizontal mixed-use project. The density of this residential project is 29.4 units/acre (15 units on a 0.51-acre parcel). While this falls just under the minimum required density of 30 units/acre, the addition of even one more unit to the project would further hinder its ability to provide sufficient parking and



open space for the use (parking and open space issues are further discussed in my detail, later in this report).

General Plan Land Use and Community Form Policies 7.1 through 7.4 provide guidance for mixed use overlay districts. As directed by these policies, the proposed project would introduce a new housing opportunity to an environment that offers pedestrian access to retail, office, and service uses, giving residents the opportunity to conduct routine errands within their own neighborhood. Bus lines exist along Grand Avenue, providing connectivity to downtown and the Escondido Transit Center. All utilities required by the project currently exist at the site or can be installed, as shown on the site plan provided by the applicant. The project would incorporate an attractive and modern architectural design, with a neutral color palette to coordinate with the surrounding area.

## **2. Site Modifications and Site Standards**

The proposed project would construct a new apartment building, approximately 18,678 square feet in total size. The building would contain three (3) floors of rental apartment units. Each floor would utilize the same floorplan, with a one-bedroom unit (700 square feet) at the west end of the building, a three-bedroom unit (1,150 square feet) at the east end, and three two-bedroom units (850 to 1,020 square feet) in the middle. In all, the building would contain 15 units. Units would be entered via walkways along the west and south side of the building, accessible from staircases at the northwest and southeast corners of the building. Elevator access would also be provided at the northwest corner of the building.

In addition to the three (3) levels of residential units, a basement storage room (approximately 516 square feet in size) would be located at the northwest corner of the building. This room would contain individual storage lockers for the units, as well as a bicycle rack. Additional amenities for residents would include private balconies on the north side of the building (approximately 65 square feet each) and a stackable washer/dryer in each unit.

Exterior building finishes would consist of stucco, wood paneling, and concrete masonry block, in a range of neutral tones. Apartment and elevator doors would be painted green for decorative contrast. Full details regarding materials and colors are provided in the "Supplemental Details of Request" section of this report.

Please note that while this project would occur on a site with CG zoning, its design and density are similar to developments allowed within the R-5 zone (the Very High Multiple Residential zone, which allows densities up to 30 units/acre). Therefore, this report contains discussion on proposed site standards as well as standards applicable to the R-5 zone, for comparison purposes.

### **3. Parking**

The proposed project would include an off-street parking lot on the north side of the apartment building. Access to this lot would be via a 24'-wide driveway from Grand Avenue, the entrance of which would be located near the east property line. The lot would contain 26 parking spaces, including 24 standard spaces and two (2) ADA (American Disabilities Act)-compliant spaces. Fifteen of these spaces (i.e., one per residential unit) would be covered, and the remaining 11 would be uncovered. Since the parking lot dead-ends at the west side of the property and through access is therefore not available for emergency vehicles or delivery/moving trucks, the parking lot would include one 17'-wide space at the northeast corner, to serve as a turnaround area or temporary parking space for these vehicles. A condition of approval has been proposed to require this space to be striped or otherwise marked to prohibit permanent parking by residents or their guests.

Per the City of Escondido Zoning Code and the East Valley Parkway Area Plan, parking requirements for multi-family developments generally are based on the bedroom count of the units within. Each one-bedroom unit requires 1.5 spaces, each two-bedroom unit requires 1.75 spaces, and each three-bedroom unit requires two (2) spaces. Additionally, guest parking is required in the amount of one (1) space per four (4) units or fraction thereof. These ratios indicate that the proposed project should be responsible for 26 spaces for residents plus four parking spaces for guests, for a total of 30 spaces. Due to constraints on the size and topography of the project site, the proposed Planned Development would provide only the 26 spaces needed for residents, and no guest parking. Justification for this request is based on the provision of a bicycle rack within the building's storage room, limited street parking on a portion Grand Avenue as well as Ohio Avenue, the availability of bus service on Grand Avenue, and walkability to commercial areas to the north and east. A condition of approval has been proposed to ensure that future and prospective residents receive notification about on-site parking management. A similar condition of approval had been implemented for the City Plaza project (Planning Case No. 2007-11-PD/SP/DA, modified by PHG 07-0026) and the City has not received any substantial complaints about the adequacy or supply of on-site parking.

### **4. Grading, Retaining Walls, and Fencing**

The project site is located on a slope, with the highest area near the southwest corner of the site and the lowest area near the northeast corner of the site. To transform the site into a buildable pad, grading in the amount of approximately 232 cubic yards of cut and 5,067 cubic yards of fill would be necessary. Approximately 4,835 cubic yards of fill would be imported to the site.

Two (2) retaining walls have been incorporated into the project design. The first is an earthen retaining wall along the east and north property lines and a portion of the west property line (maximum height of 22.5 feet), associated with a grading fill. The fill material to be retained behind this wall would be reinforced with geogrid mesh (to be placed under the parking lot and behind the wall and therefore fully concealed) for additional stability. This wall would incorporate planter

blocks along its face, to be planted with creeping fig vines or similar, to soften its appearance for viewers to the north, east, and west. Additional vines (purple vine lilac or similar) would be planted at the base of the wall and trained to climb the wall for enhanced concealment. A traffic-rated guard rail at the top of the wall would prevent vehicles from driving off the edge of the parking lot, and an additional post and rail fence (to the outside of the guard rail) would also be installed at the top of the wall for pedestrian safety.

The City's Grading Ordinance requires approval of a Grading Exemption for any fill slope over ten (10) feet in height within fifty (50) feet of a property line. The fill to be retained by this earthen wall falls into this category, and therefore is subject to Grading Exemption approval.

The second retaining wall proposed for the site is a CMU retaining wall at the base of the apartment building's west and south elevations (maximum height of 11.5 feet). This wall is associated with a grading cut at this corner of the property.

In addition to these retaining walls, the applicant has proposed to retain an existing chain link fence that runs along the east and north property lines, continuing westward onto neighboring properties. On the east side of the property, it sits on the property line, while on the north side, it is located approximately four (4) feet inside the property. A condition of approval has been proposed to replace this fence with one made of solid wood or similar materials, to the satisfaction of the Planning Division.

## **5. Open Space and Resident Amenities**

Zoning Code Section 33-108 defines "usable open space" as any open area designed and intended to be used for outdoor living, landscaping, and or recreation, which does not exceed a grade of ten (10) percent, and has a minimum dimension of at least ten (10) feet. Developments in the R-5 zone are required to provide 200 square feet of usable open space for each unit, plus an additional 200 square feet per unit for each bedroom over one in said unit. Balconies may count toward up to one-half (1/2) of this requirement for each unit, provided they have a minimum dimension of not less than five (5) feet and a minimum area of not less than fifty (50) square feet.

If the proposed project were located in the R-5 zone, it would be required to provide 6,000 square feet of open space. The small size of the project site hinders the provision of this much open space, so the project as proposed would provide approximately 2,306 square feet, including landscaped areas, walkways, and private balconies.

Zoning Code Section 33-108 also requires multi-family developments to provide private storage of at least eighty (80) cubic yards per unit, above and beyond the usual cabinets and closets expected for a residence. The proposed project would provide individual storage lockers meeting or exceeding this standard within the basement storage room.

Finally, the project proposes to provide each unit with its own stacking washer/dryer, located inside the unit. The Zoning Code does not require in-unit laundry for rental apartments in any of the multi-family residential zones, so this amenity would exceed R-5 standards.

## **6. Storm Water Facilities**

The applicant has been working with the City's Engineering Services Department and Environmental Programs Division to ensure that the proposed project will comply with City storm water regulations and State water quality requirements. Due to space constraints, a modular wetland system would be installed underneath the parking lot as an alternative to a traditional biofiltration basin. A 6" PVC outlet drain would convey runoff from this modular system to an existing concrete brow ditch running along the north property line, which would then carry it off-property in an easterly direction.

## **7. Supplemental Details of Request**

While this project would occur on a site with CG zoning, its design and density are comparable to what would be found on a property zoned R-5 (the Very High Multiple Residential zone, which allows densities up to 30 units/acre). Therefore, this section compares proposed site standards with standards applicable to the R-5 zone.

1. Property Size: 0.51 acre
2. Proposed Buildings: 18,678 SF, 3-story apartment building, with an additional storage room below the first residential floor. Proposed unit configuration as follows:
  - 1 bedroom/1 bath, 700 SF (1 per floor; 3 total)
  - 2 bedroom/2 bath, 850 SF (1 per floor; 3 total)
  - 2 bedroom/2 bath, 1,020 SF (2 per floor; 6 total)
  - 3 bedroom/2 bath, 1,150 SF (1 per floor; 3 total)
  - Total units in building: 15 (5 per floor)
3. Setbacks:
  - Proposed:
    - Front: 5' to stairwell at southeast corner of building
    - Interior side (west): 10' to retaining wall; 15' to side of building (Hardie board paneling at southwest corner of building may encroach approximately 6" into this setback)
    - Interior side (east): 28' to side of building
    - Rear: 58' to stairwell at northwest corner
  - R-5:
    - Front: 15' (20' for garages with street-facing entrances)
    - Interior side: 5' for first two stories; additional 5' for each additional story (up to 15' total)
    - Rear: 10' for first two stories; additional 5' for each additional story

4. Density: Proposed: 29.4 units/acre  
R-5: 30 units/acre maximum; 21 units/acre minimum
5. Building Height: Proposed: 43' (3 residential floors with 1 basement storage room)  
R-5: 75' (4 floors maximum)
6. Floor Area Ratio: Proposed: 0.84  
R-5: 0.9 maximum
7. Materials and Colors: *Exterior walls:*  
Smooth trowel stucco in Pale Wheat, Verona Beach, Kraft Paper, Warm Hearth, and Cedar Chest, all shades of tan/brown by Dunn Edwards (primary finish for walls)  
Hardie board (fiber cement siding) or similar, in medium/dark brown (accent finish for walls)  
Concrete masonry block in gray (base of building and elevator column at northwest corner of building)
- Accents and hardware:*  
Residential unit doors and elevator doors in Spanish Olive (deep lime green) by Dunn Edwards, with brushed nickel door hardware  
Standing seam roof (at top-floor staircase/elevator landing), parapet caps, awnings, and window frames in anodized dark bronze  
Brushed nickel handrails for staircases and balcony railings
- Trash enclosure:*  
Concrete masonry block in gray (to match apartment building)  
Swinging metal doors  
Standing seam roof in anodized bronze (to match apartment building)
8. Parking: Proposed:  
26 parking spaces to be provided (24 standard; 2 ADA)  
15 of these spaces to have carport covering; 11 to be uncovered
- R-5:  
1-bedroom units: 1.5 parking spaces per unit x 3 units = 4.5 spaces  
2-bedroom units: 1.75 parking spaces per unit x 9 units = 15.75 spaces  
3-bedroom units: 2 parking spaces per unit x 3 units = 6 spaces  
At least one space per unit must be covered  
Guest parking: 1 space per 4 units or fraction thereof  
Total requirement: 30 spaces
9. Fencing/Screening: New CMU retaining wall at base of apartment building (height up to 11.5')  
New earthen retaining wall along west, north, and east property lines, with plantable blocks (height up to 22.5')  
New traffic-rated guard rail and post and rail fence at north edge of parking lot

- Existing chain link fence along north and east property lines, to remain
10. Signage: One monument sign at driveway entrance, approximately 7' high at tallest point and 10' wide, in materials to match building (Hardie board face with concrete or CMU base). A separate sign permit would be required.
11. Open Space: Proposed: 2,306 SF of "usable open space" (as defined in Section 33-108 of Zoning Code), consisting of private balconies, landscaping, and walkways.  
R-5: 200 SF required for each 1-bedroom unit, 400 SF for each 2-bedroom unit, and 600 SF for each 3-bedroom unit, for a total of 6,000 SF required
12. Additional Amenities: One storage locker per unit, located in basement-level storage room (80 cubic yards minimum per locker; this matches R-5 requirements for "private storage area")  
Bicycle rack in storage room (no R-5 requirement for bicycle parking)  
Stacking washer/dryer in each unit (no R-5 requirement for in-unit laundry)

## **B. ENVIRONMENTAL STATUS:**

The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15332, "In-Fill Development Projects." CEQA provides an exemption for in-fill projects meeting the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c) The project site has no value as habitat for endangered, rare, or threatened species;
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.

The project is consistent with the General Plan and Zoning Code as described in Section B.1, above. Additionally, the project site exists within city limits, does not exceed five acres, and is substantially surrounded by urban uses; has no value as wildlife habitat; and can be served by all required utilities and public services (as shown on the project site plan and/or conditioned). In staff's opinion, the proposed project would not have a significant impact to the environment. All project related issues remain resolved through compliance with code requirements, project design, and the recommended conditions of approval.

**C. CONCLUSIONS:**

The City Council is the authorized agency for granting discretionary approvals related to Master Development Plans. Since the applicant has submitted requests for a Precise Development Plan and Grading Exemption along with their application for a Master Development Plan, the City Council will consider those additional requests along with the Master Development Plan. The Planning Commission is being asked to review all project components and consider whether to recommend approval of the project to City Council. No other discretionary permits are requested or required for the proposed scope of work.

The proposed project is consistent with the General Plan and development standards proposed under the Master and Precise Development Plan are substantially comparable to those applicable to the R-5 (Very High Multiple Residential) zone. The project as proposed will not have a significant effect on the environment, as designed and conditioned. 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 Planning Case No. PHG 17-0019 based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2019-03 (Attachments 2 and 3).

**ATTACHMENTS:**

1. Location and General Plan Map
2. Draft Planning Commission Resolution No. 2019-03

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ATTACHMENT 1  
PHG 17-0019

C-G

H-P

H-P

OHIO AVE

R-4-30

R-3-18

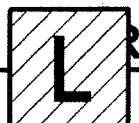
GRAND AVE

R-3-18

R-1-10

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**PROPOSED PROJECT**  
**PHG 17-0019**



LOCATION/ZONING

R-T

GC

O

O

OHIO AVE

U3

U3

GRAND AVE

U3

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**PROPOSED PROJECT**  
**PHG 17-0019**



GENERAL PLAN

## ATTACHMENT 2

Planning Commission  
Hearing Date: February 12, 2019  
Effective Date: February 23, 2019

### PLANNING COMMISSION RESOLUTION NO. 2019-03

A RESOLUTION OF THE PLANNING  
COMMISSION OF THE CITY OF ESCONDIDO,  
CALIFORNIA, RECOMMENDING APPROVAL  
OF A MASTER AND PRECISE DEVELOPMENT  
PLAN AND GRADING EXEMPTION FOR A 15-  
UNIT APARTMENT BUILDING

APPLICANT: Nathan Houck, Sillman Wright Architects

CASE NO: PHG 17-0019

WHEREAS, Nathan Houck of Sillman Wright Architects (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 17-0019) constituting a request for a Master and Precise Development Plan to allow a 15-unit apartment building, as well as a Grading Exemption for a fill slope with retaining wall exceeding 10' in height within 50' of property lines, on a 0.54 gross acre, 0.51 net acre site located at 1316 East Grand Avenue (APN 230-230-14), in the General Commercial Zone; and

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

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development 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 California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, pursuant to CEQA and CEQA Guidelines (14 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 did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project; and

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements.

