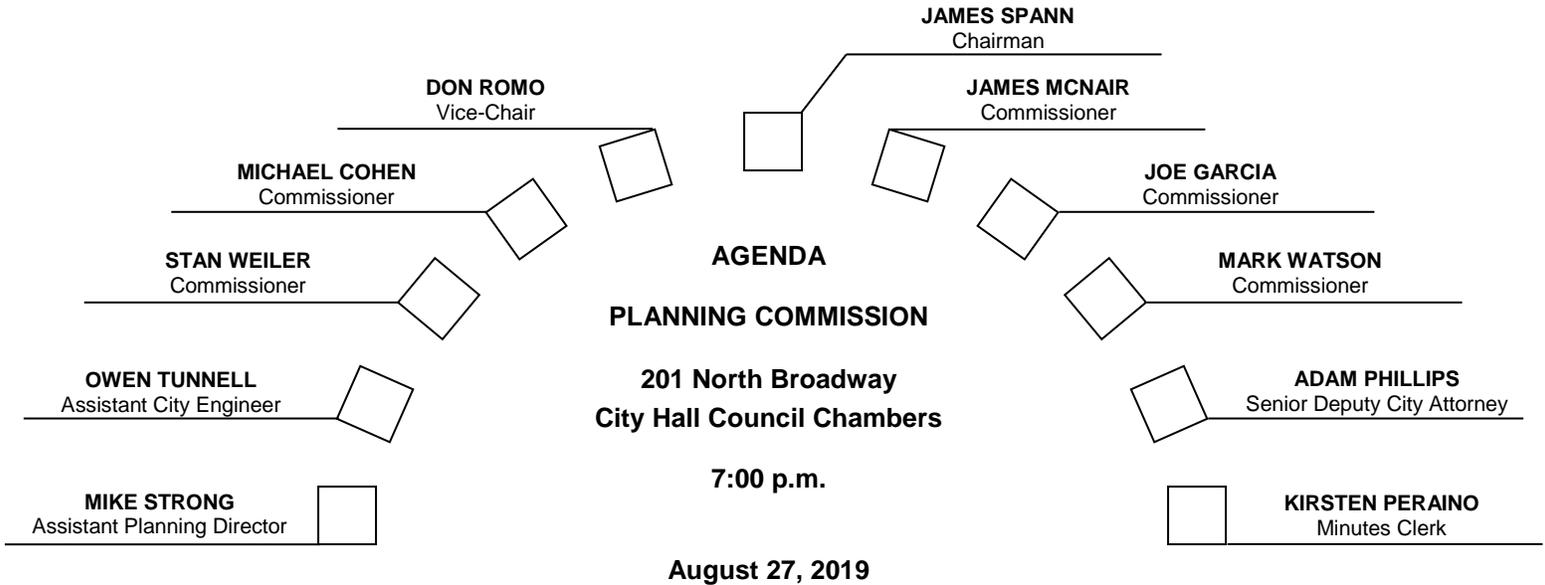


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER: 7:00 p.m.
- B. FLAG SALUTE
- C. ROLL CALL:
- D. MINUTES: [08/13/19](#)

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.

**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. MASTER AND PRECISE DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT FOR A 131-UNIT MIXED-USE DEVELOPMENT WITHIN THE DOWNTOWN SPECIFIC PLAN – PHG 19-0014:

REQUEST: A Master and Precise Development Plan to construct a six-story, mixed-use structure in the Historic District of the Downtown Specific Plan containing 131 apartment units, 4,289 sf of commercial space, underground parking, and an outdoor common area with a pool for residents. The site currently is a municipal parking lot containing 118 public parking spaces. The proposed structure would be 67 feet in height with parapet walls and a tower element that extend up to 75 feet in height. The project would provide 30-studios, 46 1-bedroom and 55 2-bedroom units ranging in size from 370 square feet to 1,293 square feet. A two-story garage would contain 212 parking spaces with 153 spaces for residents (including 19 tandem spaces) primarily in the basement and 59 spaces for public parking on the ground level. An additional 17 public parking spaces would be provided along the alley. Zoning provisions allow a density of 75 units per acre for a maximum of 79 units at the site. The request includes a density bonus of 35% or 28-units (including 9 units for Very Low Income households) and incentives to provide affordable housing, and an allocation of 24 units from the Density Transfer Program for the Downtown Specific Plan area through a Development Agreement. The project also includes a request to adopt a Class 32 Exemption in accordance with the California Environmental Quality Act (CEQA).

PROPERTY SIZE AND LOCATION: The 1.044-acre site is located at the southeast corner of Maple Street and West Valley Parkway, addressed as 137 West Valley Parkway.

ENVIRONMENTAL STATUS: Exempt pursuant to CEQA Section 15332, Class 32 In-fill development project prepared by Harris & Associates, March 2019.

APPLICANT: Touchstone Communities, LLC

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**

August 13, 2019

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-Chair; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: None.

Staff present: Mike Strong, Assistant Planning Director; Owen Tunnell, Assistant City Engineer; Adam Phillips, Senior Deputy City Attorney; Adam Finestone, Principal Planner; Jasmin Perunovich, Assistant Planner I; Ann Dolmage, Associate Planner; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner Watson to approve the Action Minutes of the July 23, 2019 meeting with a modification to state that Brian Wilson spoke in favor of Item G.2, not in opposition. Motion carried unanimously (7-0).

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT – PHG 19-0012:

REQUEST: A Conditional Use Permit to increase the capacity of an existing licensed residential care facility for the elderly (aged 60 and above), from six (6) to twelve (12) beds, on a 17,000 SF lot in the R-1-10 zone (Single-Family Residential, 10,000 SF minimum lot size). The request includes a proposed 1,656 SF, one (1) story, addition to the existing 2,450 SF, one (1) story, house and would increase the number of bedrooms from four (4) to nine (9). The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Approximately 0.39-acres, at the western terminus of Heather Place, west of S. Orleans Avenue, addressed as 2512 Heather Place (APN: 231-640-25-00).

ENVIRONMENTAL STATUS: Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Section 15303, Class 3 “New Construction or Conversion of Small Structures.”

STAFF RECOMMENDATION: Approval, with changes to the project’s conditions of approval.

PUBLIC SPEAKERS:

Jacob Enriquez, spoke in opposition to the project.

Chris Keyser, spoke in opposition to the project.

Michael Van Linge, spoke in opposition to the project.

Debra Rogers, spoke in opposition to the project.

Gary Groenberg, spoke in opposition to the project.

Anthony Barber, spoke in opposition to the project.

Ronald Shook, spoke in opposition to the project.

Arni Montazer, Applicant, spoke in favor of the project.

Hamid Montazer, Applicant, spoke in favor of the project.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed various aspects of the project.

COMMISSION ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Watson to deny staff's recommendation for the proposed CUP. Motion carried unanimously (7-0); project was denied.

2. MASTER AND PRECISE DEVELOPMENT PLAN AND SPECIFIC PLAN AMENDMENT – PHG 17-0028:

REQUEST: A Master and Precise Development Plan and an amendment to the Downtown Specific Plan to allow for a 145-unit affordable senior housing project in the Gateway Transit District of the Downtown Specific Plan. The proposed senior housing project involves the demolition of three existing buildings; and the construction of a four-story structure above podium parking, with 142 parking spaces, and other associated improvements. The Specific Plan Amendment would allow ground-floor residential uses to be considered on the subject property, change the parking requirement for senior housing projects to be consistent the Escondido Zoning Code, and change the open space requirements for multi-family projects. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: A 1.47-acre lot on the northeast corner of W. Valley Parkway and N. Quince Street, addressed as 220 N. Quince Street (APN 229-331-10-00)

ENVIRONMENTAL STATUS: An Initial Study/Mitigated Negative Declaration (City File No. ENV 17-0008) was prepared and issued in compliance with all requirements contained in the California Environmental Quality Act (CEQA) and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts related to Cultural and Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Noise.

STAFF RECOMMENDATION: Approval, with changes to the project's conditions of approval.

PUBLIC SPEAKERS:

Matthew Jumper, Applicant, available for questions.

Maritza Ruvalcaba, spoke in opposition to the project.

Alicia Ruvalcaba, spoke in opposition to the project.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed various aspects of the project.

COMMISSION ACTION:

Moved by Commissioner Cohen, seconded by Commissioner Watson to approve staff's recommendation with a change to Architecture and Design Condition #9 to read, "Louvered vents or other method of screening acceptable to the Director of Community Development shall be provided on the ground floor in order to screen the garage from public view. Wrought iron fencing is not sufficient." Motion carried unanimously (7-0).

CURRENT BUSINESS:

1. **Precise Development Plan (PHG 18-0047)** for a single-family residential development known as North Avenue Estates, containing 34 residential lots and five (5) open space lots. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: North Avenue and Conway Drive (APNs: 224-153-19; -20)

STAFF RECOMMENDATION: Approval

PUBLIC SPEAKERS:

Sean Doyle, Applicant, available for questions.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed various aspects of the project.

COMMISSION ACTION:

Moved by Commissioner McNair, seconded by Commissioner Weiler to approve staff's recommendation carried unanimously (7-0).