WHEREAS, the Planning Commission of the City of Escondido did, on February 12, 2019, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;

- c. The staff report, dated February 12, 2019, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, said public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido:

1. That the above recitations are true and correct.
2. The Planning Commission, in its independent judgment, recommends that the City Council determine the project to be exempt from environmental review. Pursuant to CEQA, the Project is exempt from further environmental review because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment (Section 15332 "In-Fill Development Projects") as described in the February 12, 2019 Planning Commission staff report.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission recommends that the City Council make the following substantive findings and determinations, attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and

the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby recommends that City Council approve the application to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "D." The Planning Commission expressly declares that it would not have made this recommendation this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. The development plan for this project is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. 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. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, [www.escondido.org](http://www.escondido.org), and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 12<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

\_\_\_\_\_  
JAMES SPANN, Chairman  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
MIKE STRONG, Secretary of the  
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

\_\_\_\_\_  
KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

Decision may be appealed to City Council  
pursuant to Zoning Code Section 33-1303



## **EXHIBIT "A"**

### **LEGAL DESCRIPTION PLANNING CASE NO. PHG 17-0019**

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

THE EASTERLY 160.00 FEET OF THAT PORTION OF LOT 2 IN BLOCK 180 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 28°49'30" WEST, ALONG THE WEST LINE THEREOF, 147.00 FEET; THENCE NORTH 61°13'00" EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT, 300.00 FEET; THENCE SOUTH 28°49'30" EAST, PARALLEL WITH THE WEST LINE OF SAID LOT 147.00 FEET TO THE SOUTH LINE THEREOF; THENCE SOUTH 61°31' 00" WEST, ALONG SAID SOUTH LINE 300.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THE SOUTHERLY 9.00 FEET THEREOF, AS CONVEYED TO THE CITY OF ESCONDIDO FOR STREET PURPOSES BY DEED RECORDED MARCH 29, 1968 AS FILE NO. 52941 OF OFFICIAL RECORDS.

APN: 230-230-14-00

KEYNOTES

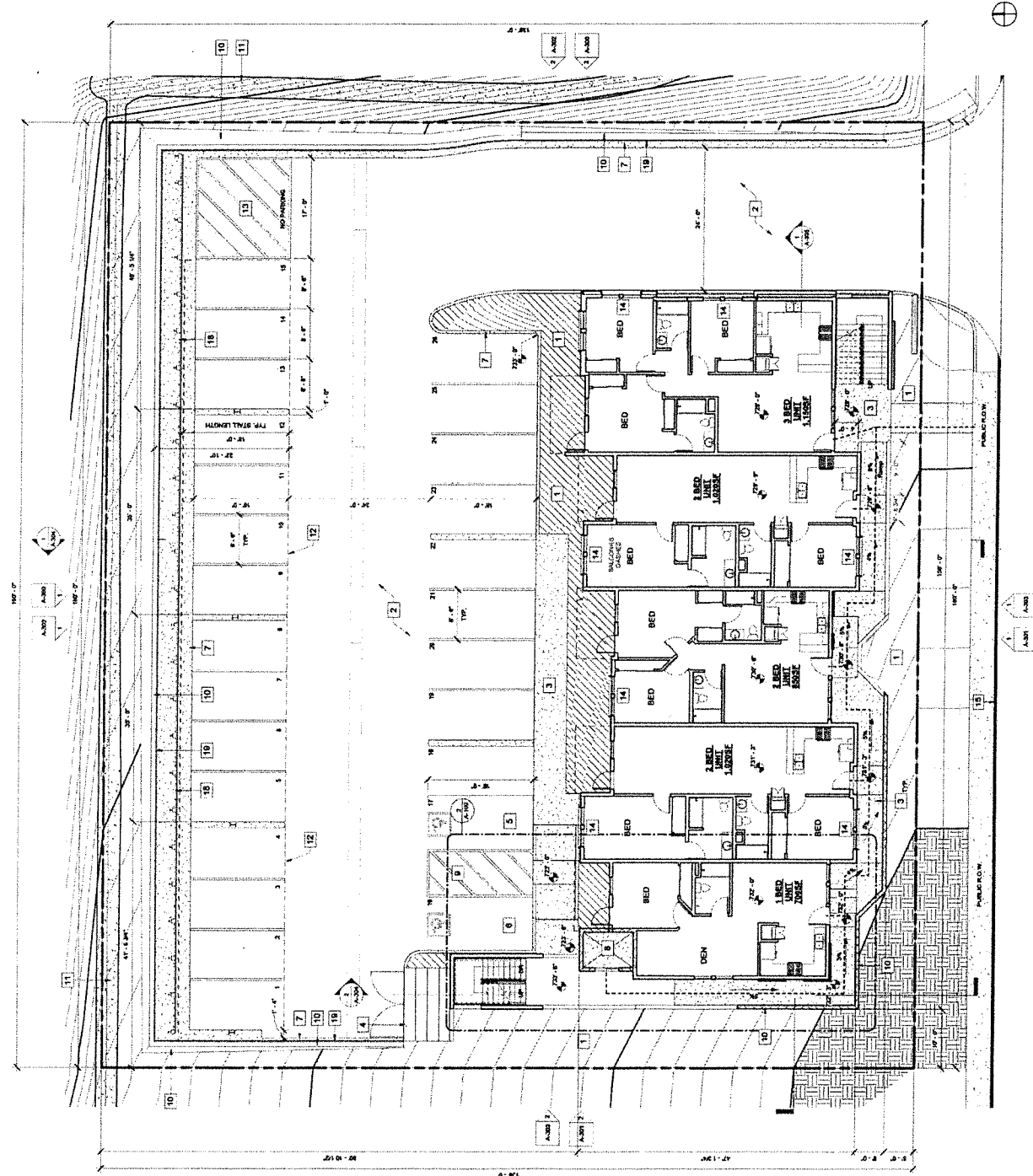
- 1 UNBARRICADING - REFER TO LANDSCAPE PLANS
- 2 AC PAVING - REFER TO CIVIL PLANS
- 3 CONCRETE PLATWORK - REFER TO CIVIL PLANS
- 4 COVERED TRASH ENCLOSURE WITH WINDING DOORS
- 5 VAN ACCESSIBLE PARKING SPACE
- 6 ACCESSIBLE PARKING SPACE
- 7 CONCRETE CURB - REFER TO CIVIL PLANS
- 8 ACCESSIBLE ELEVATOR
- 9 ACCESSIBLE STAIRING
- 10 RETAINING WALL - REFER TO CIVIL PLANS
- 11 EXISTING CONCRETE BRIDGE TO REMAIN - REFER TO CIVIL PLANS
- 12 CARPORT COVERING ABOVE
- 13 TURNAROUND AREA - KEEP CLEAR
- 14 RESCUE WINDOW - PROVIDE 6" CLEARANCE IN FRONT FOR LADDER ACCESS
- 15 NEW RED FIRE LINE CURB ALONG DRIVEWAY
- 16 IN CLING FOOT MAIN STORAGE LOCKER
- 17 BRG BACK AREA
- 18 NEW TRAFFIC PAVED GUARD RAIL - REFER TO CIVIL
- 19 NEW TRAFFIC PAVED GUARD RAIL WITH COMPOSITE WOOD CLIP

LEGEND

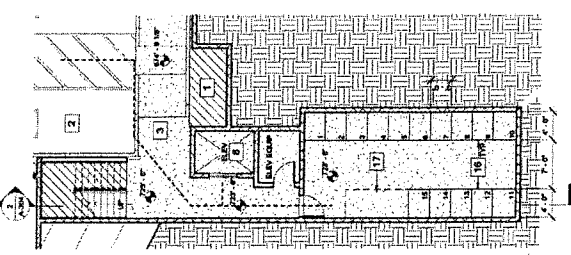
- ACCESSIBLE WALKWAY (INDICATED PART OF TRAVEL)  
 --- ACCESSIBLE WALKWAY (NOT INDICATED PART OF TRAVEL)  
 --- ACCESSIBLE WALKWAY (NOT TO EXCEED 24" TO EXCEED 24" TRAMPERS SHALL NOT EXCEED 24")

NOTES

- UNITS SHALL BE ACCESSIBLE AND ADAPTABLE PER DDC 1.1A  
 UNITS SHALL BE ACCESSIBLE AND ADAPTABLE PER DDC 1.1A  
 UNITS SHALL BE ACCESSIBLE AND ADAPTABLE PER DDC 1.1A



Site Plan - Level 1



Site Plan - Level 2

PROPOSED PROJECT  
 PHG 17-0019

SP

# KEYNOTES

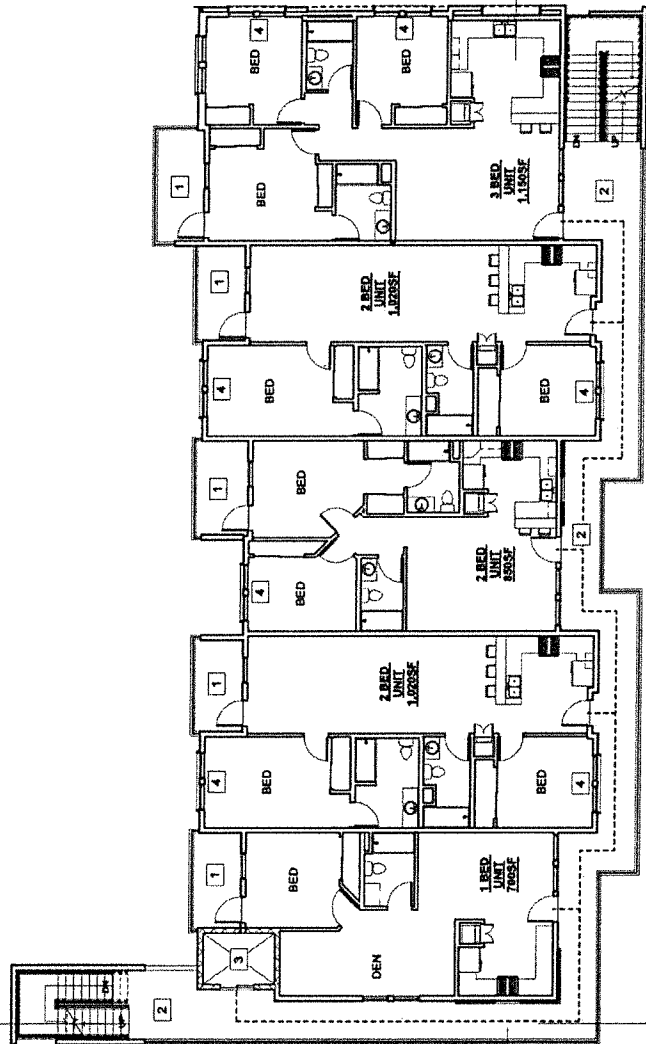
- 1 BALCONY
- 2 ACCESSIBLE WALKWAY
- 3 ACCESSIBLE ELEVATOR
- 4 RESCUE WINDOW - PROVIDE 19" CLEARANCE IN FRONT FOR LADDER ACCESS

# LEGEND

----- ACCESSIBLE UNOBSTRUCTED PATH OF TRAVEL - OTHERS WITH SLOPE NOT TO EXCEED 1% IN 48" (48" MAXIMUM) AND NOT TO EXCEED 2% (RAMP SHALL NOT EXCEED 1.25%)

# NOTES

- UNITS SHALL BE ACCESSIBLE AND ADAPTABLE PER CBC 11A
- LOOK FOR ALONG ACCESSIBLE PATH OF TRAVEL TO HAVE LEVEL DOOR LANDING



Level 2 1

PROPOSED PROJECT  
PHG 17-0019

F

# KEYNOTES

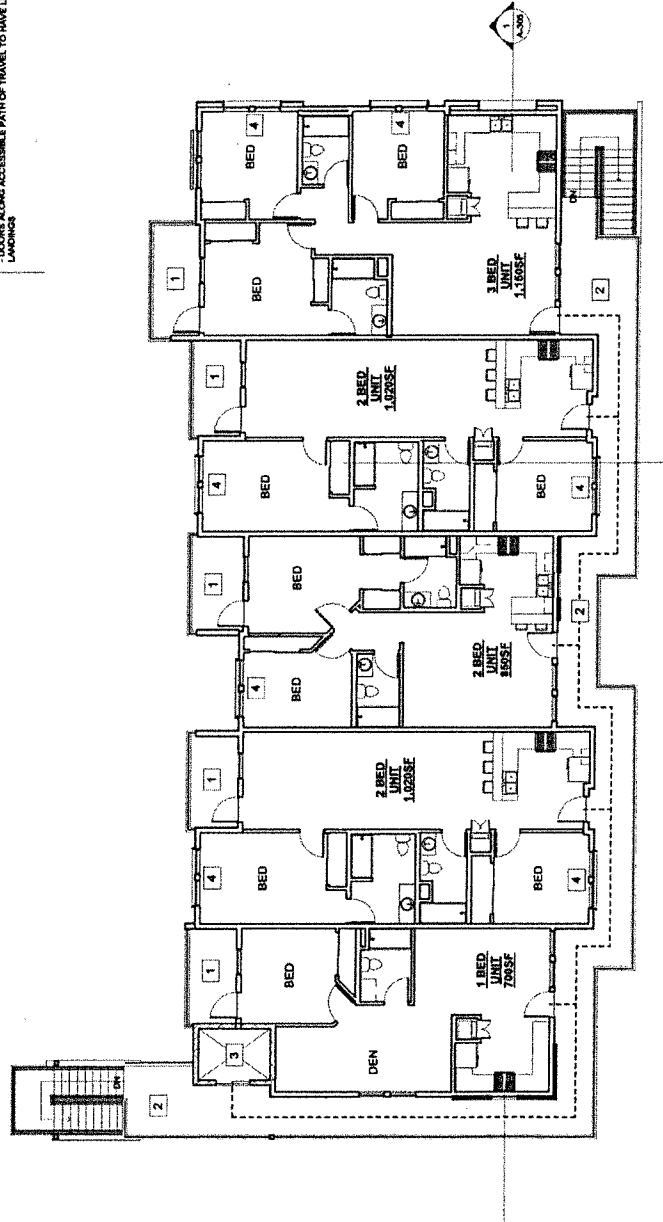
1	BALCONY
2	ACCESSIBLE WALKWAY
3	ACCESSIBLE ELEVATOR
4	RESCUE WINDOW - PROVIDE W/ CLEAR MIN. IN FRONT FOR LADDER ACCESS

# LEGEND

----- ACCESSIBLE UNOBSTRUCTED PATH OF TRAVEL - ACCESSIBLE PATH OF TRAVEL SHALL BE UNOBSTRUCTED, OTHERWISE WITH SLOPE NOT TO EXCEED 2% IN EXISTING AND MAXIMUM SLOPE SHALL NOT EXCEED 2% (GRAPHS SHALL NOT EXCEED 1:20)

# NOTES

\* UNITS SHALL BE ACCESSIBLE AND ADAPTABLE PER CBC 11A  
- DOORS ALONG ACCESSIBLE PATH OF TRAVEL TO HAVE LEVEL DOOR LANDING

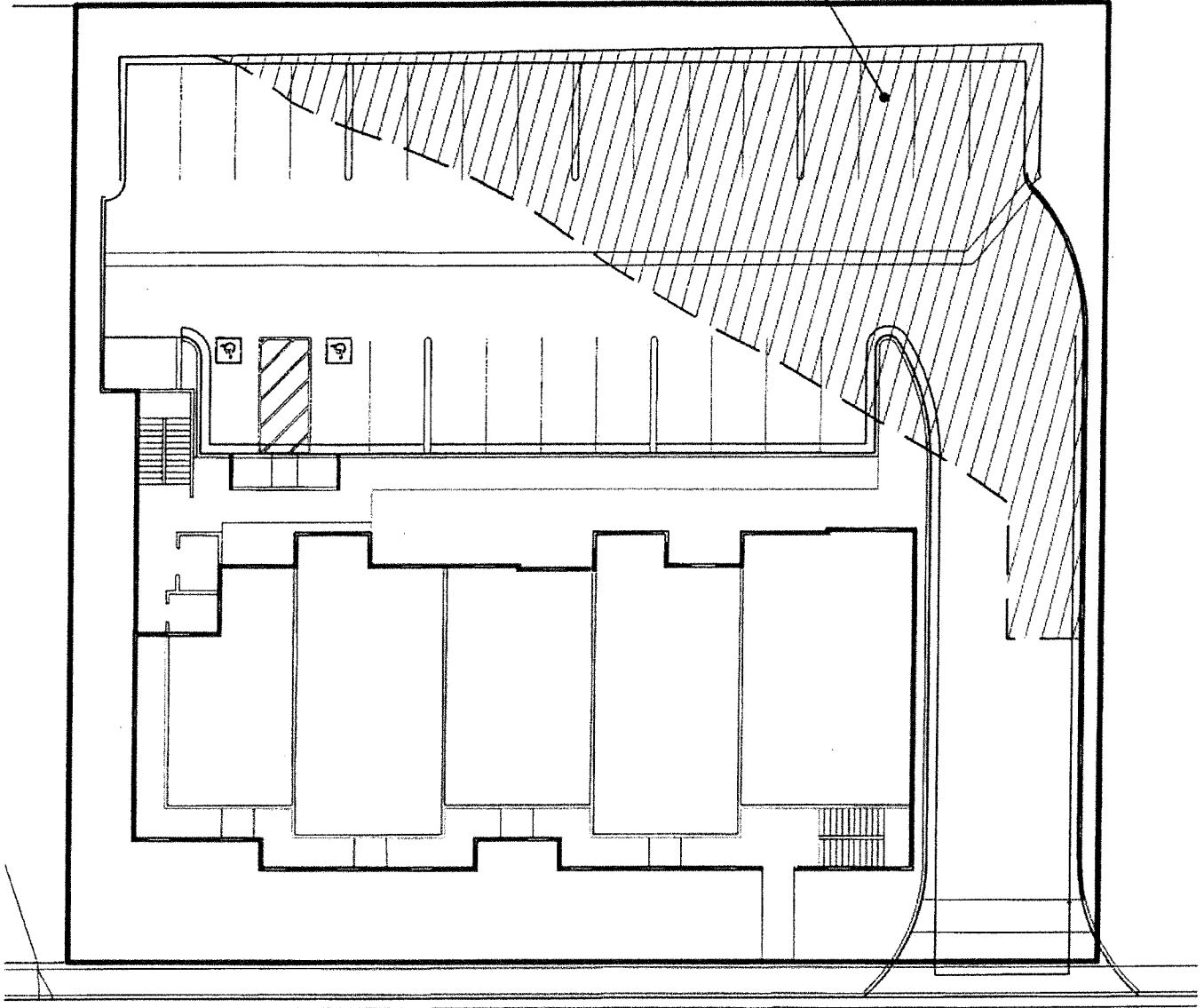


PROPOSED PROJECT  
PHG 17-0019

F



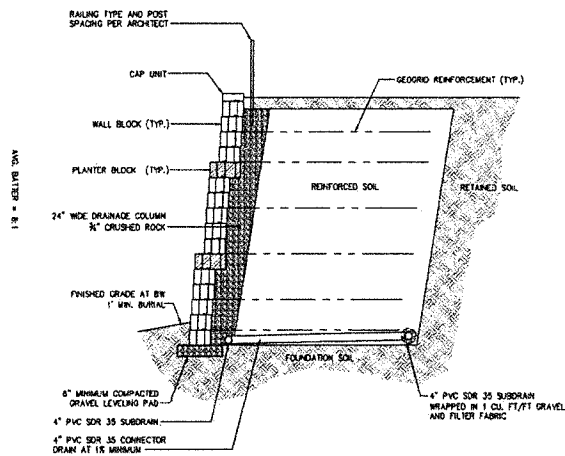
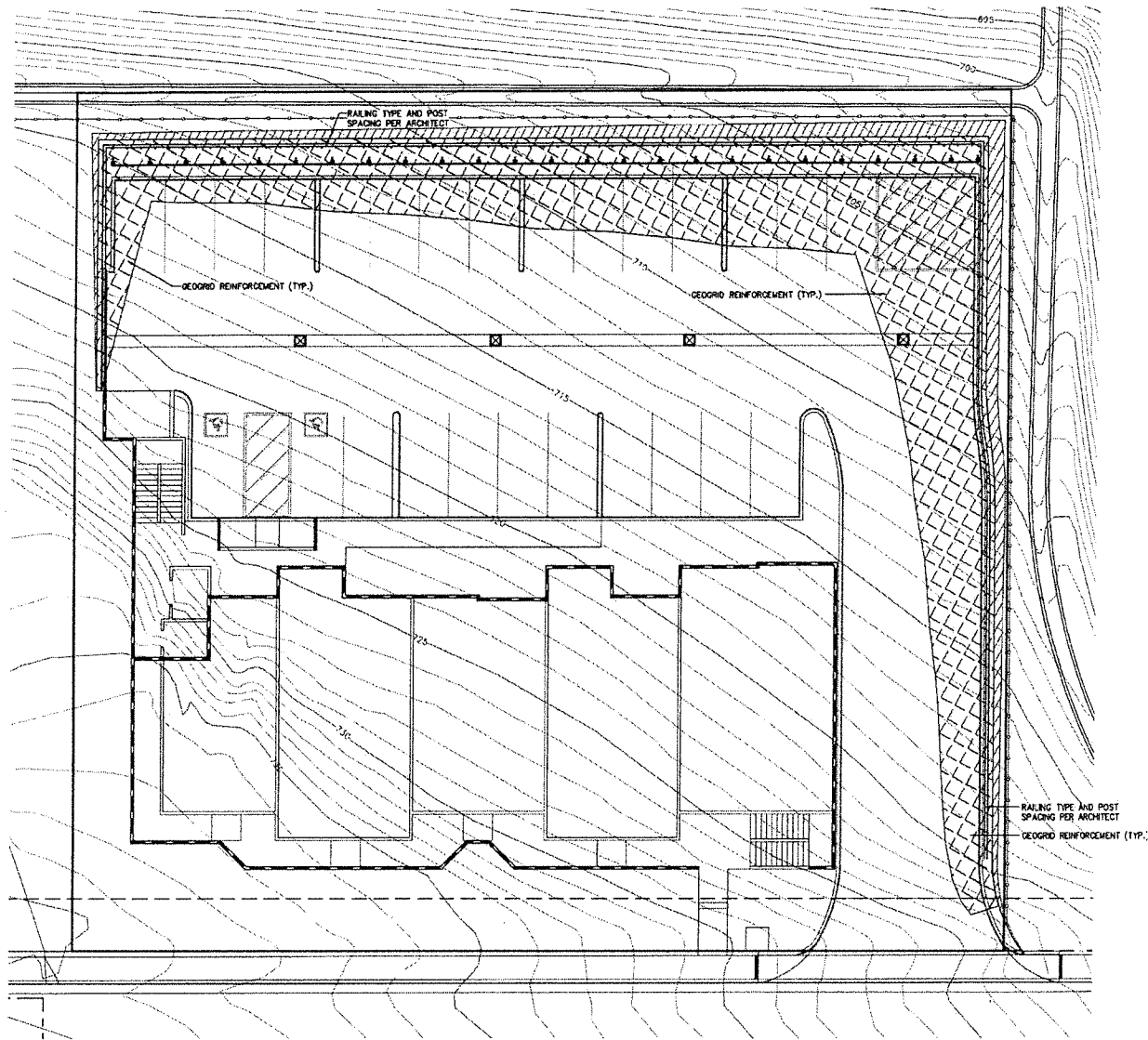
AREA REQUESTING GRADING EXEMPTION



PROPOSED PROJECT  
PHG 17-0019

G

GRADING EXEMPTION

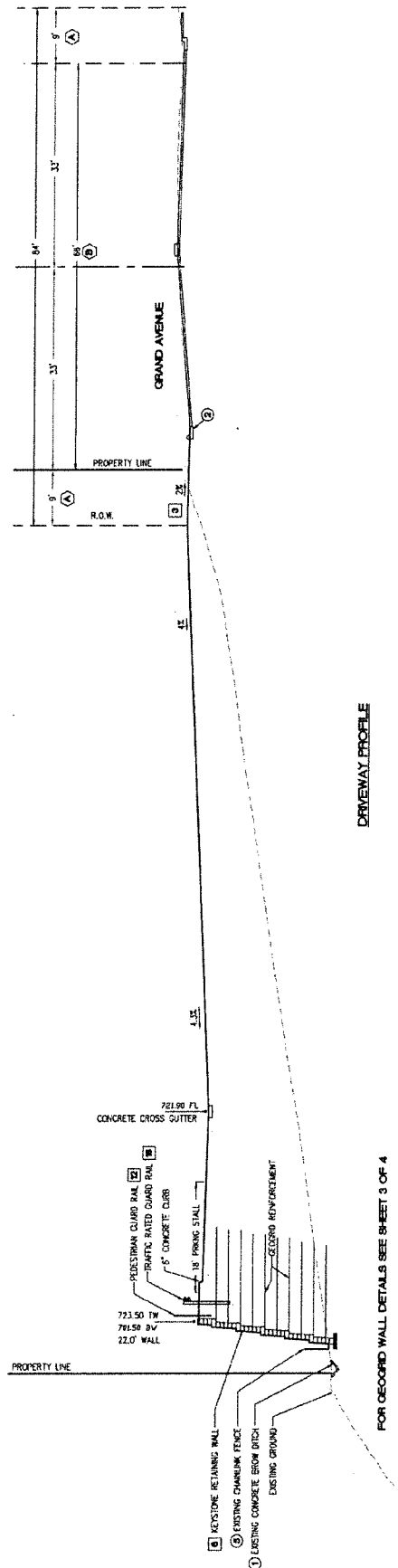


ANY FENCE OR GUARDRAIL WITHIN 3' OF TOP  
FACE OF WALL WILL REQUIRE SLEEVE-H 122461

**TYPICAL PLANTABLE GEGRID REINFORCED WALL SECTION**  
NOT TO SCALE

**PROPOSED PROJECT  
PHG 17-0019**

**D**



#### EXISTING FEATURES

- ① CONCRETE BROW DITCH (PROTECT IN PLACE)
- ② CONCRETE CURB AND GUTTER (PROTECT IN PLACE)
- ③ FIRE HYDRANT PER W-3-E (PROTECT IN PLACE)
- ④ CONCRETE DRIVEWAY APRON (PROTECT IN PLACE)
- ⑤ CHAINLINK FENCE
- ⑥ EXISTING 2" HPG MAIN (PROTECT IN PLACE)  
PER CITY OF ESCONDIDO DWG 2332
- ⑦ EXISTING 12" CML&C STEEL CL 150 WATERLINE (PROTECT IN PLACE)  
PER CITY OF ESCONDIDO DWG 2332
- ⑧ EXISTING 8" VOP SEWER MAIN (PROTECT IN PLACE)  
PER CITY OF ESCONDIDO DWG 3348 AND 1505-2
- ⑨ EXISTING SEWER CLEANOUT
- ⑩ EXISTING SEWER MANHOLE