ADJOURNMENT:

Chairman Spann adjourned the meeting at 9:01 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, August 27, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

Mike Strong, Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

DRAFT

PROJECT NUMBER / NAME: PHG 19-0014 – “Aspire”

REQUEST: A Master and Precise Development Plan to construct a six-story, mixed-use structure in the Historic District of the Downtown Specific Plan containing 131 apartment units, 4,289 square feet of commercial space, underground parking, and an outdoor common area with a pool for residents. The site currently is a municipal parking lot containing 118 public parking spaces. The proposed structure would be 67 feet in height with parapet walls and a tower element that extends up to 75 feet in height. The project would provide 30-studios, 46 1-bedroom and 55 2-bedroom units ranging in size from 370 square feet to 1,293 square feet. A two-story garage would contain 212 parking spaces with 153 spaces for residents (including 19 tandem spaces) primarily in the basement and 59 spaces for public parking on the ground level. An additional 17 public parking spaces would be provided along the alley. Zoning provisions allow a density of 75 units per acre for a maximum of 79 units at the site. The request includes a density bonus of 35% or 28-units (including 9 units for Very Low Income households) and incentives to provide affordable housing, and an allocation of 24 units from the Density Transfer Program for the Downtown Specific Plan area through a Development Agreement. The project also includes a request to adopt a Class 32 Exemption in accordance with the California Environmental Quality Act (CEQA).

LOCATION: 137 W. Valley Parkway

APPLICANT: Touchstone Communities, LLC

APN / APNS: 229-421-26-00

PRIMARY REPRESENTATIVE:
Addison Garza

GENERAL PLAN / ZONING: SPA-9 / Historic District
of the Downtown Specific Plan

DISCRETIONARY ACTIONS REQUESTED: Master and Precise Development Plan, Density Bonus Application, Development Agreement, and allocation of additional density from the Density Transfer Program.

PREVIOUS ACTIONS: None

PROJECT PLANNER: Peggy Chapin, Planning Consultant, pchapin@escondido.org

CEQA RECOMMENDATION: Exemption - Class 32 CEQA Guidelines Section 15332

STAFF RECOMMENDATION: Approval, as conditioned

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-18

REPORT APPROVALS: Bill Martin, Community Development Director

Mike Strong, Assistant Planning Director

A. BACKGROUND:

Downtown Escondido is a dynamic city center offering cultural events, retail, services, businesses, and medical offices, employment opportunities, and a range of housing within the core and in adjacent communities. The proposed project is located at the southeast corner of Maple Street Plaza and West Valley Parkway within Escondido's downtown urban core (Exhibit A). The 1.04-acre property is currently owned by the City of Escondido and contains 118 public parking spaces. Construction of the proposed residential/commercial structure would result in the removal of the public parking lot, mature trees, and landscaping.

Situated within the Historic District of the Downtown Specific Plan (DSP) area, the site is in close proximity to a variety of services, theaters, restaurants, grocery and specialty retail shops. Future residents could easily walk to local schools, churches, city library, City Hall, Escondido's Center of the Arts, and Grape Day Park. The Escondido Transit Station, located a ½ mile distance to the west, offers bus service to areas around San Diego County and Sprinter rail transit service to Oceanside for transfers to San Diego and Los Angeles. An historic car event, "Cruisin' Grand", and a farmer's market occur weekly during summer months. Cultural events at the Center for the Arts, "Lights Out" events, street fairs are additional attractions for local Escondido residents and visitors. Surrounding land uses include a bank building to the east; City Hall and Center for the Arts to the north across West Valley Parkway; an alley along the southern boundary; retail, restaurants and offices to the south and east; and Maple Street Plaza, a pedestrian plaza with a fountain, landscaping, lighting, benching and trellises to the west.

B. PROJECT ANALYSIS:

1. General Plan / Zoning

The City's General Plan and Downtown Specific Plan (DSP) encourage dense development in urbanized areas that are within close proximity to entertainment, retail, and professional offices. The site is located within the City's downtown core that allows for up to 75 dwelling units per acre. Based on the property size of 1.044 acres, current zoning would allow for 79 units. DSP zoning allows for a maximum height of four-stories and 60 feet. The request is to construct 131 apartment units and two commercial suites within a six-story structure 67 feet in height with parapet walls and a tower element that extends up to 75 feet in height at the corner of West Valley Parkway and Maple Street Plaza.

The DSP contains provisions enabling an applicant to request modifications to standards contained in the DSP pursuant to an approved Planned Development Application (DSP pp. III-19 and III-27). The applicant proposes to increase the number of stories specified in the DSP from four stories to six stories and to increase the height from 60 feet to 67 feet with a 70' in height tower element.

2. Specific Plans Goals and Objectives:

The DSP guidelines states “higher density, pedestrian-oriented and mixed-use projects are encouraged that add to the economic viability of the downtown” (DSP pp. III-11). Additional downtown goals are summarized below:

- Ensure its economic viability,
- Create a local and regional destination,
- Foster a vibrant atmosphere that offers mixed uses,
- Provide for street level and human scale design elements,
- Offer higher residential densities that support downtown commercial which reduces the need for automobile dependency.
- Expand pedestrian connections and alternative transportation modes, and
- Promote and achieve DSP goals require an active population who live, work, and play within the downtown.
- Mixed-use commercial uses wrapping around street corners create a strong retail edge.

Without adequate residential housing opportunities to generate enough pedestrian activity to support restaurants, stores, and businesses, the downtown will not meet its goals in the long term. Commercial viability requires continued stability and residential growth secured by increasing multi-family development.

The proposed project would be consistent with the goals and objectives of the Downtown Specific Plan. The project would improve the residential population growth in the downtown thereby increasing opportunities for more shoppers, diners, and clients to local businesses. The additional residential activity downtown would ultimately improve overall downtown economics and increase business opportunities.

3. Physical Characteristics

The project site is located within the Historic District of the DSP at 137 West Valley Parkway, between South Maple Street and North Broadway. An asphalt public surface parking lot containing 118 parking spaces occupies the 1.04-acre site referred to as municipal parking lot #1. Construction of the project would require removal of the asphalt, mature trees, and landscaping.

Bordering the parking lot is Maple Street Plaza containing benches, lattice, landscaping, fountain and decorative paving. Construction of the project would necessitate removal/relocation of several Maple Street Plaza features, including the removal of the fountain and subterranean pump equipment and relocation of a trellis and street furniture. Public art fees from the development of this project would be combined with existing public art funds to provide a new fountain feature in a central area of the plaza. The two commercial spaces in the project fronting on Maple Street Plaza would be granted exclusive use to about 15 feet of the plaza adjacent to the building for outdoor seating for customers.

The northern frontage of the building along West Valley Parkway would include two driveway entrances with one providing vehicular access to the subterranean level of the garage and the other providing access to the ground level of the parking garage. The primary pedestrian entry for residents also located on this side of the building would provide access to the leasing office, bike storage, mail and a small 474 sf recreation room. An exterior wall panel on the ground floor along West Valley Parkway would be utilized for an artistic mural that would be coordinated with City staff.

Bordering the southern portion of the property is a 20'-wide east-west alley used by local businesses to access rear entrances for deliveries, employees and in some instances use by patrons. The alley currently accommodates vehicles in an eastbound direction. The proposed improvements would include 17 public parking spaces along the alley, pedestrian access to the garage and retail space, public bicycle parking, and trash containers for residents enclosed with an overhead door. Landscaped planters installed on the second floor overlooking the alley would extend over the wall to accent the building wall.

4. Planned Development (Master and Precise Development Plan)

The application requests construction of a six-story mixed-use building that includes the following:

- 79 base residential units (75 dwelling units per acre)
- 35% Density Bonus or an additional 28 units ($78 \times .35 = 28$) including 11% or nine units for Very Low Income households
- 24 units transferred to the project from the Density Transfer Program
- Total units – 131 ($79 + 28 + 24 = 131$)
- 4,289 square feet of commercial space at facing East Valley Parkway and Maple Street Plaza
- Adopt Class 32 CEQA Exemption prepared for the project
- Approve a Development Agreement

The Master and Precise Development Plan application includes a six-story building totaling 179,530 square feet. The structure would provide 131 residential units for rent (30 studios – ranging in size from 370 to 679 sf, 46 one-bedroom units ranging from 736 sf to 800 sf, and 55 two-bedroom units ranging from 978 sf to 1,293 sf), a 4,289 square foot commercial space, a two-story parking garage (first level – at grade and second level - below grade). Mechanical equipment including air conditioning units would be located within visual/acoustical enclosures on the roof. Specifically, each floor is described below:

The subterranean parking garage would contain 144 spaces for residents including 4 electric vehicle (EV) spaces, 30 compact spaces, and 19 tandem spaces. There would be 58 storage spaces (7 lockers) for residents on this level.

The ground floor or first floor contains 85 total vehicle parking spaces including 17 spaces along the alley, 4 accessible spaces for project residents, and 76 spaces for the public. An 878 square foot bike storage for 48 bicycles and bike repair room, 13 motorcycle parking spaces, mail room,

common recreation room, leasing office, residents entry, and trash/recycling enclosure would also be housed on this ground floor level. Additionally, two commercial suites (1,985 and 2,304 square feet) totaling 4,289 square feet would be located along Maple Street Plaza and the corner of West Valley Parkway,

Residential units would be located on the second through six levels. The second level contains 23 residential units (6 studios, 6 1-bedroom, and 11 2-bedroom units), a 3,010 square foot resident common/recreation room, and a 9,797 square foot outdoor deck that features a pool, spa, barbeque, and lounge areas. The third through six floors contain 27 residential units each (6 studios, 10 1-bedroom, and 11 2-bedroom units). Each unit would be provided with a private balcony space and laundry facilities.