#### CONSTRUCTION NOTES:

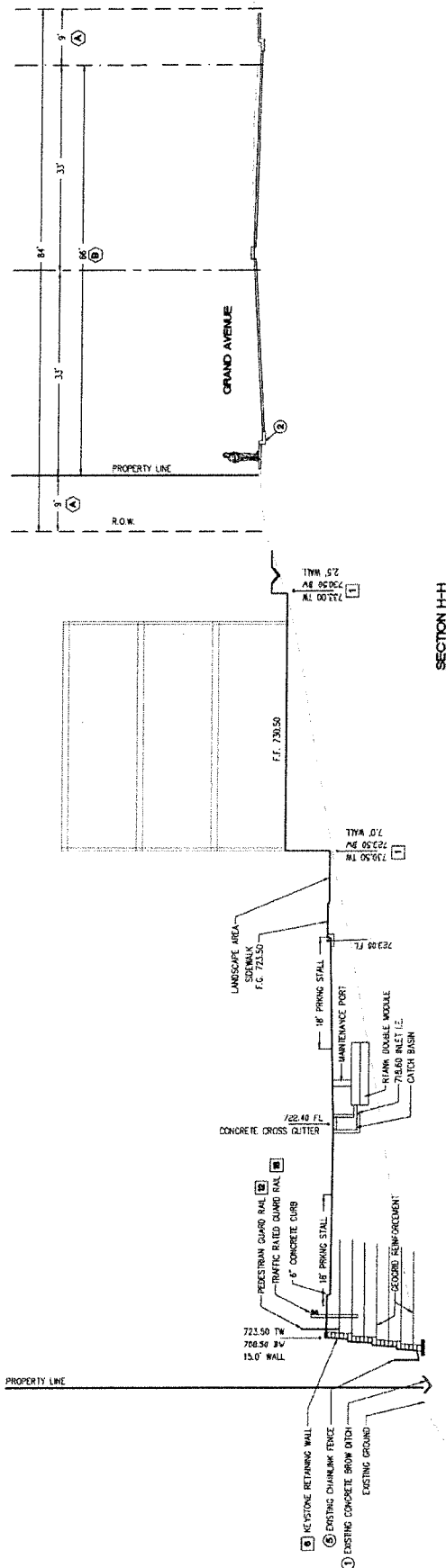
- ① MASONRY RETAINING WALL
- ② 6" CONCRETE CURB TYPE "G"
- ③ PROPOSED DRIVEWAY APRON PER G-5-E
- ④ PROPOSED ASPHALTIC CONCRETE
- ⑤ PROPOSED PARKING SPACES
- ⑥ PLANTABLE MECHANICALLY STABILIZED EARTHEN WALL
- ⑦ PROPOSED SEWER CLEANOUT PER S-2-E
- ⑧ PROPOSED 4" DETECTOR CHECK ASSEMBLY WITH FDC AND PIV PER W-7-E
- ⑨ PROPOSED 2" METER/BACKFLOW PER W-8-E
- ⑩ PROPOSED 2" METER/BACKFLOW FOR IRRIGATION PER W-2-E
- ⑪ PROPOSED 6" FIRE HYDRANT PER W-3-E
- ⑫ PROPOSED PEDESTRIAN GUARD RAIL PER CALTRANS DETAIL B11-47
- ⑬ PROPOSED 3' WIDE CONCRETE CROSS GUTTER
- ⑭ PROPOSED CATCH BASIN
- ⑮ PROPOSED ONSITE TURN-AROUND FOR LARGE TRUCKS
- ⑯ PROPOSED 4" BLOW-OFF ASSEMBLY PER W-9-E
- ⑰ PROPOSED 4" COMBINATION AIR VALVE PER W-6-E
- ⑱ PROPOSED TRAFFIC RATED GUARD RAIL PER CALTRANS DETAIL RSP-A77L2

#### EASEMENTS

- ① AN EASEMENT AS CONVEYED TO THE CITY OF ESCONDIDO FOR STREET PURPOSES BY DEED RECORDED MARCH 29, 1968 AS FILE NO. 529414 OF OFFICIAL RECORDS
- ② EXISTING 66' WIDE PUBLIC ROAD AND UTILITY EASEMENT.

**PROPOSED PROJECT**  
**PHG 17-0019**





#### EXISTING FEATURES

- ① CONCRETE BROW DITCH (PROTECT IN PLACE)
- ② CONCRETE CURB AND GUTTER (PROTECT IN PLACE)
- ③ FIRE HYDRANT PER W-3-E (PROTECT IN PLACE)
- ④ CONCRETE DRIVEWAY APRON (PROTECT IN PLACE)
- ⑤ CHAINLINK FENCE
- ⑥ EXISTING 2" HPG MAIN (PROTECT IN PLACE)  
PER CITY OF ESCONDIDO DWG 2332
- ⑦ EXISTING 12" CMILAC STEEL CL 150 WATERLINE (PROTECT IN PLACE)  
PER CITY OF ESCONDIDO DWG 2332
- ⑧ EXISTING 8" VCP SEWER MAIN (PROTECT IN PLACE)  
PER CITY OF ESCONDIDO DWG 3348 AND 1505-2
- ⑨ EXISTING SEWER CLEANOUT
- ⑩ EXISTING SEWER MANHOLE

#### CONSTRUCTION NOTES

- 1 MASONRY RETAINING WALL
- 2 6" CONCRETE CURB TYPE "G"
- 3 PROPOSED DRIVEWAY APRON PER G-5-E
- 4 PROPOSED ASPHALTIC CONCRETE
- 5 PROPOSED PARKING SPACES
- 6 PLANTABLE MECHANICALLY STABILIZED EARTHEN WALL
- 7 PROPOSED SEWER CLEANOUT PER S-2-E
- 8 PROPOSED 4" DETECTOR CHECK ASSEMBLY WITH FDC AND PIV PER W-7-E
- 9 PROPOSED 2" METER/BACKFLOW PER W-8-E
- 10 PROPOSED 2" METER/BACKFLOW FOR IRRIGATION PER W-2-E
- 11 PROPOSED 6" FIRE HYDRANT PER W-3-E
- 12 PROPOSED PEDESTRIAN GUARD RAIL PER CALTRANS DETAIL B11-47
- 13 PROPOSED 3' WIDE CONCRETE CROSS GUTTER
- 14 PROPOSED CATCH BASIN
- 15 PROPOSED ON-SITE TURN-AROUND FOR LARGE TRUCKS
- 16 PROPOSED 4" BLOW-OFF ASSEMBLY PER W-9-E
- 17 PROPOSED 4" COMBINATION AIR VALVE PER W-6-E
- 18 PROPOSED TRAFFIC RATED GUARD RAIL PER CALTRANS DETAIL RSP-A77L2

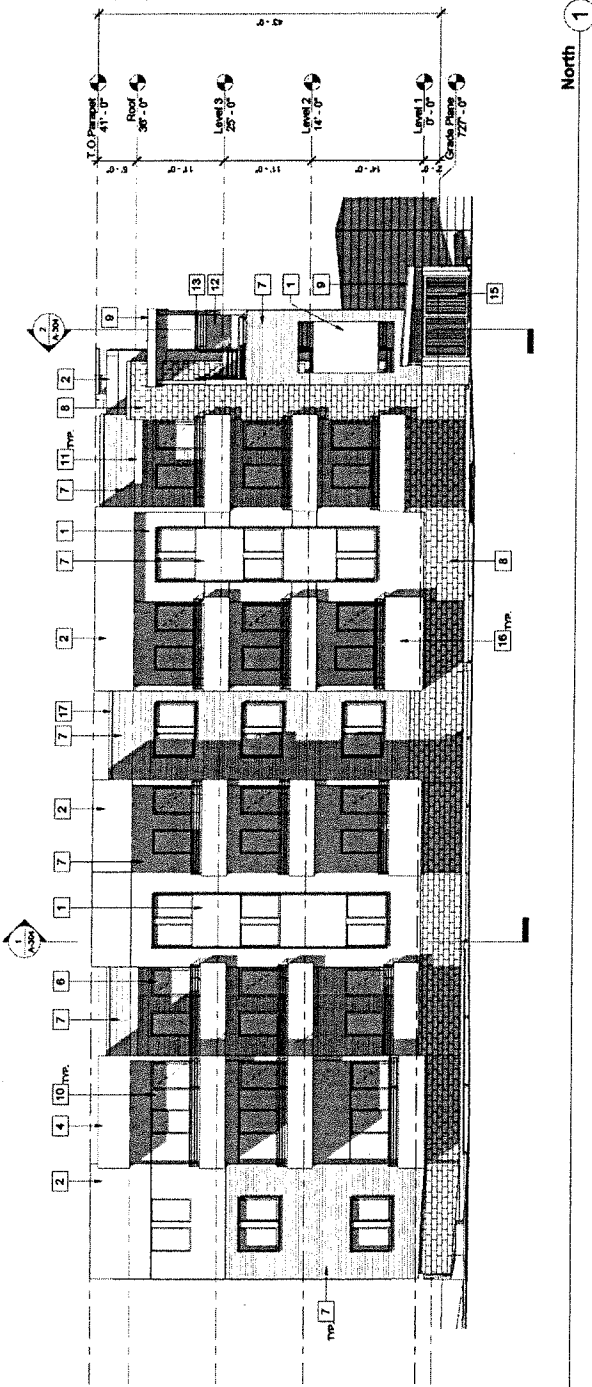
#### EASEMENTS

- A AN EASEMENT AS CONVEYED TO THE CITY OF ESCONDIDO FOR STREET PURPOSES BY DEED RECORDED MARCH 29, 1968 AS FILE NO. 529414 OF OFFICIAL RECORDS
- B EXISTING 66' WIDE PUBLIC ROAD AND UTILITY EASEMENT

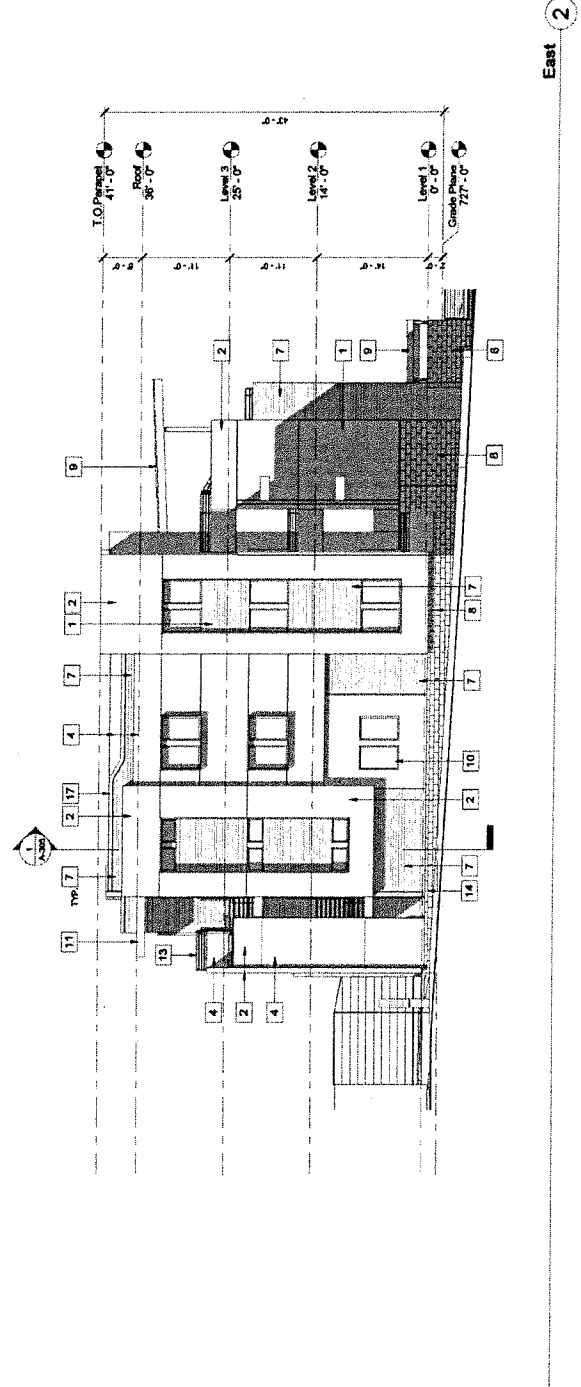
**PROPOSED PROJECT**  
**PHG 17-0019**

# KEYNOTES

- 1 STUCCO - DE 118 PALE MISTAY - SMOOTH TROWEL
- 2 STUCCO - DE 113A VERONA BEACH - SMOOTH TROWEL
- 3 STUCCO - DE 118 BRUNT PAPER - SMOOTH TROWEL
- 4 STUCCO - DE 1113 MARIN HEARTH - SMOOTH TROWEL
- 5 STUCCO - DE 1112 CEDAR CHEST - SMOOTH TROWEL
- 6 PAINT DE 5043 SPARKS OLIVE
- 7 WOOD BOARD FINISH
- 8 CMU
- 9 METAL STANDING SEAM ROOF - DARK BRONZE
- 10 GLAZING WITH DARK BRONZE ANODIZED FRAME
- 11 METAL CANOPY - DARK BRONZE
- 12 WALKWAY
- 13 METAL RAILING
- 14 RETAINING WALL - REFER TO CIVIL PLANS
- 15 COVERED TRUSS ENCLOSURE WITH SPRINGING DOORS
- 16 BALCONY
- 17 PLASTER - DARK BRONZE



North 1



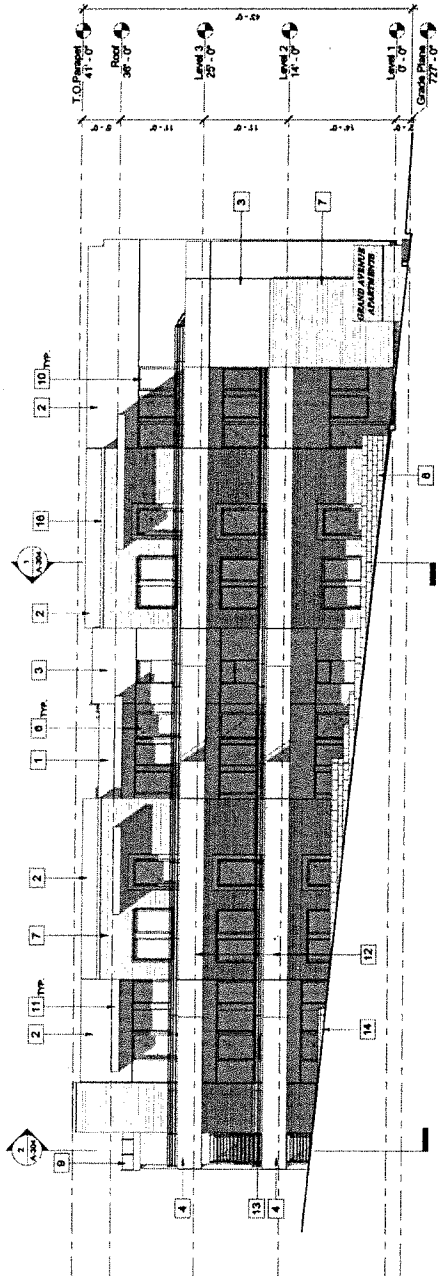
East 2

PROPOSED PROJECT  
PHG 17-0019

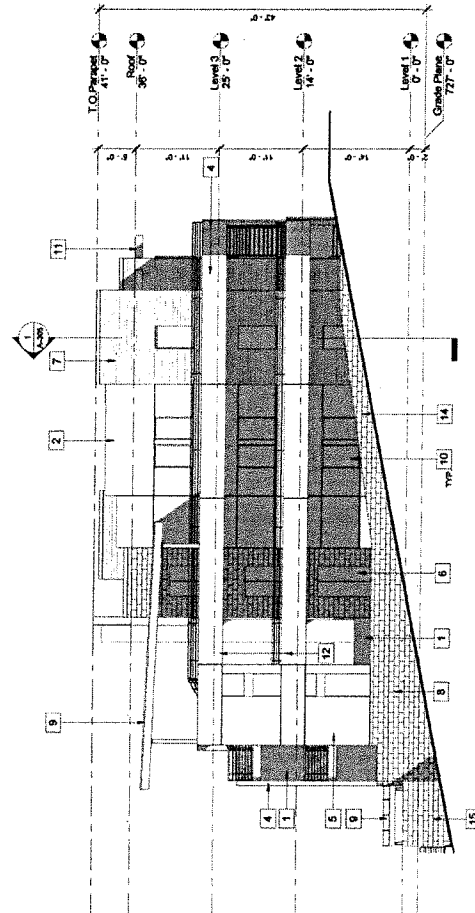
E

# KEYNOTES

- 1 STUCCO - DEER PALE WHEAT - SMOOTH TROWEL
- 2 STUCCO - DEER PALE WHEAT - SMOOTH TROWEL
- 3 STUCCO - DEER PALE WHEAT - SMOOTH TROWEL
- 4 STUCCO - DEER PALE WHEAT - SMOOTH TROWEL
- 5 STUCCO - DEER PALE WHEAT - SMOOTH TROWEL
- 6 PAINT DEER PALE WHEAT - SMOOTH TROWEL
- 7 WOOD BOARD FISH
- 8 CMU
- 9 METAL STANDING SEAM ROOF - DARK BRONZE
- 10 GLAZING WITH DARK BRONZE ANODIZED FRAME
- 11 METAL CANOPY - DARK BRONZE
- 12 WALKWAY
- 13 METAL RAILING
- 14 RETAINING WALL - REFER TO CIVIL PLANS
- 15 COVERED TRASH ENCLOSURE WITH BRASSING DOORS
- 16 PLUMBING - DARK BRONZE