Approval of the application would convert the site from a public parking lot to residential/commercial use. In order to assess the potential impacts of the loss of public parking spaces within the downtown, Walker Consultants prepared a Parking Analysis, dated January 17, 2019. The parking analysis conducted field research of a study area of the downtown. The study area selected is bordered by Woodward Avenue, Kalmia Street, E. 3rd Avenue and South Escondido Boulevard.

To understand the current usage of the parking lot (known as Lot 1) and the potential demand for parking, an analysis was performed and included an inventory of parking supply, occupancy counts, and length of stay. Additionally, Walker Consultants conducted a field inventory of on- and off- street publicly owned parking spaces and privately-owned off-street spaces that could easily be accessed parking spaces within the study area. Occupancy counts were conducted during a Farmer's Market, a typical weekday, and a typical weekend.

The study concluded the following:

1. The study area has a total parking supply of 2,750± spaces. Of that total 1,650±, are publicly available for general use both in parking lots and on public streets.
2. Peak demand for the study area occurs on weekdays between 10a.m. and 1 p.m. During this period, there was a parking surplus in the plan area of 1,190± spaces including a surplus of 700-850 public spaces.
3. During this peak demand period, there were 45 – 56% of the parking spaces within Parking Lot 1 utilized by employees of local government or businesses rather than customers or visitors.
4. Employees parking for four hours or longer for the City's municipal buildings and for local businesses should be encouraged to use nearby public lots to reduce the concentrated areas for parking and to encourage increased pedestrian activity.
5. The proposed inventory of 76 public spaces is projected to be adequate to serve the public demand for customer/visitor parking on the project site for typical busy days. At peak periods for parking in the downtown, the Walker study projects that the actual high turnover public demand for Lot 1 is 64±spaces.

Customer parking accounts for approximately one-half the current usage of Parking Lot 1 with the balance of spaces occupied most of the day by employees. Directing employees to more under-utilized parking in the downtown area would essentially maintain the current customer parking availability on the ground level of the proposed development. The public parking lot (ground floor garage) will be equipped with a modern parking detection and management system with display showing parking availability both on the street and at the public parking entrance gate. The project will also contribute a fair share toward a Citywide parking management system with real time parking availability signage for public parking lots.

5. Density Bonus Request

The proposed project will provide much needed rental housing including affordable units to the city and the community. The Housing Element, a component of the General Plan, assesses housing needs from January 1, 2013, through December 31, 2020, and identifies strategies and programs that focus on:

- Conserving and improving existing affordable housing,
- Providing adequate housing sites,
- Assisting in the development of affordable housing,
- Removing governmental and constraints to housing development, and
- Promoting fair housing opportunities.

The state of California requires all cities adopt a Housing Element that includes goals for providing adequate housing for all income levels. This Regional Housing Needs Assessment (RHNA) is assigned by income category. (§§ 65584 – 65584.09). Typically, approximately 40 percent of the local housing need is to provide housing for very low income and low income households (collectively “lower income housing,” for households generally earning 80 percent or less of the area median income or AMI); approximately 20 percent for moderate income housing (those earning between 80 and 120 percent AMI); and the remaining 40 percent for above-moderate income housing (earnings over 120% AMI). The proposed development would provide an additional 9 units for very low income households (31-50% of the AMI) and 118 market-rate units.

The California Density Bonus Law (California Government Code, Sections 65915–65918) encourages the development of affordable and senior housing, by affording applicants/developers with up to a 35 percent increase in project densities, depending on the amount of affordable housing provided. The amount of the density bonus is based upon the percentage of affordable units provided at each income level. The Downtown Specific Plan allows for 75 dwelling units per acre on the project site. Based on a 1.044-acre site, 79 units could be permitted. The applicant proposes to reserve 11% of its base density units (9-units) for Very Low Income households to qualify for the 35 percent density bonus (an additional 28 units) over the base density.

The Density Bonus law is a state mandate. A developer who meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. The Density Bonus Law allows for an applicant proposing affordable housing units to request waivers from the local development standards where these standards would physically preclude the construction of a project at the permitted density. There is no limit on the number of development standard

waivers that may be requested or granted for a project. The project is requesting a waiver to the following development standards in the Downtown Specific Plan: maximum height limit and stories and the open space requirement.

The applicant requests the following waivers as part of the Density Bonus application:

- Open Space - Reduce the amount of required usable open space per unit from 300 sf to 212 sf per unit since the site does not have the area to provide additional open space and common open space is provided for residents.
- Increased Height - Increase the height from four stories to six stories and from 60 feet to 67 feet with parapets screening HVAC units and architectural tower element ranging up to 75 feet to accommodate the additional number of units and provide affordable housing.

6. Density Transfer Program Request

The recently approved Density Transfer Program within the Downtown Specific Plan area provides opportunities where an applicant can request approval to exceed residential densities on a case-by-case basis subject to approval of a Planned Development and Development Agreement. The Density Transfer Program establishes a density credit pool consisting of density not utilized on City-owned properties and/or unused density from undeveloped or underutilized properties. Available density contained in the Density Credit Pool could be transferred to a developing parcel to increase the density beyond what is permitted through maximum density allowances in the DSP. Upon submittal of a Planned Development Application and approval by the City Council, an applicant may request to have density transferred from the density pool provided there is available density.

The City has kick-started the density credit pool with unused density from city-owned parcels within the DSP. Specifically, the city would transfer 48 available density units from Municipal Parking Lot #4 at the corner of East 2nd Avenue and Kalmia Street (APN 233-081-26-00) which is zoned for 75 dwelling units per acre. These credits were placed in the Density Transfer Program credit pool. The Ivy project approved on June 19, 2019 received 24 units. There are 24 remaining units that are proposed to be allocated to the Aspire project.

While State Density Bonus Law mandates the approval of density bonus projects and related developer incentives when a project complies with state requirements, there is no similar City mandate to grant a density transfer request through the Density Transfer Program. Each project request to receive transfer units from the credit pool is reviewed on a case-by-case basis for project design, CEQA compliance and consistency with the DSP. All of these aspects are evaluated in other sections of this report.

7. Development Agreement Request

Development Agreements are administered pursuant to Article 58 of the Zoning Code. A Development Agreement is a voluntary legal agreement between the City and the developer.

Generally, a developer receives increased certainty for constructing a project in return for providing more public benefit than normally required.

Maple Street Plaza - Construction of the project will necessitate removing existing Maple Street Plaza benches, fountain, landscaping, and trellis and a portion of the decorative paving. Project public art fees and existing public art funding will be used for reconstruction of the fountain and related equipment. The owner will relocate the existing improvements being displaced to a new location within Maple Street Plaza subject to City approval. Cleaning and maintenance of the new Maple Street Plaza fountain and ancillary equipment will be the responsibility of the project owner in perpetuity.

The project will be permitted to use a portion of Maple Street Plaza for outdoor café seating. This space will extend approximately sixteen feet from the exterior of the building. This area will be maintained (routine care, cleaning, repair and replacement) by the project owner.

Public Parking – The project owner will design and construct a new parking structure that contains 59 public and guest parking spaces on the ground floor. Construction will include installation of infrastructure to facilitate future improvements within the garage for access gates, signage, security attendant station, etc. The public/guest parking spaces contained in the ground floor level of the garage will be maintained by the project owner in perpetuity. The City retains the right to implement time restrictions for these spaces.

Density Transfer Program Request - The applicant is requesting an additional 24 units from the recently approved Density Transfer Program credit pool. The credit pool has been created from an initial infusion of density from Municipal Parking Lot 4 on the northwestern corner of 2nd Avenue and Kalmia.

Parking Garage Electronic Display – A Public Parking Management System will be implemented as a project feature to reduce vehicle trips. The public parking lot will be equipped with a modern parking detection and management system with display showing parking availability both on the street and at the public parking entrance gate. The project will also contribute a fair share toward a Citywide parking management system with real time parking availability signage for public parking lots.

C. PROJECT COMPONENTS:

1. Design:

The proposed use will utilize an existing Municipal Public Parking Lot #1 and construct a mixed-use six-story structure comprised of apartment units and commercial space. The DSP design policies, standards and guidelines state that projects “shall incorporate high-profile and vertical design features sufficient to portray a desirable urban quality” (DSP pp III-7). Additionally, the project’s commercial retail space will front on East Valley Parkway and Maple Street Plaza utilizing patio seating on Maple Street Plaza.

Design features include decks/balconies for each unit, an open community plaza with pool and recreational features, and an exterior patio for outside seating for the commercial space fronting Maple Street Plaza. The proposed building materials would incorporate a stucco sand finish with brick veneer and hardie-plank wood slats. The main body colors would be white, charcoal, blue, light gray and burnet orange with khaki brown siding and light gray brick veneer. Dark gray brick veneer would cover the ground floor of the proposed buildings. Other architectural materials include aluminum framed roll-up garage doors, operable glazing, horizontal metal railing, wood corner trellis, and aluminum overhanging features.

The DSP standards state that the buildings should be in close proximity to the street edge to provide an urban look. The project achieves this standard while providing articulation in wall planes to avoid a monotonous appearance. Six trees planted along West Valley Parkway would accent the structure.

2. Open Space Common Areas and Private Areas:

The project would provide four open space common areas totaling approximately 16,117 square feet. An approximately 9,797 square foot outdoor space would offer residents and guests a community pool and spa, lounge area, gas fire pits, artificial turf area, bar with gas fire pit feature and barbeque grills. (Figure X, Landscape Concept Plan). Specific components of the project include:

- 9,797 sf outdoor deck area with pool, spa, barbeque and lounge areas
- 3,010 sf recreation room on the second floor,
- 474 sf resident common room or flex space and seating along Maple Street Plaza,
- 11,571 sf of private open space for resident including 88 sf of private balconies for each unit.
- Overall, the project would provide approximately 27,688 sf of private and common open space or 212 sf per residential dwelling unit.

The DSP requires 300 square feet of open space per residential dwelling unit. The proposed development would provide 212 square feet of open space per unit. In order for the project to provide affordable housing units pursuant to the Density Bonus Law, the project is requesting a reduction to the open space standard. The existing development standards would preclude the construction of the permitted density under the State Density Bonus Law. The project site does not have the physical area to meet the required amount of open space and therefore would be entitled to relief from the open space standard in return for the provision of affordable housing units.

The proposed reduction in open space can additionally be supported because the site is in close proximity to major city park facilities. The site is located within a couple of blocks of Grape Day Park and the city library. Grape Day Park is the oldest park in the city with unique historic opportunities such as the Santa Fe Railroad depot, blacksmith shop, turn-of-the-century working barn, museums and monuments. Other amenities include Heritage Walk, Vinehenge, an interactive public art project, horseshoe pits, municipal swimming pool, picnicking and restrooms.

3. Circulation, Traffic, Parking and Construction Impacts

Circulation and Traffic – A traffic study prepared by Linscott, Law & Greenspan Engineers was completed on August 16, 2019. The study analyzed 8 intersections and 6 street segments during the AM and PM peak hour periods. The report concluded that the project would generate 1,286 daily trips with 85 total AM peak traffic and 101 total PM peak hour trips upon completion and occupancy.

Per the City of Escondido significance thresholds and the analysis methodology presented in this report, the majority of study area intersections and street segments are calculated to operate at acceptable LOS D or better, which exceeds the relevant LOS E threshold given the Project's location within the downtown area. Installation of a Parking Management System for parking availability detection would result in an 8% reduction in trip generation. This system, that would include detection of public parking availability within the Historic District, would improve operation of two study area street segments on Valley Parkway and 2nd Avenue that are calculated to operate at less than a LOS E under Year 2035 conditions. Additionally, these segments are built to their ultimate General Plan capacities. As such there are no capacity-enhancing improvements for the Project to contribute to that would improve segment operations. Based on the estimated trip generation, the project would not result in a significant impact.

Parking - The site design is oriented towards the corner of West Valley Parkway and Maple Street Plaza with the main entrance for residents along West Valley Parkway. Vehicular access to the parking garage would be provided by two 24-foot wide driveways from West Valley Parkway. The easternmost access would provide access to the subterranean parking garage for residential parking only. The western access driveway would lead to the first floor street level parking for guests, public parking and disabled access. The one-way east bound alley on the southern side of the development would provide an additional 17 spaces for public parking, pedestrian access into the parking garage, and rear access for the commercial space.

The project would provide a total of 229 on-site parking spaces in two levels. The first level garage would provide 68 parking spaces within the garage and 17 spaces along the alley. 76 of the 85 garage and uncovered parking spaces would be allocated for public and guest shared parking on this level. An 878 sf bicycle storage/repair room would also be provided. The subterranean parking garage would provide 144 parking spaces (including 19 tandem spaces and four EV parking spaces) for project residents only. Residential storage lockers (7) and wall mounted storage spaces (50) totaling 10,575 cubic feet would be allocated for residents. The DSP allows up to 25% of the parking spaces to be tandem spaces (DSP pp III-20) and the project complies with that standard.

The DSP allows for applicants to request exemptions from the standards contained in the DSP when processing a Planned Development application. The applicant proposes an exemption from the required number of parking spaces (229 spaces) in return for providing a total of 153 parking spaces for residents and 76 on-site parking spaces for the public. As noted in the following table,

the State parking requirement for this Density Bonus project at 0.5 spaces per unit would be 66 parking spaces.

Parking Summary Table

Parking Summary	Proposed	Required per Gov. Code 65915(p) for Density Bonus	Required per City Downtown Specific Plan
Unit Type	Spaces per unit	Spaces per unit	Spaces per unit
Studio – 30 units	0.5 per unit – 15	0.5 per bedroom – 15	1.0 per unit – 30
1 bedroom – 46 units	1.2 per unit – 55	0.5 per bedroom – 23	1.5 per unit – 69
2 bedroom – 55 units	1.5 per unit – 83	0.5 per bedroom – 28	1.75 per unit – 97
	Total Spaces – 153	Total Spaces - 66	Total Spaces - 196
Total Units – 131	Public & Guests Spaces - <u>76</u> Total Proposed - 229	Guest spaces not required Total State Code - 66	Guest spaces 0.25 per unit – <u>33</u> Total City Code - 229

The applicant requests the following parking exemptions:

- Reduce the amount of required resident parking spaces from 196 spaces to 153 spaces. The project proposes to utilize 76 spaces for public parking and guest spaces rather than provide 118 replacement public parking spaces and 33 guest spaces.
- **Justification:** As discussed above, Parking Analysis was prepared by Walker Consultants dated January 17, 2019 indicates that Parking Lot #1 (project site) is not adequately utilized by customers of the downtown businesses but rather by employees of local business and city hall. The report also noted that additional parking is available in the downtown area, within other public parking lots, and along West Valley Parkway for public parking.

CA Gov't Code limits parking to 0.5 spaces per bedroom for Density Bonus projects within ½ mile of a transit station to encourage the use of mass transit. Additionally, the City's DSP encourages a shift in orientation from building streets primarily for automobiles and to facilitate the broader vision of directing downtown's and the City's circulation system toward a truly 'multimodal' transportation network. The reduced parking encourages the use of alternate transportation such as bus and rail transit, bicycling, and walking.

Construction Impacts - Project site grading would occur over a two-month period exporting 19,000 cy of soil for construction of the subterranean parking structure with an average of 32 truckloads per day for soil removal. The building footprint encompasses the majority of the site. During the period of garage construction, construction parking would utilize the Woodward parking lot and lease local parking lots until parking can be accommodated on site. The applicant would

provide the city with parking options for construction worker parking until it can be accommodated on site.

D. SUPPLEMENTAL DETAILS OF REQUEST

- 1. Property Size: 1.04 acres, 45,302 SF lot size
- 2. Proposed Density: 131 dwelling units on the 1.044-acre site = 125.5 dwelling units per acre.

Proposed Project Density Table

Site Acreage	1.044 gross/net
Density Allowed per DSP – 75 du/acre	79 du/acre
Affordable Density Bonus of 35% (11% or 9 units set aside for Very Low Income households)	28 units
Density Transferred from Density Transfer Program credit pool	24 units
Total Number of Units Proposed	131 units

- 3. Building Size: 179,530 SF including 131 residential units.
6 stories with a basement garage.
- 4. Commercial Area: 4,289 sf of retail/restaurant space in two commercial suites.
- 5. Parking:

<u>Required (DSP)</u>	<u>Proposed</u>
196 spaces for residents	144 for residents
33 spaces for guests	76 spaces for public and guest (net loss of 42 public spaces)

The project provides a two-level parking garage. The DSP requires 196 resident parking space and 33 guest spaces for a total of 229 spaces. The reduction in required parking is requested through the Planned Development and as a Density Bonus incentive. Electric vehicle (EV) charging stations would be provided within the parking garage.

- 6. Parking/Garage: 2 Stories – 17 spaces along the alley, 76 spaces within ground floor garage for guest/public/resident use, 144 resident-only spaces (including 19 tandem spaces) within the subterranean garage totaling 229 spaces.

- 7. Setbacks

<u>Required</u>	<u>Proposed</u>
-----------------	-----------------

Street Side (North):	14' from ultimate curb face	14" from ultimate curb face
Interior Side (at PL)	14' from ultimate curb face	14' from ultimate curb face
West Side (None)	14' from ultimate curb face	14' from ultimate curb face
Rear Yard (alley)	None	None
8. Retaining Walls:	None	
9. Signage:	One vertical wall sign as reflected on plans (approximately 9' x 18') would be permitted. An alternative design for this sign would be limited to a maximum of 100 sf as permitted per the DSP. Additional signs for commercial tenants would be permitted as identified in figure III-7 of the DSP.	
10. Landscaping:	Maple Street Plaza, a public street converted to a public plaza with landscaping, benches and a fountain, is located along the western boundary. New ornamental landscaping, irrigation, and street trees to be provided along West Valley Parkway. Some Maple Street Plaza landscape improvements would be removed and reconstructed to City approval. Biofiltration basins are designed within the landscaped area.	
11. Bicycle Facilities	Two-way bicycle lanes are located on the north side of West Valley Parkway. The lanes are part of the City's Bicycle Master Plan. Use of the two- way bicycle lane travels directly to the Escondido transit station. The project would include a 48 bicycle capacity storage area and repair room on the ground floor.	
12. Trash:	One central trash enclosure would be accessed behind an 8-foot roll-up door along the alley with a hose bib and drain provided for cleanup. The concrete pad would be sloped and drains would be tied to the sewer system to avoid pollutant runoff into Escondido Creek. Trash collection service would be provided 4 times a week by Escondido Disposal. Trash pickup would be limited to the hours between 8:00 a.m. and 5:00 p.m.	
13. Fire Safety	A fire lane/short-term loading zone would be located on West Valley Parkway and along the alleyway. Installation of 4 new fire hydrants would be located near each of the four corners of the building.	
14. Lighting	Light fixtures will be installed to illuminate building exterior, walkways, parking areas, and along the alley walkway to provide security for residents and guests. Prior to building permit, a lighting plan would be prepared that indicates proposed lighting is adequate for walkways, are limited to low profile, low level to limit glare on adjacent property or public streets.	