South 1



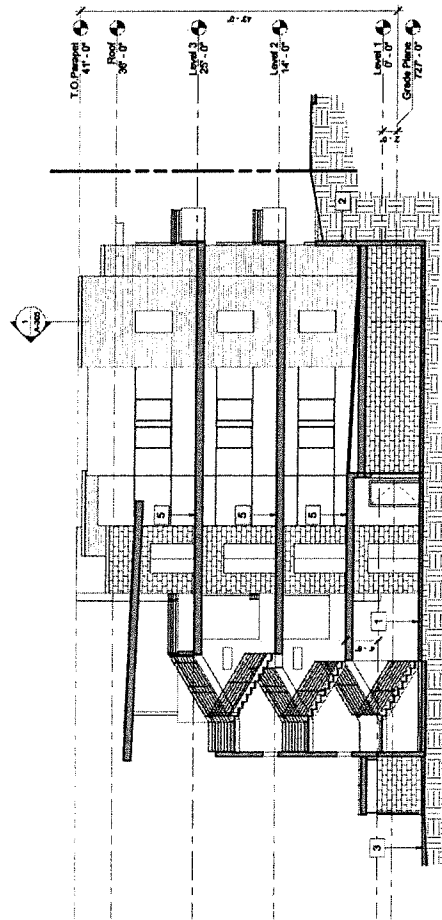
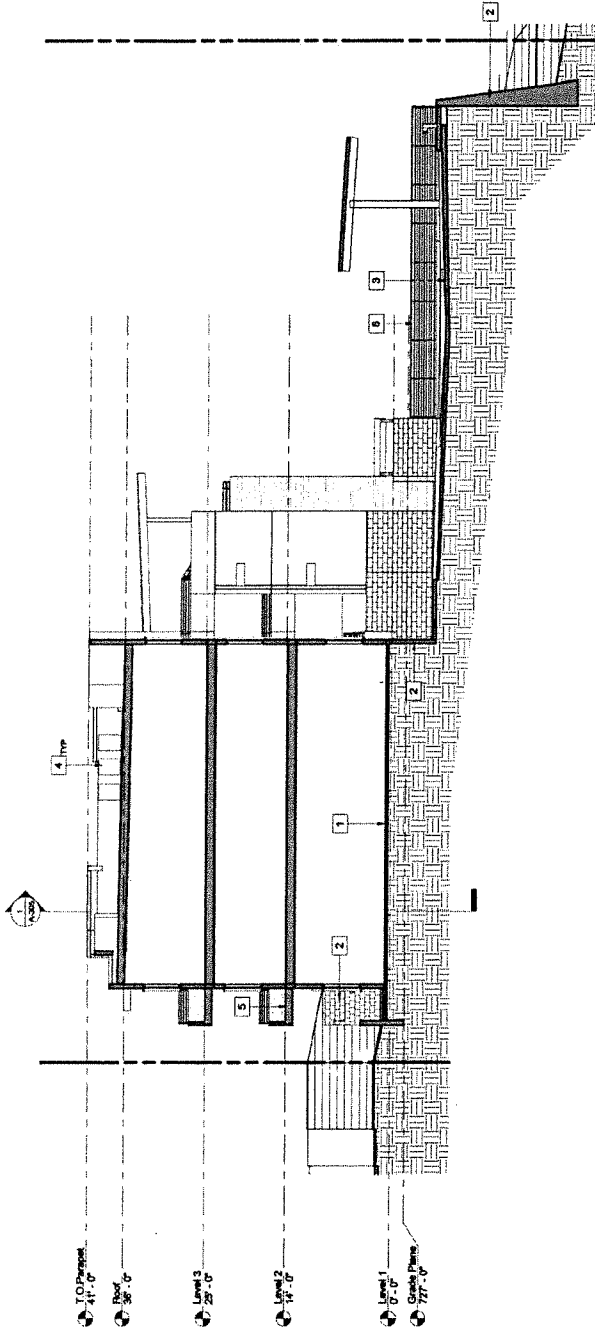
West 2

PROPOSED PROJECT  
PHG 17-0019

E

# KEYNOTES

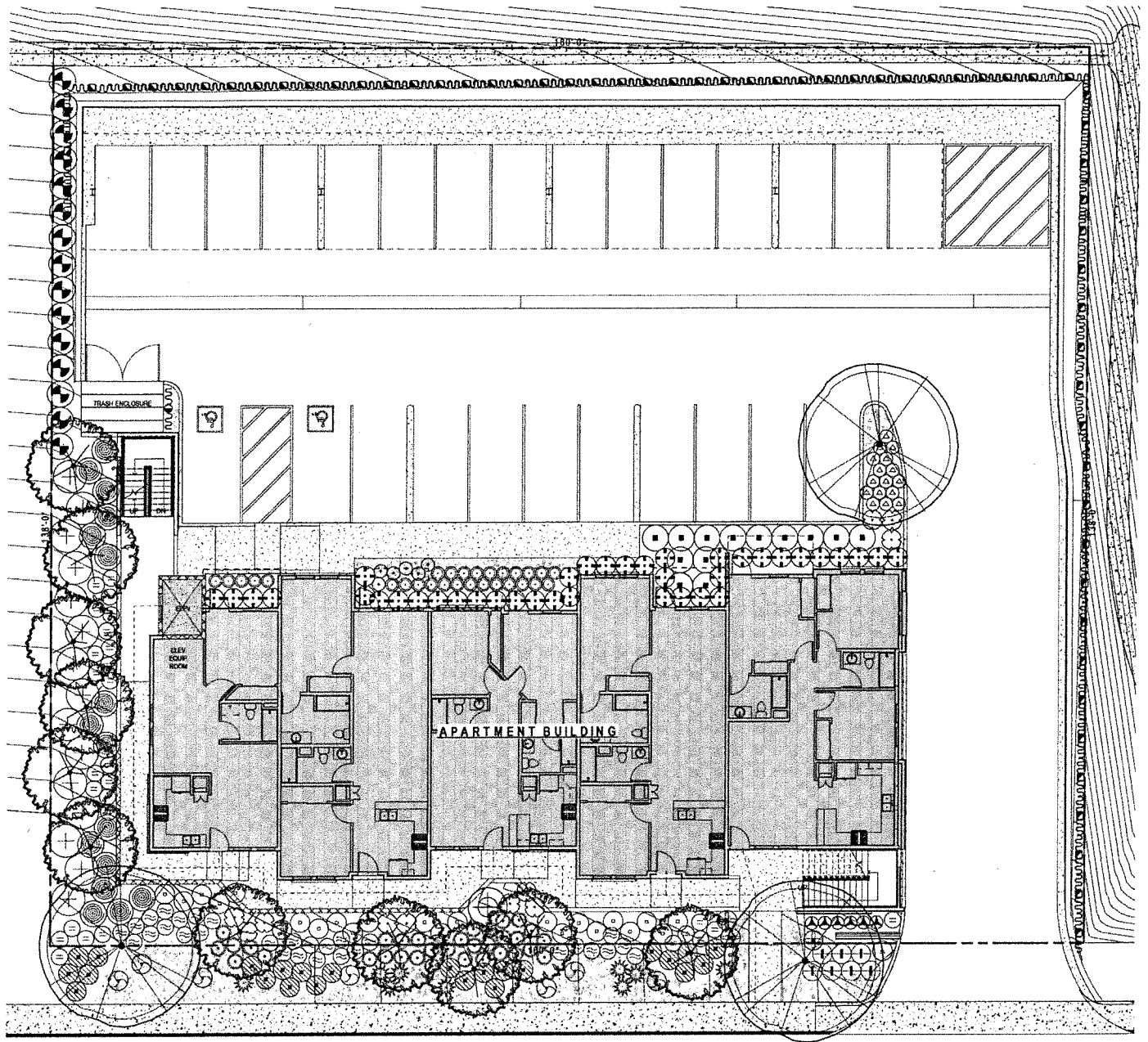
- 1 SLAB ON GRADE
- 2 RETAINING WALL - REFER TO CIVIL PLANS
- 3 SITE PAVING - REFER TO CIVIL PLANS
- 4 CONCRETE UNIT - ALL UNITS HIDDEN UNDER PARAPET HEIGHT
- 5 WALKWAY
- 6 NEW 6.5 CM/2.5 IN. PRESTRESS GUARD RAIL WITH COMPOSITE WOOD CAP



PROPOSED PROJECT  
PHG 17-0019

CS

CROSS SECTIONS



EAST GRAND AVENUE

PROPOSED PROJECT  
PHG 17-0019



LANDSCAPE PLAN

# PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	DETAIL REF.	WUCOL RATING
	BRACHYCHITON POPULNEUS	BOTTLE TREE	11	24" BOX	STANDARD TRUNK		L
	KOELREUTERIA PANICULATA	GOLDEN RAIN TREE	3	24" BOX	STANDARD TRUNK		L
	ACACIA COGNATE 'DOUGLAS' ITT	LITTLE RIVER WATTLE	15	5 GAL.			L
	BACCHARIS X STARB	NO COMMON NAME	15	1 GAL.			L
	GREVILLEA 'MOONLIGHT'	NO COMMON NAME	3	5 GAL.			L
	HAMELIA PATENS 'SIERRA RED'	FIRECRACKER BUSH	23	5 GAL.			L
	JASMINE ANGULARE	SOUTH AFRICAN JASMINE	14	5 GAL.			M
	LANTANA X 'NEW GOLD'	NEW GOLD LANTANA	24	5 GAL.			L
	MYRSINE AFRICANA	AFRICAN BOXWOOD	30	5 GAL.			M
	NANDINA DOMESTICA 'HARBOR DWARF'	DWARF HEAVENLY BAMBOO	25	5 GAL.			M
	RUELLA BRITTONIANA	MEXICAN PETUNIA	11	5 GAL.			M
	TECOMA X SMITHII	ORANGE BELLS	15	5 GAL.			L
	KNIPHOFIA UVARIA 'MALIBU YELLOW'	HOT POKER PLANT	29	5 GAL.			L
	TEUCRIUM CHAMAEDRYS	GERMANDER	16	1 GAL.			L
	MUHLENBERGIA CAPILLARIS 'REGAL MIST'	GULF MUHLY	30	1 GAL.			L
	PENNISETUM ORIENTALE	ORIENTAL FOUNTAIN GRASS	33	1 GAL.			L
	AGAVE BLUE GLOW	BLUE GLOW AGAVE	9	5 GAL.			L
	AGAVE DESMETIANA VARIEGATA	VARIEGATED SMOOTH AGAVE	7	5 GAL.			L
	ALOE CAMERONII	STARFISH ALOE	3	5 GAL.			L
	BULBINE NATALENSIS	ROOMWORT	6	1 GAL.			L
	CRASSULA ARBORENSIS UNDOULATIFOLIA	RIPPLE JADE	2	5 GAL.			L
	PEDILANTHUS MACROCARPUS	SLEEPER FLOWER	6	1 GAL.			VL
	PORTULACARIA AFRA MINIMA	EMERALD ELEPHANT CARPET	7	5 GAL.			L
	HARDENBERGIA VIOLEACEA 'HAPPY WANDERER'	PURPLE VINE LILAC	1	5 GAL.	TRAIN TO BLOCK WALL		M
	FIGUS PUMILA	CREeping FIG	65	1 GAL.	INSTALL (1) PLANT PER EACH PLANTER BLOCK		M
	2'-4" DECORATIVE RIVER ROCK						

PROPOSED PROJECT  
PHG 17-0019

## **EXHIBIT “C”**

### **FACTORS TO BE CONSIDERED/FINDINGS OF FACT PLANNING CASE NO. PHG 17-0019**

#### **Environmental Determination:**

Public Resources Code Section 21084 requires the CEQA Guidelines to include a list of classes of projects which have been determined *not* to have a significant effect on the environment and which shall be exempt from the provisions of CEQA. Section 15300 et. seq. of the CEQA Guidelines lists these exemptions. The Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review under Section 15332, Class 32, “In-Fill Development Projects.” This determination was made because the project qualifies as a horizontal mixed-use planned development, as allowed in the Mixed Use Overlay of the East Valley Parkway Target Area of the General Plan. The project site is under five acres in size and substantially surrounded by urban uses; has no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services.

#### **Public Notice and Outreach:**

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the local newspaper on February 1<sup>st</sup>, 2019. In addition, 32 notices were sent to owners and occupants within 500 feet of the project site. A public notice was also provided at the on the project site, on the City’s website, and posted at City Hall and City Library.