15. Storm Water

Improvements:

Run-off from the roof would be collected via roof drains and discharged into biofiltration planters. Biofiltration planters would be located along perimeter areas of the project and within the podium open space/recreation area to meet the pollutant control and flow control standards required by the City's Standard Urban Storm Water Mitigation Plan (SUSMP).

16. Heating & Ventilation:

Heating, ventilation, and air conditioning (HVAC) units would be installed on the roof in five clusters. Clusters would be set back a minimum of 20 feet from the edge of the roof. All HVAC equipment would be installed on mechanical pads with visual screening and acoustical enclosures such that noise from HVAC operation does not exceed 50 dBA at the nearest off-site receptor.

17. Residential Storage:

A minimum of 80 cubic feet (cf) of private storage area for each unit with a minimum dimension of not less than 2 feet is required by the DSP. The amount of storage required is 10,480 cf. The project offers a total of 10,575 cf of storage spaces (6,900 cf of wall mounted storage and 3,675 cf of storage lockers) in the basement garage for a total per unit of 81 cf.

E. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. Effect on Fire Service – The site is served by Fire Station No. 1 (310 North Quince Street), which is within the seven and one-half minute response time specified for urbanized areas in the General Plan. Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that fire hydrants will be constructed at each of the corners of the site and adequate turning radius for fire apparatus will be constructed at corner and the alley. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. Traffic –A Traffic Impact Study was prepared by Linscott Law & Greenspan, Engineers on August 6, 2019. According to the study, the project does not materially degrade the levels of service on the adjacent streets.
4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining street or easement. The project does not materially degrade the levels of service of the public sewer and water system.

5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project has provided a drainage study and designed drainage facilities to control runoff. Raised planter boxes would be constructed in the outdoor courtyard and street level for treatment of stormwater runoff. In addition, stormwater features have been designed to meet the pollutant control standards required by the City's Storm Water Design Manual (City of Escondido 2016). Runoff from the site discharges directly in to concrete-lined Escondido Creek. The project does not materially degrade the levels of service of the existing drainage facilities.

F. ENVIRONMENTAL STATUS:

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 In-fill Development Project. CEQA Guidelines lists classes of projects that have been determined to not have a significant effect on the environment and as a result are exempt from review under CEQA. The site is currently vacant, disturbed, and cleared of all structures and vegetation.

A Class 32 CEQA Exemption for The Ivy Project was prepared by Harris & Associates in February 2019. The document demonstrates that the project or its circumstances would not result in any exceptions identified in CEQA Guidelines, Section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines, Section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Based on the environmental analysis provided in the Class 32 CEQA Exemption, no circumstances previously evaluated in the previously certified Final EIR for the General Plan and Downtown Specific Plan (May 23, 2012) and the Addendum to the certified Final EIR (March 21, 2019) have changed with respect to the proposed development. In addition, the proposed project would not create substantial changes or bring to light new information of the substantial importance that was not previously examined in these Final EIR and Addendum. As a result, Harris & Associates prepared a Class 32 CEQA Exemption pursuant to the CEQA's requirements for an "in-fill development" within an urbanized area. The analysis presented in the Class 32 CEQA exemption from Harris & Associates, dated March 2019, demonstrates that the project qualifies for the exemption and does not have significant effect on the environment.

G. PUBLIC OUTREACH AND AREAS OF CONTROVERSY:

City staff presented the proposed development to several community groups including the Downtown Business Association on January 9, 2019, the Chamber of Commerce on January 10, 2019, the Historic Preservation Commission on March 21, 2019, and the Old Escondido Neighborhood on February 20, 2019. Notices for the Planning Commission hearing were mailed to all interested persons, organizations, and business who attended prior workshops and requested to be noticed of upcoming hearings.

Some concerns have been expressed regarding the loss of public parking spaces, height of the proposed structure within the downtown area, lack of historic design elements to cohesively connect with the Old Escondido Neighborhood and the Historic District, and overall mass and scale of the project. Other comments have included support for increased residential activity within the downtown area that would generate a stronger customer base for retailers, services, entertainment, restaurants and other businesses.

Most of the apprehension surrounding the project appears to relate to parking and building height. The proposed development would replace 76 of the existing 118 public parking spaces on the site resulting in a loss of 42 public parking spaces. As discussed earlier in this report, the Walker Parking Study noted that hundreds of surplus parking spaces are available in the downtown area for general use both in parking lots and on public streets. It is understood those spaces may not be as convenient as the existing spaces, but parking is available. In addition, the City's Grand Avenue Visioning Project will likely result in approximately 40 additional parking spaces on Grand Avenue by reducing travel lanes to one in each direction and incorporating diagonal parking spaces. Phase I is anticipated to be implemented in approximately one year.

The proposed building would include six stories in a 67-foot building height where four stories up to 60-foot high are permitted by the Downtown Specific Plan. Additional architectural elements on the building range up to 75-feet on the northwestern corner. While the planned development process allows this type of deviation from development standards, the applicant has also noted the additional height and stories are necessary as an incentive permitted under state Density Bonus Law for the provision of affordable housing. The building would be higher than the commercial buildings located within the adjacent retail core area on Grand Avenue, which has a three-story/45' height limitation, but the Downtown Specific Plan anticipates increased building height as one progresses further from that core area. In addition, there are buildings of similar height in the vicinity of the project site including the 73.5-foot high tower on the Lyric Theatre across the street at the CCAE Escondido, and the 53-foot high (with penthouse structures at 65-foot) AT&T building at 126 South Broadway.

H. CONCLUSIONS:

The proposed project is consistent with the General Plan and the Downtown Specific Plan as it encourages higher density urban residential growth in the Downtown SPA. The project site lies within the Downtown SPA's Historic Downtown District, which is "a successful specialty retail shopping and office employment area that is comfortable, attractive, and safe for pedestrians and

employees. Grand Avenue, Escondido's Civic Center, and Grape Day Park are the focus and heart of Downtown. New development, higher densities, residential opportunities and pedestrian places and courtyards are encouraged to provide an optimal setting for urban living in close proximity to entertainment, retail and professional offices."

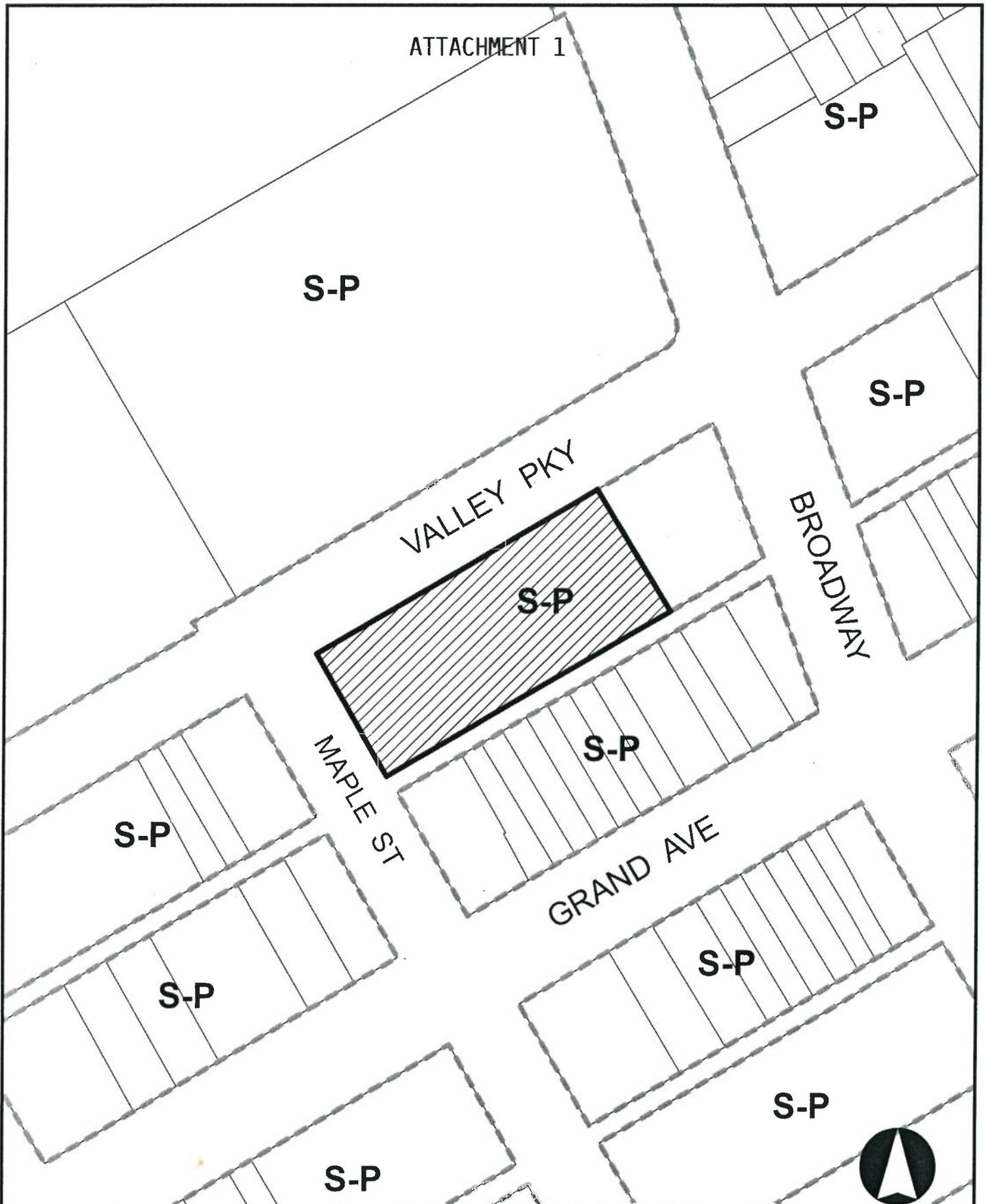
The Planning Commission has the authority to recommend approval of a Planned Development Permit that instills components of a well-planned development that would not impact the community and the environment. Information submitted with the project details how design components and/or conditions of approval would offset any impacts of the development and reflect how the project would further the goals and objectives of the DSP and the City's General Plan.

Staff recommends the Planning Commission approve the Master and Precise Development Plan for a six-story, 179,530 square foot, mixed-use building that includes 131 residential units including 9 units for Very Low Income households, underground parking, an outdoor common area with pool, and other amenities as outlined below:

- 1) Approve Master and Precise Development Plan, PHG 19-0010, that includes the following incentives:
 - a. Reduction from 229 required resident/guest parking spaces to 153 spaces for residents and 76 spaces for the public and guests.
 - b. Reduction of open space from 300 sf per unit to 212 sf per unit.
 - c. Increase in the maximum height of 60' to a 67' height with additional parapets and a tower element ranging up to 75 feet in height.
 - d. Increase the number of stories from four to six stories to allow for additional units resulting in the provision of 9 affordable housing units.
- 2) Approve the 35% Density Bonus request resulting in the provision of 9 units for Very Low Income households,
- 3) Approve the proposed Development Agreement to include a request to participate in the Density Transfer Program and allocate a transfer 24 residential units from the density credit pool to the project.
- 4) Adopt the proposed Class 32 CEQA Exemption in compliance with CEQA guidelines.

ATTACHMENTS:

1. Location and General Plan Map
2. Planning Commission Resolution 2019-18
3. Public correspondence
4. Walker Consultants Parking Analysis
5. Class 32 CEQA Exemption dated August 2019

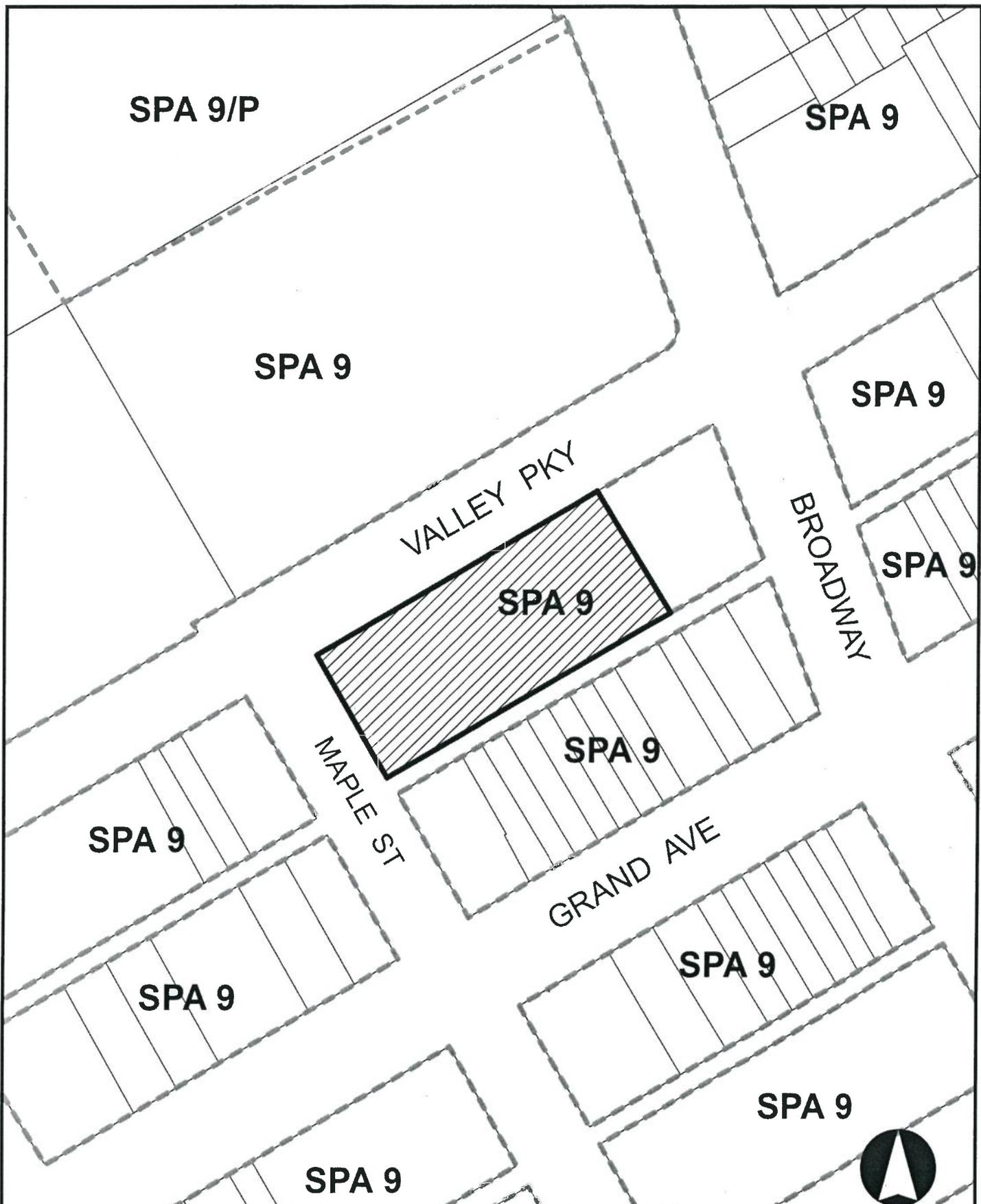


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**PROPOSED PROJECT
PHG 19-0014**



ZONING



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**PROPOSED PROJECT
PHG 19-0014**



GENERAL PLAN

ATTACHMENT 2

Planning Commission
Hearing Date: August 27, 2019
Effective Date: August 28, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF A MASTER AND PRECISE DEVELOPMENT PLAN FOR A 131-UNIT MIXED-USE DEVELOPMENT, A DENSITY BONUS FOR AFFORDABLE HOUSING, A DEVELOPMENT AGREEMENT TO TRANSFER DENSITY AND ADOPTION OF A CLASS 32 CEQA EXEMPTION

APPLICANT: Touchstone Communities

CASE NO: PHG 19-0014

WHEREAS, Touchstone Communities, LLC (aka Touchstone MF Fund I, LLC, hereinafter referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 19-0014) constituting a request for a Master and Precise Development Plan for development of a six-story mixed-use structure containing 131 apartment units, 4,289 square feet of commercial space, subterranean and surface garage, recreation areas for residents, adjacent sidewalk improvements, and relocation of the fountain and fountain equipment at Maple Street Plaza. The project will provide studios, 1-bedroom, and 2 bedroom units ranging in size from 370 square feet to 1,293 square feet and 212 parking spaces including 153 spaces for tenants including 19 tandem spaces, and 59 public parking spaces on the ground floor garage, and 17 public parking spaces along the alley. The request includes a 35% Density Bonus or 28 units (including 9 units for Very Low Income households) for providing affordable housing and allocation of 24 units from

the Density Transfer Program for the Downtown Specific Plan area through a Development Agreement resulting in development of 131 dwelling units on the site. The project also includes adoption of a Class 32 Exemption accordance with the California Environmental Quality Act (CEQA). The 1.044-acre site is located at 137 West Valley Parkway (APN 229-421-26-00), within the Historic District of the Downtown Specific Plan area, 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, multi-family and commercial are permitted uses or conditionally permitted uses within the Historic District of the Downtown Specific Plan area plan, subject to the approval of a Master and Precise Development Plan Permit, in accordance with the Residential Land Use Matrix of the Downtown Specific Plan; and

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

WHEREAS, the Planning Division 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 August 27, 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 August 27, 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 adopt the Class 32 CEQA Exemption, Section 15334 of the California Environmental Quality Act, prepared for the project by Harris & Associates, dated August 2019, as described in the May 28, 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 "B," 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 the City Council approve the application to develop the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "C," the graphic representations in the development plan set forth in Exhibit "D," and the Development Agreement set forth in Exhibit "E." This Planning Commission expressly declares that it would not have made this recommendation to approve 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. Said development plan 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. This Project is conditionally approved as set forth on the application and project drawings, all designated as approved by the Planning Commission, and shall not be altered without the express authorization by the Planning Division. Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory 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 and as specified in the Development Agreement approved for the project. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates

portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with 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 27th day of August, 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

EXHIBIT "A"
LEGAL DESCRIPTION
PHG 19-0014

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

PARCEL 1:

LOTS 21 THROUGH 24 INCLUSIVE IN BLOCK 68 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886.

PARCEL 2:

LOTS 25 AND 26 IN BLOCK 68 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, JULY 10, 1886.

PARCEL 3:

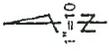
LOTS 27 AND 28 IN BLOCK 68 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886.

PARCEL 4:

LOTS 29 THROUGH 33, INCLUSIVE, BLOCK 68 OF ESCONDIDO IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886.