#### **Master and Precise Development Plan:**

The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, Citywide Design Guidelines, and Improvement Standards adopted by the City.

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 project would construct a new apartment building with 15 residential units as well as a room for private storage of tenant property. The project would also

provide 26 off-street parking spaces for tenant use. While the property is zoned General Commercial (CG) in the Zoning Code and has a land use designation of General Commercial (GC) in the General Plan, it is also located within the Mixed Use Overlay of the East Valley Parkway Target Area, as defined in the General Plan. This overlay allows horizontal mixed-use planned developments comprised of exclusively residential buildings and exclusively commercial buildings. The project proposes to combine with an existing commercial property located to the direct east to form a horizontal mixed-use development. The proposed density of the project is 29.4 units/acre, which falls just below the minimum residential density of 30 units/acre for this Mixed Use Overlay; however, additional units would require additional parking and open space that cannot be accommodated on a project site of this size. The project would conform to General Plan Land Use and Community Form Policies 7.1 through 7.4 as described in the February 12, 2019 staff report.

2. The proposed location allows the Planned Development to be well integrated with its surroundings. Several existing multi-family developments exist in the general vicinity of the project, particularly to the south of Grand Avenue. Retail, office, and service uses are located within walking distance of the project site and bus service is available along Grand Avenue. Proposed development standards are largely consistent with those assigned to the City's R-5 (Very High Multiple Residential) zone.
3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. Engineering staff have determined that the proposed density of the project is below the threshold for requiring a traffic impact analysis.
4. The proposed location and design allows 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. Since the project site is already located within City limits and within an established neighborhood, police and fire services are available and do not need to be expanded for a development of this scale. The Fire Department has reviewed the project and all recommendations have been incorporated into the project design or included as conditions of approval.
5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. A conceptual landscape plan has been provided that includes attractive and regionally-appropriate plantings. The project underwent design review on April 12, 2018, and recommendations from that review have been



incorporated into the project design. The project would utilize a neutral color palette and modern appearance to complement the surrounding neighborhood.

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. The project site is located near the top of a hill and therefore slopes downward from Grand Avenue toward the rear property line. The project would require grading in the amount of 232 cubic yards of cut and 5,067 cubic yards of fill (4,835 cubic yards of import). Two retaining walls would be necessary: one at the base of the apartment building along its west and south elevations, and a second along the north and east property lines, and a portion of the west property line. These walls and the associated grading would create a level pad for the apartment building and parking lot. The new building would be visually conspicuous due to its elevation relative to uses to the north and east, and its proposed height (43' from grade plane); however, the proposed building height would not exceed thresholds for either the existing zoning of the lot (General Commercial, which has no specific height limit) or for Escondido's higher-density residential zones (the R-5 zone allows heights up to 75'). Due to the small size of the site, the proposed building height and number of floors is necessary to obtain a density required by the General Plan for the applicable Mixed Use Overlay.
7. The uses proposed 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 existing zoning for the project site is General Commercial. Development of this site with one or more viable commercial uses would be challenging due to its size, and the site's physical elevation more closely matches the existing residential uses to the east and south, than the existing commercial uses to the north and west. Development of the site with apartments would enhance the City's inventory of high-quality rental units, in a neighborhood where retail and services are available within walking distance and public transit is available. The project conforms to many development standards applicable to the R-5 zone, with the exception of open space, parking, and front yard setback. Explanations for these departures are discussed in the Planning Commission staff report of February 12, 2019.

**Grading Exemption:**

1. Granting the proposed new and modified Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
  - a. The proposed Grading Exemption would not affect sensitive biological species or habitats, mature or protected trees, or required landscaping, and the development shall incorporate erosion control measures as defined in the City's stormwater management requirements.
  - b. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties or the public right of way because plantings on the earthen retaining wall and at the base of the wall would assist in softening the visual effect.
  - c. The proposed retaining wall would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; or preclude the future development of any adjacent parcel.
  - d. The proposed design of the retaining wall would not adversely affect any adjoining septic systems. The proposed project would be provided with sewer service.
  - e. The proposed retaining wall would be structurally stable as it would be reinforced with geogrid mesh.

All graded areas shall be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Engineering Services Department.

## **EXHIBIT “D”**

### **CONDITIONS OF APPROVAL PLANNING CASE NO. PHG17-0019**

Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit.

Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

#### **GENERAL**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
2. 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.
3. All requirements of the Public 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.
4. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development.
5. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
6. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47), and any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for project signage.

7. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
8. All new utilities and utility runs shall be underground.
9. The design of the project shall be consistent with the Details of Request contained within the Planning Commission staff report. Any changes must be approved by the City through the appropriate review process.
10. Four copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the planting plan attached as an exhibit, to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. 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. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
11. All landscaping, fences, and walls on site, in any adjoining public parkways shall be permanently maintained by the owner, assigns, or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping, repair and replacement of plant materials and irrigation systems, and general clean-up. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval.
12. Any new walls shall incorporate decorative materials or finishes, and shall be indicated on the building plans. All freestanding walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Community Development.
13. As proposed, 26 parking spaces would be provided for the project. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the California Building Code, including signage.

14. The 17'-wide turnaround area in the parking lot shall be used only for parking of emergency vehicles, and as a turnaround area for large trucks (to enable trucks to exit the property in a forward-moving fashion). This turnaround area shall be signed and/or painted accordingly, to the satisfaction of the Planning Division and the Fire Department. The turnaround area shall not be used as parking for tenants, guests, or visitors.
15. Prior to issuance of a building permit, a parking management plan shall be submitted to the Planning Division describing how parking will be assigned to each unit, and how prospective tenants will be informed of this assignment.
16. The existing chain link fence along the north and east parking lots shall be replaced with a solid wood fence or similar, to the satisfaction of the Planning Division.
17. The permits shall be null and void if not utilized within twelve months of the effective date of approval.
18. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
19. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the date of this letter) a check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

## **FIRE**

1. A minimum fire flow of 1,500 gallons per minute (gpm) at 20 PSI shall be provided for this project.
2. An adequate water supply and approved all-weather access shall be provided before any combustibles are brought to the project site.

## **UTILITIES**

1. Grading and improvement plans shall show 3' public utility easements around all fire hydrants, water meters, and detector checks.

## **ENGINEERING CONDITIONS OF APPROVAL PHG 17-0019**

### **GENERAL**

1. The applicant shall provide the City Engineer with a Title Report covering subject property.
2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs with the proposed project, these utilities shall be relocated.
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 any building permit.
4. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
5. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
6. The engineer shall submit to the Planning Department a copy of the Plot Plan as presented to the Planning Commission. The Plot Plan will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Plot Plan and must be included in the first submittal for plan check to the Engineering Department.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. Public street improvements shall be constructed to City Standards in effect at the time of the Plot Plan approval and to the satisfaction of the City Engineer. 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. Access to this project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
3. 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.
4. 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.
5. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
6. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
7. The developer may be responsible for an overlay of Grand 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.
8. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
9. The developer shall be required to construct a LED street light in accordance with Escondido Standard Drawing No. E-1-E on Grand Avenue at a location to the satisfaction of the City Engineer.
10. The property owner shall assume liability for damage and repair to City utilities in the event that damage is caused by the property owner, or their association, when repair or replacement of private utilities is done.

### **GRADING**

1. A site grading and erosion control plan shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and

geotechnical report. The soils engineer will be required to indicate in the soils report 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. 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.
4. 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.
5. Lot drainage shall meet the requirements of current Escondido Design Standards and the City Engineer and shall include the construction of necessary brow ditches.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
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. All proposed retaining walls along parking lots and driveways shall have a traffic-rated guard rail.
11. The property owner shall maintain and repair all brow ditches which pass from one lot through an adjacent lot.
12. The trash enclosure area shall be constructed or modified to comply with storm water quality management requirement 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.
3. The project shall limit drainage flows to their pre-construction rates for the 100-year storm event. Details and calculations for the detention basin 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 (if the project is not exempt from hydromodification), treatment calculations, post-construction storm water treatment measures, and maintenance requirements. The SWQMP shall demonstrate how proposed proprietary best management practices meet biofiltration 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 (unless a mechanical method of treatment is approved by the City Engineer). Mechanical methods of storm water treatment shall include pre-treatment measures. 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. All water main locations and sizing shall be to the satisfaction of the City Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
3. Water meters and back flow prevention devices shall not be installed within the driveway apron or private drive areas.
4. No trees or deep rooted plants shall be planted within 10 feet of any water service.
3. All water services shall be installed per current City of Escondido Design Standards and Standard Drawings.
4. A hydraulic analysis of the proposed water improvements will be required to determine water main sizes and water system looping necessary to provide adequate domestic service and fire protection as required by the City Engineer and Fire Marshal.
5. All on-site water lines not in public easements will be considered a private water system. The property owner will be responsible for all maintenance of these water lines and facilities.

### **SEWER**

1. All sewer main locations and sizing of mains shall be to the satisfaction of the City Engineer and Director of Utilities.
2. A private 6" minimum PVC sewer lateral with a standard clean-out within 18" of the Public Utilities Easement/right-of-way shall be constructed for each Lot and shown on the Improvement and Grading plans. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.

3. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main.
4. All sewer laterals will be considered a private sewer system. The property owners will be responsible for all maintenance of their individual sewer laterals to the sewer main.

### **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.

### **EASEMENTS AND DEDICATIONS**

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Plot Plan and Grading Plan.
2. Public utility easements for sewer, water, storm drain, etc. which are deemed necessary by the City Engineer shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
3. 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 Plot Plan. 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 Plot Plan. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

### **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 then in effect at the time, and in such amounts as may prevail when building permits are issued.

### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the property boundary or along fronting streets shall be relocated underground as required by the City's 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. All new dry utilities to serve the project shall be constructed underground.
3. 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.

## PLANNING COMMISSION

Agenda Item No.: G.3  
Date: February 12, 2019

**PROJECT NUMBER / NAME:** AZ 19-0001 / Wireless Communication Facilities Regulations

**REQUEST:** A proposed amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to update the requirements for wireless communication facilities within the right-of-way. The amendment includes an update to the entitlement process to streamline deployment of 5G networks and simplified language to be consistent with Federal Communications Commission Order. The proposal also contemplated new guidelines for wireless communications facilities in the public right-of-way which will be brought forth at a future date, as well as the environmental determination prepared for the project. No development project is proposed.

**LOCATION:** Citywide

**APPLICANT:** City of Escondido

**APN / APNS:** N/A

**PRIMARY**

**REPRESENTATIVE:** Planning Division

**GENERAL PLAN / ZONING:** N/A

**DISCRETIONARY ACTIONS REQUESTED:** Zoning Code Amendment and adoption of Guidelines

**PREVIOUS ACTIONS:** Planning Case No. AZ 19-0001

**PROJECT PLANNER:** Adam Finestone, Principal Planner  
[afinestone@escondido.org](mailto:afinestone@escondido.org)

**CEQA RECOMMENDATION:** Exempt (CEQA Guidelines Section 15061(b)(3)).

**STAFF RECOMMENDATION:** Provide a recommendation to City Council to approve the Project

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2019-02

**CITY COUNCIL HEARING REQUIRED:** ☒ YES ☐ NO

**REPORT APPROVALS:** ☒ Bill Martin, Community Development Director  
☒ Mike Strong, Assistant Planning Director

## **A. BACKGROUND:**

The City Council adopted Ordinance No. 2017-10R on June 21, 2017, approving an amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code. The June 14, 2017 City Council Staff Report, which introduced the ordinance for adoption, suggested monitoring the effectiveness of the Communications Antennas Ordinance and returning to City Council within two (2) years to address any modifications that may be necessary to keep up with the changing industry. Furthermore, the Federal Communications Commission (FCC) also adopted a declaratory ruling and order on September 26, 2018 that dramatically preempts local authority on the siting of personal wireless communication facilities. Among other things, the new rule: 1) shortens the time cities have to process applications for small communication facilities to either 60 days or 90 days, depending on whether they are being mounted on an existing or new structure; and 2) limits aesthetic review and requirements to those that are reasonable, comparable to requirements for other rights-of-way users, and published in advance. The effective date of the new FCC rules was January 14, 2019, which didn't give cities a great deal of time to respond. The recent FCC order is provided at the link below.

External link: <https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>

With the recent FCC order, and as cities navigate this rapidly-changing policy issue, there is an urgent need and responsibility to update the local regulations (contained in Article 34) and establish clear guidelines to plan for, develop processes around, and manage the deployment of small wireless facilities and the infrastructure necessary to support it throughout the city. The proposed Zoning Code Amendment largely simplifies local requirements and helps ensure that our approach to wireless infrastructure deployment promotes buildout of the facilities needed to provide 5G services citywide. The proposed Zoning Code Amendment is provided as an attachment to draft PC Resolution 2019-02.

The draft Guidelines were originally anticipated to be presented to the Planning Commission along with the proposed Zoning Code Amendment. However, staff has determined that, prior to presenting them to the Commission, additional revisions and refinements to the Guidelines are necessary based on recent conversations with wireless carriers and consultation with city staff from other local jurisdictions. It is anticipated that the draft Guidelines will be presented to the Planning Commission for consideration in March, after which time both the proposed Zoning Code Amendment and the draft Guidelines will be presented to City Council, likely in March or April.

## **B. PROJECT ANALYSIS:**

### **1. General Plan / Zoning**

The City Council adopted Ordinance No. 2017-10R on June 21, 2017, approving an amendment to Article 34 (Communication Antennas Ordinance) to anticipate the demand for new wireless communication facilities and support some of the advantages of wireless communication including flexibility, constant connectivity, and enhanced efficiency. The new FCC declaratory ruling and

report and order enacts new preemptions of local authority on wireless facility deployment and management of local public right-of-way. The proposed Zoning Code Amendment and supporting guidelines help Escondido prepare for expanded 5G deployment, pursuant to that FCC order.

The proposed Zoning Code Amendment would be consistent with the existing General Plan Goals and Policies to provide for quality communication systems. The basis of establishing and updating, as necessary, local standards and guidelines for communication antennas within the public right-of-way is to ensure that residents, public safety operations, and businesses have reliable access to wireless telecommunications networks, while also ensuring that this objective is accomplished according to zoning and planning standards. To accomplish the above stated objectives (and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable Federal laws and land use policies), the proposed amendments to Article 34 establishes a more customer-focused government that delivers efficient and effective services. The proposed Zoning Code Amendment and supporting Guidelines would:

- Provide new definitions of different types of wireless facilities and define the standards and criteria for the deployment of new facilities regarding height, location, bulk and size, and other characteristics of wireless communication facilities;
- Identify preferences in design and aesthetic standards for wireless communications facilities;
- Provide new requirements that clearly identify and prioritize the types of structures on which a wireless communication facility may be placed;
- Outline City requirements for a revised review process and submittal procedures for the various types of wireless communications facilities;
- Revise findings for approval of wireless communication facilities; and
- Create an administrative process for the review of a majority of wireless communication facilities consistent with federal laws and regulations.