APN: 229-421-26

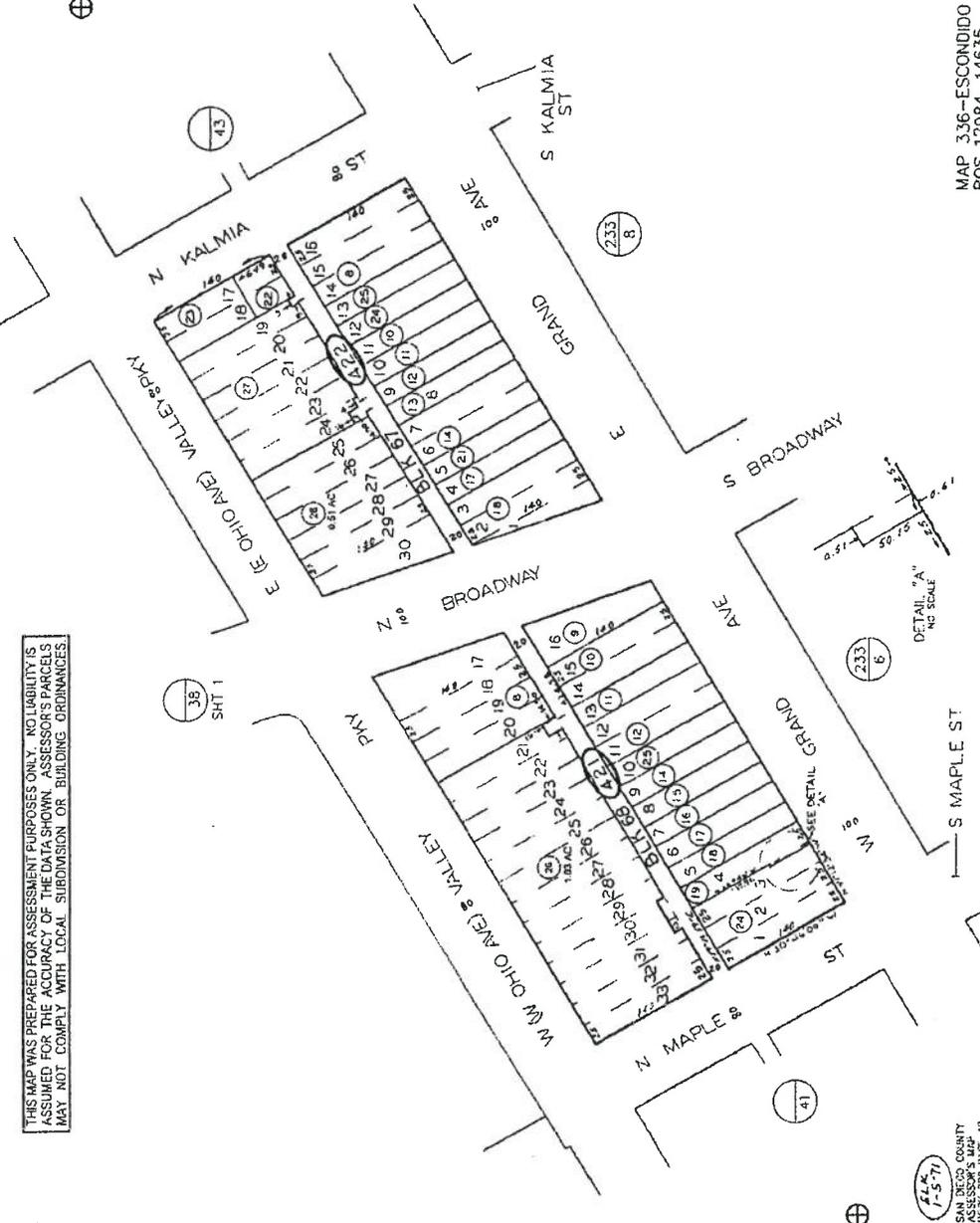
229-42



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

04

229-42



MAP 336--ESCONDIDO
ROS 12984, 14635

ALTA 1-571

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 229 PAGE 42

CHANGES		10/11/11 WSR	
BLK	OLD	NEW	YR CUT
422	2	24	25 73 482
421	2/12	23	70 6301
427	24	25	27 20 2128
421	1247		
422	4820		
421	13	26	26 20 1089
421	0147	26	26 20 1089
422	3320	27	11 1386

land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified

**EXHIBIT “B”
FINDINGS OF FACT**

PHG 19-0014

**Aspire
137 West Valley Parkway**

Master and Precise Development Plan

1. The proposed project is consistent with the maximum density of the downtown specific plan with the application for a Density Bonus and allocation of additional units from the Density Transfer Program to ensure the viability of the project with 9 Very Low Income households.
2. The design and improvement of the proposed development is consistent with the General Plan and the Downtown Specific Plan since the development is permitted in the Historic District of the Downtown Specific Plan Area #9 and the development standards established with the Historic District except where noted for the exceptions in accordance with the Density Bonus Ordinance.
3. The site is suitable for a mixed-use multi-family development since the site is within the urbanized area of the downtown which can offer the tenants availability to services, restaurants and retail and is within walking distance to the transit center.
4. The site is physically suitable for the proposed density of development since the property is within a high-density redevelopment area at an underutilized parcel within the central core of downtown. Development of the property will assist in the ongoing revitalization of the downtown retail core by establishing a permanent residential base in the downtown area.
5. The improvements are not likely to cause substantial environmental concerns since the property has been utilized as a public parking lot with ornamental vegetation and there are no stream courses or endangered wildlife on the property as determined during environmental review.
6. The design of the project and the type of improvements are not likely to cause serious public health problems since the project will not degrade the levels of service on the adjoining streets or drainage system as the project incorporates street and drainage improvements are part of the project and city sewer and water is available to the site.
7. All of the requirements of the California Environmental Quality Act have been met since it was found that the project will not have a significant effect on the environment as demonstrated in the Class 32 CEQA Exemption prepared for the Aspire Project by Harris Associates, March 2019. Design mitigation measures were incorporated into the Conditions of Approval for noise impacts and cultural resources.

Development Agreement

1. The Development Agreement is consistent with the goals and objectives of the Historic District of the Downtown Specific Plan since it enables the property owner to construct a greater number of units in support a vibrant downtown economy through the Density Transfer Program while maintaining the overall limit of 5,275 dwelling units in the Downtown Specific Plan area.
2. The Development Agreement conforms to the need for public convenience, general welfare and good land use practices since the project will provide affordable and moderate income housing within ½ mile of mass transit and is located in close proximity to retail and services, parks, library, and cultural events.

EXHIBIT "C"
CONDITIONS OF APPROVAL
PHG 19-0014
Aspire
137 West Valley Parkway

PROJECT DESIGN MEASURES

NOISE

1. **PDF-NOI 1.** The construction contractor shall provide vibration notification to minimize the potential nuisance of vibration by allowing surrounding uses time to prepare for construction activities. The construction contractor shall provide written notification to all adjacent land uses and within 125 feet of the project boundary at least three weeks prior to the start of construction activities informing them of the estimated start date and duration of daytime vibration-generating construction activities. This notification shall include information warning about the potential for impacts related to vibration-sensitive equipment

2. **PDF-NOI-2.** Prior to the issuance of a building permit, the applicant shall prepare an additional exterior-to-interior noise report completed by a qualified acoustical consultant for the proposed on-site residential unit that would face West Valley Parkway. The information in this report would include wall heights and lengths, room volumes, and window and door tables typical for a building plan, as well as information on any other openings in the building shell. The report shall also assume a "windows-closed" condition and that vehicles on West Valley Parkway are traveling at 35 miles per hour. With this specific building plan information which is not currently available, the report would determine the predicted interior noise levels at the plan on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report would identify architectural materials or techniques that could be included in project design plans to reduce noise levels to 45 CNEL in habitable rooms Standard measures such as glazing with Sound Transmission Class (STC) ratings from a STC 22 to STC 60, as well as walls with appropriate STC ratings (34 to 60) shall be considered. The report shall be submitted and approved by the City prior to issuance of a building permit.

3. **PDF-NOI-3.** The HVAC units on the project rooftop shall be installed within enclosures such that noise from HVAC operation does not exceed 55 dBA at the nearest off-site receptor. The enclosures shall be designed to provide at least 12 dBA noise reduction. Installation of HVAC unit inside enclosures providing at least a 12 dBA noise reduction would reduce noises levels at the nearest land use to 55 dBA or below.

4. **PDF-NOI-4.** Trash collection at the project site shall be limited to between 8:00 a.m. and 5:00 pm. Monday through Friday

CULTURAL RESOURCES

PDF-CR-1. The City recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the applicant/owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

PDF-CR-2. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe has been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist confirming that the selected Native American monitor is associated with a TCA Tribe. Prior to any pre-construction meeting, the City shall approve all persons involved in the monitoring program.

PDF-CR-3. The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program, in addition to reviewing the grading plan to assist in determining the necessity of the Luiseño Native American monitor and archaeological monitor's presence.

PDF-CR-4. During the initial grubbing, site grading, excavation (including post-demolition activities to assess the condition of the subsurface stratigraphy), or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site where deemed appropriate and necessary by the archaeologist and Luiseño Native American monitor. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, then those fill materials shall be absent of any tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in PRC Section 21074.

PDF-CR-5. In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operations in the area of discovery to allow for evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits

shall be minimally documented in the field and collected so that the monitored grading can proceed.

PDF-CR-6. If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe, and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for treatment and disposition of the tribal cultural resource shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor, and shall be submitted to the City for review and approval.