The proposed Zoning Code Amendment is intended to ensure that the City of Escondido facilitates sufficient wireless infrastructure and access to reliable wireless communications services throughout all areas of city. The proposed Zoning Code Amendment represents the first step towards updating or local regulations to support 5G deployment. The proposed Zoning Code Amendment will be supplemented with new Guidelines described above.

### **C. ENVIRONMENTAL STATUS:**

The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes an update to established

criteria that in turn would be utilized to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed Zoning Code Amendment is not a “physical condition” that will impact the environment for the purposes of CEQA. Therefore, the proposed Zoning Code Amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

**D. CONCLUSIONS:**

The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. No other discretionary permits are requested or required.

The proposed project is consistent with the General Plan and helps position Escondido to establish a clear process to plan for, develop processes around, and manage the deployment of small wireless facilities throughout the city.

**ATTACHMENTS:**

1. Draft Planning Commission Resolution No. 2019-02



## ATTACHMENT 1

Planning Commission  
Hearing Date: February 12, 2019  
Effective Date: N/A

### PLANNING COMMISSION RESOLUTION NO. 2019-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO ARTICLE 34 (COMMUNICATION ANTENNAS) OF THE ESCONDIDO ZONING CODE TO MODIFY THE REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY

APPLICANT: City of Escondido

CASE NO: PHG 19-0001

WHEREAS, the Planning Commission of the City of Escondido did, on February 12, 2019 hold a Public Hearing to consider a request to amend Article 34 of the Escondido Zoning Code.

WHEREAS, the following determinations were made:

1. That a notice was published and mailed as required by the Escondido Zoning Code and applicable State law.
2. That the application was assessed in conformance with the California Environmental Quality Act and that the proposed amendment to the Escondido Zoning Code is exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the CEQA Guidelines since there would be no possibility of a significant effect on the environment.

3. That a staff report was presented discussing the issues in the matter.
4. That a Public Hearing was held and that all persons desiring to speak did so.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido:

1. That the above recitations are true and correct.
2. That the Planning Commission, in its independent judgement, finds that the proposed amendment to the Escondido Zoning Code is exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the California Environmental Quality Act Guidelines.
3. That the Factors to be Considered, attached as Exhibit "A" and incorporated herein as though fully set forth, were made by said Commission and issued as facts found to be true and supported by evidence.
4. That, considering the request to amend the Escondido Zoning Code and applicable law, the Planning Commission hereby makes a motion to RECOMMEND CITY COUNCIL APPROVAL of said amendments, attached as Exhibit "B."

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 12<sup>th</sup> day of February, 2019, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

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JAMES SPANN, Chairman  
Escondido Planning Commission

ATTEST:

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MIKE STRONG, Secretary of the  
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

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KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

Decision may be appealed to City Council  
pursuant to Zoning Code Section 33-1303

## **EXHIBIT “A”**

### **FACTORS TO BE CONSIDERED/FINDINGS OF FACT AZ 19-0001**

#### Zoning Code Amendment

1. Approval of the amendment to Article 34 (Communication Antennas) will not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in the zone or vicinity in which the property is located because Personal Wireless Communication Facilities currently are allowed within the public right-of-way in all zones throughout the City. The City Council adopted Ordinance No. 2017-10R on June 21, 2017, approving an amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code. The June 14, 2017 City Council Staff Report, which introduced the ordinance for adoption, suggested monitoring the effectiveness of the Communications Antennas Ordinance and returning to City Council within two (2) years to address any modifications that may be necessary to keep up with the changing industry. The proposed amendment re-examines the efficiency of the existing Ordinance, and proposes minor technical changes. No development project is proposed as part of this amendment.
2. The properties/zones involved are suitable for the uses permitted and would not be detrimental to surrounding properties because the public right-of-way can adequately accommodate wireless communication facilities and the amendment only includes appropriate development standards and processing requirements to evaluate the appropriateness of a proposed wireless facilities within the public right-of-way.
3. Escondido's economy relies on innovation and providing job opportunities for the City's residents. Ubiquitous, high speed mobile broadband is proven to have a significant impact on economic competitiveness and social prosperity. The proposed amendment would be consistent with General Plan Goals and Policies that call for a “Diverse and Economically Prosperous Economy” that address the need to provide broad economic prosperity and support for businesses of all sizes. General Plan Mobility and Infrastructure Goals (Goal 7, page I-19 and Telecommunication Goal 7, page III-51) call for providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all. The proposed amendment also is consistent with General Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Telecommunication Policy 17.8 requires compatible colocation of telecommunication facilities that are designed in a manner to minimize visual impacts

on surrounding uses, and Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and in the public right-of-ways.

4. The proposed Zoning Code Amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.
5. The proposed zoning code amendment would not affect any specific plans.

## EXHIBIT "B"

### DRAFT ZONING CODE AMENDMENT PHG 19-0001

#### Sec. 33-702. Definitions.

(a) For the purposes of this article, the following words, terms, phrases, and their derivations have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

*ANSI* means the American National Standards Institute.

*Antenna* means the same as defined in 47 C.F.R. § 1.6002(b), as may be amended.

*Camouflaged or Stealthy* means a personal wireless service facility or small wireless facility that is disguised, hidden, integrated into the architecture of an existing or proposed structure or placed within an existing or proposed structure, and designed to be compatible with the existing scale and pattern of development and/or characteristics of the site, as determined by the director of community development.

~~*Co-Location* means the use of a single mount on the ground by more than one carrier and/or personal wireless service facility (vertical co-location) and/or several mounts on an existing building, structure or site (horizontal co-location) by more than one carrier and/or personal wireless service facility.~~

*Collocation* means the same as defined in 47 C.F.R. § 1.6002(g), as may be amended.

*EMF* means electromagnetic fields, or the formation of electric and magnetic fields whenever electromagnetic energy moves from one point to another through electrical wires.

*FCC* means the Federal Communications Commission.

*Fixed Wireless Service* means a local wireless operation providing services such as local and long distance telephone, high-speed internet, and digital television to residential and business customers by means of a small equipment installation of less than thirty (30) inches in diameter (the "Remote Unit") on the exterior of each home or business that elects to use this service.

*IEEE* means the Institute of Electrical and Electronics Engineers.

*NCRP* means the National Council on Radiation Protection and Measurements.

~~*Personal Wireless Service* means any personal wireless service as defined by the Telecommunications Act, including but not limited to, commercial mobile radio services, unlicensed wireless services, common carrier wireless exchange access services, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, ground based repeaters for satellite radio services, micro-cell antennae and similar systems which exhibit similar technological characteristics.~~

Personal Wireless Service means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended.

~~Personal Wireless Service Facility~~ means any component for the provision of personal wireless service including all related equipment, buildings, structures, and improvements.

Personal Wireless Service Facility means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended.

*Power Density* means the measures of a wave's total energy as a function of its distance from its

source (generally measured in milliwatts per square centimeter or mW/cm<sup>2</sup>) as defined by the FCC.

RF means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.

*RFR* means radiofrequency radiation, or the formation of radiofrequency radiation generated by the movement of electromagnetic energy through space, including radio and microwaves, which is used for providing telecommunications, broadcast and other services.

*Satellite Dish Antennas* means circular or saucer shaped antennas using parabolic or spherical reflecting surfaces, or similar antennas which are designed to transmit and/or receive communication signals from satellites.

Small Wireless Facility means a Personal Wireless Service Facility which:

(1) Is mounted on a structure 50 feet or less in height including their antennas, mounted on a structure which is no more than ten (10) percent taller than other adjacent structures, or does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and

(2) has antennas no larger than three (3) cubic feet; and

(3) has associated wireless equipment which is cumulatively no larger than 28 square feet, including any pre-existing equipment; and

(4) does not require antenna structure registration; and

(5) is not located on tribal lands; and

(6) does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.

*Telecommunications Act* means the Telecommunications Act of 1996.

### **Sec. 33-703. Personal wireless service facilities guidelines—Five general principles.**

The following principles shall serve as general guidelines for the city's consideration of applications for personal wireless service facilities. Additional guidelines for small wireless facilities in the public right-of-way may be adopted pursuant to Section 33-704(k)(8).:

(a) Height guidelines—Utilize lowest profile technology.

(1) Discourage further consideration of high-profile antenna installations (such as non-camouflaged towers and monopoles) on visually prominent sites. Personal wireless service facilities should be designed to be in scale with surrounding buildings and tree heights.

(2) Use existing structures as opposed to introducing new ones.

(3) Encourage facilities that meet the zone's height standards.

(4) Use landscaping (such as dense tree growth) or other measures to minimize visual impacts and screen the facility.

(b) Location guidelines—Avoid proliferations that create or compound undesirable visual impacts, but also encourage co-location, where appropriate.

(1) Encourage the use of commercial, and industrial, and public right-of-way sites whenever possible, and discourage the use of residential zones. Wireless communication facilities proposed to be located within residential zones/areas shall consider the following and submit a feasibility study to implement the following options before proposing a wireless facility on a residentially developed property:

(A) Residential zoned properties developed with nonresidential uses (i.e., schools, churches, parks, etc.);

(B) Public right-of-way (such as existing or new light pole or other utility structures).

(2) Encourage single sites utilizing stealth designs and latest technologies.

(3) Ensure full aesthetic integration of new facilities into the proposed locations.

(4) Ensure that the area covered by wireless facilities which are screened and landscaped to minimize visual impacts is large enough to incorporate appropriate visual screening methods.

(5) Ensure that proposed landscaping has permanent proper irrigation and maintenance.

(6) Require amended co-location language for facility leases on city-owned properties to include:

(A) Modification requirements as technology advances.

(B) Square foot minimums for leased lots to ensure proper buffering areas.

(7) Encourage co-location on existing sites where it is possible to avoid obtrusiveness, up to the point where a structure or site has too many antennae/structures and becomes visually cluttered.

(8) Ensure that the mass and scale of proposed facilities are not excessive in order to meet the carriers reasonable coverage objectives.

(c) Stealth technology guideline - Encourage creative, unobtrusive stealth technology.

(1) Encourage personal wireless service facilities to be camouflaged or integrated into or onto existing structures, wherever possible. When a personal wireless service facility extends above the roof height of a building on which it is mounted, the facility should be



concealed within or behind architectural features to limit its visibility from public ways. Facilities mounted on a roof should be stepped back from the façade in order to limit their impact on the building's silhouette and reduce visibility from adjacent public ways. Existing visual obstructions or clutter on the roof or along the roof line should, in a commercially practical matter, be removed or screened (such as a parapet or architectural element that serves as a rooftop screen) as a precursor to the new wireless installation. Facilities which are façade-mounted should blend with the existing building's architecture, materials and colors.

(2) Require designs that are in scale and context with their surroundings.

(3) Encourage creative designs with the least visual impact and the use of microtechnology where possible.

(4) Encourage designs that mimic natural elements, and that are natural in appearance, by including:

(A) Natural colors applied in a natural-looking way.

(B) Inclusion of related forms and textures as they commonly would be found in nature.

(C) Antenna or facility elements formed in, clad by, or screened by natural-looking features.

(5) If a stealthy design is not feasible, proposed facilities shall be surrounded by buffers of dense landscaping including tree growth of sufficient width, height and understory vegetation to create an effective year-round visual buffer. Permanent irrigation shall also be provided.

(d) Older facility guidelines—Encourage older facilities to upgrade using less obtrusive technology.

(1) Require facility upgrade when leases on City-owned property are up for renewal.

(2) Facility modifications should incorporate the latest technology consistent with this article.

(e) Emissions guidelines—Ensure that emissions do not exceed federal thresholds.

(1) Require that every installation meets all Federal Radiation Standards to ensure public health, including NCRP, ANSI/IEEE and FCC standards and guidelines.

(2) Require that each facility owner adhere to all Federal (FCC) emission testing stipulations and timetables.

**Sec. 33-704. Personal wireless service facilities—Development and operating standards.**

The following operating standards shall apply to all personal wireless service facilities:

(a) Interference. The operation of personal wireless service facilities shall be in conformance with all applicable Federal Communications Commission regulations regarding interference with other equipment.

(b) Screening. All personal wireless utility equipment (i.e., antennas, support structures, mounts, equipment, etc.) shall be screened from view of adjacent properties or public rights-of-way to the maximum extent possible. Screening may include integrating architectural elements, color and texture of the antenna structure, fencing, landscaping, or other method appropriate to the specific situation. Screening may be waived by the director of community development if the available methods of screening create a greater visual impact, or call greater attention to the facility than if otherwise left unscreened.

(c) Equipment. Associated equipment shall be placed within an existing building whenever possible.

(d) Setbacks and height. With the exception of small wireless facilities located in the public right-of-way, antennas, poles, mounts and all utility equipment shall not be located in required front, rear, side and street side-yard setback areas. All façade-mounted and roof-mounted facilities and screening materials shall not project above the height limit of the zoning district within which the facility is located, unless otherwise permitted in conformance with section 33-8 (building height) and section 33-1075 (permitted structures in excess of height limits) of the zoning code. Facilities installed on residential uses in residential zones shall meet the underlying zones height standards for principal structures. Height limitations for small wireless facilities in the public right-of-way shall comply with the development standards contained in any guidelines adopted pursuant to Section 33-704(k)(8).

(e) RFR emissions. Ninety (90) days after installation of any facility, under full operating conditions, the applicant shall measure the radio frequency(ies) emitted by the facility and submit an operational radio frequency study to the planning division to verify conformance of the facility with the theoretical study and applicable ANSI/IEEE and FCC standards for radiofrequency radiation exposure.

(f) Noise. Noise levels generated by wireless equipment shall not exceed the noise level limits of the underlying zone and receiving land use, whichever is less. Appropriate siting and building measures shall be incorporated into the facility to comply with the city's noise requirements. An acoustical study may be required, as determined by the director of community development.

(g) Lighting. Personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other on-site facilities for maintenance purposes shall be shielded from abutting properties.

(h) Signage. Signs shall be limited to those needed to identify the property and the owner and to warn of any danger; shall provide one (1) or more twenty-four (24) hour emergency telephone numbers; and shall be subject to the approval of the planning division.

(i) Maintenance. All facilities, landscaping and related equipment shall be maintained in good working condition and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days. Damaged, dead or decaying plant materials shall be removed and replaced within thirty (30) calendar days.

(j) Hillside and ridgeline overlay district. Personal wireless service facilities located within close proximity to a skyline ridge or intermediate ridgeline shall be subject to the provisions of the hillside and ridgeline overlay district.

(k) Public right-of-way. All requirements of this article shall apply to the placement, construction, modification or reconstruction of ~~any personal~~ all small wireless service facilities proposed within the public right-of-way, except to the extent precluded by state or federal law. The following ~~general~~ additional requirements also shall apply:

(1) All ~~personal wireless service~~ small wireless facilities must comply with the city's requirements for an encroachment permit as set forth in Chapter 23 of this code and any guidelines adopted pursuant to this article. All applicants shall enter into a license agreement as provided by the city to the extent the facility is proposed to be located on city facilities.

(2) ~~Personal wireless service~~ Small wireless facilities in the public right-of-way shall be installed on existing street light poles or substantially similar replacement poles in the same location, or shall be strand-mounted on existing overhead utility lines unless said lines are located within a utility undergrounding district or are required to be placed underground as a condition of approval for a development project that has received its entitlement(s). Where it has been demonstrated that it is not feasible to locate on an existing street light or similar replacement pole, a small wireless facility may be installed on a new streetlight to supplement existing lighting. New or replacement street light poles shall be designed to resemble the appearance and dimensions of a street light typical of the surrounding neighborhood, including size, height, color, materials and style, whenever to the maximum extent feasible. Where it has been demonstrated that it is not feasible to locate on an existing, replacement, or new street light pole, a small wireless facility may locate on an existing ~~traffic signal,~~ utility pole, bus stop, or other appropriate vertical structure within the right-of-way. The installation of a new vertical structure, that is not a street light may be permitted by minor conditional use permit. The installation of a new wooden pole is not permitted. Small wireless facilities shall not be permitted on traffic signals, archways spanning public streets or pedestrian plazas, and/or on public art.

(3) All ~~personal~~ small wireless service facilities in the right-of-way shall be sited in order to minimize potential visual and compatibility impacts with adjacent properties. Placing small wireless facilities along non-classified residential streets and/or along the front yard of single-family residentially zoned properties ~~should~~ shall be avoided unless it is demonstrated that it is not feasible to do so. Small Wireless ~~wireless~~ facilities must be designed to be visually unobtrusive, to the maximum extent feasible, as described in any guidelines adopted pursuant to this section. ~~with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.~~

The equipment must be painted or textured to match the color or surface of the structure on which they are attached, or otherwise screened to reduce their visibility.

(4) ~~No more than two (2) panel antennas may be mounted on a single pole or structure. No antenna may exceed three (3) feet in length. Antennas shall be vertically mounted to a pole or support structure (excluding strand mounts) in compliance with any applicable separation requirements. An antenna enclosure attached to the top of a utility pole or street light shall be cylindrical in shape and shall not exceed four (4) feet in height. New street lights or replacement poles must match the height and design of the existing street light in the same neighborhood. In no case shall a new wireless facility exceed thirty-five (35) feet in height. The antennas and other related equipment shall be mounted as close to the pole as possible, with no more than a four (4) inch gap, to minimize impacts to the visual profile. Pole-mounted equipment, exclusive of antennas, shall not exceed seven (7) cubic feet in dimension. Pole-mounted equipment shall not exceed a dimension of twelve (12) inches in width and twelve (12) inches in depth. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.~~

(54) All small wireless facilities installed in the public right-of-way shall comply with the development standards included in any guidelines adopted pursuant to this ordinance to the maximum extent feasible. Development standards in the adopted guidelines may address various design aspects including, but not limited to, size, spacing, quantity, location, color, method of mounting, orientation, concealment of cables, wires, and conduit, and other physical aspects of the antennas, equipment, and structures on which the facilities are mounted. The spacing between existing poles and new personal wireless service facilities must avoid visual clutter and maintain the existing character of the surrounding neighborhood. In residential areas, an individual wireless carrier must provide a minimum separation of three hundred (300) feet from any of their other wireless facilities within the right-of-way.

(65) No personal small wireless service facility may be located within the public right-of-way where there are no overhead utility facilities or streetlight poles unless permitted pursuant to a minor conditional use permit, unless otherwise permitted under section (k)(3). No new overhead wires shall be allowed in areas where undergrounding of utilities has occurred.

(76) All other nonNon-antenna equipment associated with the any small personal wireless service facility in the public right-of-way shall be placed underground to the maximum extent feasible, except any required electric meter or disconnect switch associated with an installation on an existing utility pole. Equipment shelters shall not be allowed in the public right-of-way where their presence would interfere with existing uses or infrastructure. If allowed in the public right-of-way, they and shall be located as to minimize impacts to neighborhood aesthetics, and pedestrian access, and shall not impair vehicular site distance and or adversely impact pedestrian or vehicular safety.

(87) Wireless facility permits. All new personal small wireless service facilities proposed within the public right-of-way, and any collocations or modifications to existing small wireless facilities within the public right-of-way shall require the issuance of a wireless

facility permit. The director may establish the forms and submittal requirements to implement the requirements of this article section and any guidelines adopted pursuant to it. ~~The director may refer any application for a wireless facility permit to the planning commission for consideration at a noticed public hearing.~~

(A) Administrative permit. All proposed small wireless facilities which meet all the requirements in this article and any adopted guidelines adopted pursuant to it, may be processed through an administrative wireless facility permit. The director, or his/her designee, shall determine whether an application meets the requirements of this article and any adopted guidelines. The permit will be approved if the regulations are met, or denied if the regulations are not met. The application process shall follow the procedures and fees for a plot plan and design review set forth in any guidelines adopted pursuant to this article. The decision of the director or his/her designee is final.

(i) Applications for administrative permits shall demonstrate conformance with the preferred development standards established by any guidelines adopted pursuant to this section. If conformance with a preferred development standard(s) is not feasible, the applicant shall demonstrate conformance with the next-preferred development standard and provide justification as to why the preferred standard is not feasible. When determining whether a preferred development standard is not feasible, the director shall make all of the following findings:

a. That the applicant has demonstrated that the preferred development standard would materially inhibit the provision of wireless services;

b. That the location proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible;

c. That the design proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible; and

d. That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available.

(B) Minor conditional use permit. Small wireless facilities proposed on new vertical structures that are not street lights shall require a minor conditional use permit, pursuant to Article 61 of this code. ~~All other proposed facilities that the director determines do not meet the requirements of this article or any adopted guidelines must be processed through a minor conditional use permit.~~ The applicant must pay any necessary application fees in accordance with a minor conditional use permit application.

(C) Small wireless facilities that are not eligible for an Administrative Permit or Minor Conditional Use Permit are prohibited.

~~(G)(D)~~ Zoning administrator findings. In addition to the findings in section 33-1203, the zoning administrator must also ~~make the following findings in approving a minor conditional use permit for a personal wireless service facility: find that it is not feasible to provide the service on other preferred locations using the same required findings identified in Section 33-704(k)(7)(A)(i).~~

(E) If the decision of the director or Zoning Administrator is not satisfactory to the applicant, the applicant may appeal the decision to the Planning Commission in accordance with procedures set forth in Article 61.

(98) The city council may, by resolution, establish additional criteria, clarifications and guidelines for the location, operation, design and review of ~~personal~~ small wireless service facilities in the public right-of-way.

(l) Installation of remote units (less than thirty (30) inches in diameter) required for fixed wireless service on private property or installed by the City are not subject to the provisions of this Article 34 and are exempt from review by the planning commission or the city council.

(m) Residential locations. The following development standards shall apply to any wireless communication facility located on land developed with residential as the primary use.

(1) A wireless facility should not be located on a parcel less than ten thousand (10,000) square feet, with no more than one (1) wireless facility located on a parcel less than one (1) acre in size.

(2) Freestanding wireless antenna facilities/structures (not incorporated into the architecture of the main residence) should be set back from the adjacent property boundary a minimum distance of one and one-half (1.5) times the height of the wireless facility.

(3) Wireless antenna facilities should not encroach into the minimum setbacks required of the main residence.

(4) Freestanding equipment structures may be located anywhere on the site as provided for accessory structures. The equipment structures should be designed to be architecturally compatible with the main residence/residential structure.

(5) The planning commission may modify development requirements: (1) and (2) of this subsection (m) upon the findings the proposed wireless facility will not result in any adverse compatibility, noise or visual impacts to surrounding properties; and the project design and location modifications represents the most appropriate alternatives for the subject property.

**Sec. 33-705. Personal wireless service facilities—Application requirements.**

(a) The following shall be included with an application for all personal wireless service facilities except for small wireless facilities in the public right-of-way:

(1) A city-wide map showing the provider's other existing facilities and the general area of currently anticipated future personal wireless service facilities in the city and outside the city, within one (1) mile of its corporate limits.

(2) The qualifications of the person who prepared the required RFR study, including such information as his or her education and professional qualifications, experience preparing studies, history demonstrating compliance with FCC guidelines, etc.

(3) Existing before photographs and after visual simulations. A sight line representation drawn to scale) may also be required (as determined by the director of community development) which shall be drawn from adjacent public roads and the adjacent properties (viewpoint) to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile and show all intervening trees and buildings, and be accompanied by photographs of what currently can be seen from the specific site and a visual simulation of the proposed facility. An on-site mock-up or balloon simulation also might be required for highly visible or sensitive sites to adequately assess the potential visual impact of the proposed facility.

(4) A description of proposed materials and colors of the proposed facility specific by type and treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.).

(5) Preliminary landscape and irrigation plan, if required.

(b) The city reserves the right to employ experts, at the applicant's expense, to evaluate information submitted with the application to ensure compliance with local regulations for land use, and to verify compliance with the Federal Communications Commission's standards for RFR emissions.

(c) Applicants shall submit a theoretical radiofrequency radiation study (prepared by a person qualified to prepare such studies) with the application which quantifies the proposed project's radiofrequency emissions, demonstrating compliance of the proposed facility with applicable NCRP and ANSI/IEEE and FCC policies, standards, and guidelines for maximum permissible exposure (MPE) to radiofrequency radiation emissions. The study shall also include a combined (cumulative) analysis of all the wireless operators/facilities located on and/or adjacent to the project site, identifying total exposure from all facilities and demonstrating compliance with FCC guidelines. An updated radiofrequency study shall be submitted for any modification to a facility.

(d) Application materials required for small wireless facilities proposed in the public right-of-way pursuant to section 33-704(k) shall comply with any guidelines adopted pursuant to that section.

**Sec. 33-706. Personal wireless service facilities—Land use approval.**

(a) A plot plan application shall be required for all personal wireless service facilities/antennas and facilities which are permitted in the zone and which do not require a conditional use permit.

(b) City staff shall review plans for planning, siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and conformance with the wireless facilities guidelines. After such review, staff may approve, conditionally approve, or deny the proposed plan, or refer it to the planning commission for approval, conditional approval, or denial. As a component of the project review, the applicant must include details regarding the ability to provide the necessary utilities (i.e., telco and power) and appropriate access to the site. All new utility service runs shall be placed underground.

(c) Residential and open space zones. Personal wireless service facilities in these zones shall require a conditional use permit issued by the planning commission pursuant to Division 1 of Article 61 in all residential and open space zones. Personal wireless service facilities located within the public right-of-way within or adjacent to residential zones or open space zones shall require the issuance of a conditional use permit.

(d) Commercial and industrial zones. Plot plan approval or a conditional use permit shall be required in commercial and industrial zones according to the following chart:

	CG	CN	CP	HP	M-1	M-2	I-P
<b>Personal Wireless Communication Facilities</b>							
Roof-mounted or building-mounted incorporating stealthy designs and/or screened from public ways or significant views	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that incorporate stealthy designs and do not exceed 35' in height	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that exceed 35' in height, or roof or building mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C

P = Permitted subject to plot plan review.



C = Conditionally permitted subject to a conditional use permit (CUP).

(e) Co-Location. Co-location of personal wireless service facilities is encouraged to the extent it is technically feasible, up to the point where a structure or site has too many antennae and becomes visually cluttered, subject to the following siting criteria and chart:

	CG	CN	CP	HP	M-1	M-2	I-P
<b>Personal Wireless Communication Facilities</b>							
Co-location on existing buildings or structures, or adding an additional facility on a site	P	P	P	P	P	P	C
Co-location including new pole-mounted or ground-mounted structures that exceed 35' in height, or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C

RA	RE	R-1	R-2	R-3	R-4	RT	OS
C	C	C	C	C	C	C	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a conditional use permit (CUP).

(f) Planned Development and Specific Plans. Unless specifically permitted or conditionally permitted as part of the planned development or specific plan, any wireless communication facility shall not be permitted within these zones unless a modification to the master development plan or specific plan is approved by the planning commission or city council, as may be required.

(g) Applications for small wireless facilities in the public right-of-way shall be processed and reviewed as outlined in section 33-704(k) and any guidelines adopted pursuant to said section.

### **Sec. 33-707. Personal wireless service facilities—Modifications and upgrades.**

Except for small wireless facilities in the public right-of-way identified in section 33-704(k), the A modification of a personal wireless service facility which was not specified in the original design/approval (including, as examples, an increase in height, the number of antennas/panels, an increase in mass and scale, etc.) may be considered equivalent to an application for a new personal wireless service facility, and will be subject to the requirements of this article. However, upgrades to existing facilities to incorporate new technology which, in the discretion of the director, do not in-crease the existing mass and scale, increase the height or visibility of the structures, or decrease the overall height of the facility, may be approved by the director, and/or may be referred to the planning commission. Modifications and upgrades to small wireless facilities installed in the public right-of-way pursuant to section 33-704(k) shall be reviewed as described in said section and in any guidelines adopted pursuant to it.

### **Sec. 33-708. Personal wireless service facilities—Abandonment or discontinuation of use.**

(a) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the city in writing of the proposed date of abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

(b) Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of antennas, mount, equipment shelters and security barriers from the subject property;

(2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal programs;

(3) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(c) For small wireless facilities installed in the public right-of-way, the city shall reserve the right to require a bond to ensure removal of such facilities, and the replacement of any structures removed as part of the installation, upon abandonment or discontinued use. The city may, at its sole discretion, require any structure installed in the public right-of-way for the purpose of installation of a small wireless facility to be left in place, and such structure shall become the possession of the city upon abandonment or discontinuance of

use by the carrier. The city may also require the carrier to replace any structure that was removed in order to install the facility