PDF-CR-7. The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated under CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The qualified archaeologist, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

PDF-CR-8. In accordance with CEQA, all tribal cultural resources shall be treated with culturally appropriate dignity. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during the collection and cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the tribe's cultural and spiritual traditions. It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe, as such preference would be the most culturally sensitive, appropriate and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

Or,

Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and

associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

PDF-CR-9. Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner, to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

DENSITY BONUS CONDITIONS

1. The project shall provide a minimum of nine dwelling units for Very Low Income Households. Prior to issuance of a building permit, the developer shall sign a binding affordable housing agreement with the City, which sets forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and/or any other applicable requirements. The agreement will also establish specific compliance standards and remedies available to the city upon failure by the developer to restrict units to target households for the prescribed time period.
2. All agreements shall be binding on the developers, their heirs, transferees, assigns, successors, administrators, executors and other representatives and recorded on the deed for the requisite period of time.
3. The developer agrees not to sell, transfer or otherwise dispose of the project or any portion thereof, without obtaining the prior written consent of the Director of Community Development. Such consent shall be given upon receipt from the developer of reasonable evidence satisfactory to the Director of Community Development that the purchaser, or other transferee, has or will assume, in writing and in full, the requirements and obligations specified in the agreement. The consent of the Director of Community Development shall not be unreasonably withheld or delayed.
4. All residential units proposed to be occupied by very low income households shall be provided with the same fixtures, appliances, cabinets/countertops, flooring and amenities provided in the corresponding market-rate units.

PLANNING DIVISIONS CONDITIONS

1. The developer shall be required to pay all development fees of the City in effect at the time of building permit issuance unless otherwise specified in the Development Agreement.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department as well as those contained in the Development Agreement approved for the project.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance, subject to any specific Development Agreement terms still in effect when the fee is due.
6. A minimum of 229 parking spaces shall be provided as part of the development including 153 garage spaces for residents (including 19 tandem spaces). Resident parking will include 144 parking spaces within a subterranean garage and 9 parking spaces at the ground floor of the garage. Public and guest parking will be provided by 59 public parking spaces within the ground floor of the garage, and 17 uncovered public parking spaces adjacent to the alley as reflected in the Master and Precise Development Plan. All parking spaces shall be striped in accordance with the Zoning Code. Driveways and fire lanes do not allow for parking and curb markings and fire lanes signs are required to the satisfaction of the Fire Marshal. As indicated on the architectural plans, electric vehicle (EV) charging parking spaces will be installed and maintained for the life of the project.
7. Appropriate vehicle backup areas shall be provided at the terminus of drive isles within the parking garages as depicted on the Master and Precise Development Plan.
8. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.

9. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. 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.
10. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building, to the satisfaction of the Director of Community Development. The final building plans shall clearly indicate that any proposed rooftop equipment is properly screened. Ground mounted equipment should be located to avoid conflict with pedestrian circulation and access, as well as to screen the equipment from view as much as possible.
11. All habitable buildings shall be noise-insulated to maintain interior noise levels not to exceed 45 dBA or less. An Acoustical Analysis shall be submitted with the building plans for the project. Any measures recommended in the study shall be incorporated into the building plans with appropriate notes/specifications.
12. Any walls (retaining and screen) shall be constructed with split-face decorative block or shall be finished with stucco or brick veneer to match the building on site.
13. All exterior lighting shall conform to the requirements of Chapter 33 Article 35 (Outdoor Lighting) of the Escondido Zoning Code which provides regulations to minimize glare, light trespass, and artificial sky glow. A copy of the lighting plan shall be included as part of the building plans and prepared to the satisfaction of the Planning Division. The plan shall include exterior building lighting, walkway lighting and security lighting. Outdoor lighting would be utilized as needed for parking areas, sidewalks and security within the project site.
14. Animals/pets shall be permitted within the residential units and on site in a manner that is consistent with the R-4 zone standards.
15. As proposed, the buildings, architecture, colors, and materials and the conceptual landscaping of the proposed development shall be in accordance with the Master and Precise Development Plan, staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division. In return for concessions on development standards and City fees, the project proposes a high quality, attractive downtown living experience. Any future design modifications that, in the opinion of the Community Development Director, lessen the quality of the exterior appearance or amenity level shall require approval of the City Council.
16. All trash enclosures must be designed and installed per the Master and Precise Development Plan, in coordination with the Engineering Department, storm water control requirements, and

shall be architectural compatible with the building. Trash collection at the project site would be limited to between 8:00 a.m. and 5:00 p.m., Monday through Friday. The project proposes a central trash collection enclosure located within the parking garage. The enclosure would be accessed through a door along the alley on the southern boundary of the project site.

17. Balconies and patios shall be kept in a neat and orderly manner. Items stored on balconies should be kept out of view and/or properly screened. Items shall not be hung over railings or across balconies or patios (such as towels, clothing, etc.). This information shall be included in the lease agreement with all tenants.
18. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. Proposed signs are limited to those depicted on the Master and Precise Development Plan, or otherwise permitted and consistent with the sign standards of the Downtown Specific Plan.
19. Commercial uses for the 4,289 square foot commercial space on the ground floor shall be limited to the uses permitted or conditionally permitted in the Historic District of the Downtown Specific Plan.
20. Private secure bicycle parking facility for residents shall be installed on the main level of the parking garage. Public bicycle parking shall also be provided in the garage or on the exterior of the building along one of the project frontages.
21. A construction noise management plan that describes the measures included on the construction plans to ensure compliance with project design features and noise limits must be prepared and submitted to the City's Planning Division for review and approval prior to issuance of the grading permit.
22. No amplified equipment will be permitted on the within the public recreation deck without first obtaining a temporary use permit from the City of Escondido.
23. This Planned Development shall become null and void unless utilized within 24 months (two years) of the effective date of approval unless the Development Agreement provides additional terms. Utilization shall be defined as the start of grading in accordance with an approved grading permit.
24. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform with the conceptual grading as shown on the Planned Development.
25. Prior to the issuance of a Grading Permit, the applicant shall provide the City with a temporary parking plan for construction worker parking. The temporary parking plan shall remain in effect until construction has been completed or the Building Official determines that the parking garage can be used for construction worker parking. The temporary parking plan

shall be approved by the Director of Community Development prior to issuance of the Grading Permit.

26. Prior to issuance of a grading permit, the applicant shall provide a Residential Parking Management Plan for any proposed use of the parking spaces other than public parking spaces (which use shall be regulated by the City to include the possibility of time restrictions). The Resident Parking Management Plan shall, at a minimum include provisions for a sticker program, restriction on the number of resident vehicles per unit and assignment of parking spaces. No unbundling or additional fees shall be permitted in lease agreements for the use of resident parking spaces without prior authorization from the Director of Community Development.
27. The Project shall be permitted to use a portion of Maple Street Plaza for outdoor café seating subject to the terms of the associated Development Agreement and conditions of an encroachment permit. This space shall extend approximately sixteen (16) feet from the exterior of the building as depicted in the Master and Precise Development Plan.
28. Prior to issuance of a grading permit, the applicant shall secure an encroachment permit from the Engineering Division for all construction staging areas proposed in the public right-of-way.

LANDSCAPING CONDITIONS

1. Seven copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading and/or building permits, and shall be equivalent or superior to the concept plan approved by the Master and Precise Development Plans to the satisfaction of the Planning Division. The landscape plans shall include screening for all utilities. 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 outlines in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City and State (if applicable) standards. The applicant shall submit the Certificate of Compliance to the Planning Division prior to final landscape inspection.
3. Street trees shall be provided along West Valley Parkway in conformance with the Landscape Plan and the City's Street Tree List. All street trees and trees installed at Maple Street Plaza shall be double staked and if planted within five feet of the pavement, provided with root barriers.

4. The on-site landscaping for the project would consist of trees, shrubs, and groundcovers with moderate to low water requirements. The biofiltration basins described would be planted with various sedges (flowering plants) and grasses with consideration for varying soil conditions. An automatic irrigation system shall be installed to provide coverage for all planting areas. Low precipitation equipment shall provide sufficient water for plant growth with minimum water loss due to water run-off.
5. Prior to occupancy, all perimeter, open space landscaping and below ground irrigation shall be installed. All vegetation shall be maintained for the life of the project in a flourishing manner, and kept free of all foreign matter, trash, weeds and plant materials not approved as part of the approved landscape plan. All irrigation shall be maintained in a fully operational condition.
6. The property owner or management company assumes all responsibility for maintaining landscaping and irrigation along street frontage of West Valley Parkway, the alley bordering the south side of the project, and the project frontage along Maple Street Plaza.
7. Removal of the parking lot will necessitate the removal of mature trees. Removal of the trees will occur outside of the bird-breeding season from February 1 through September 15. If the trees cannot be removed outside the bird-breeding season, qualified biologist would conduct a nest survey within 3 days of the tree removal.

ON-SITE MANAGEMENT PLAN

1. Prior to occupancy, the applicant shall submit a Management Plan that provides for ongoing maintenance of lighting, signing and striping, parkway landscaping and irrigation, storm water treatment basins, and facilities, sewer laterals, common open spaces, public utilities easements areas, public walkways, and alley. These provisions shall be approved by the Engineering Department prior to occupancy.
2. The Management Plan shall reference the recorded Storm Water Control Facility Maintenance Agreement and approved Storm Water Quality Management Plan for the project.
3. The Management Plan shall identify responsibility for liability for damage and repair to City utilities in the event that damage is caused by tenants, vehicles or personnel servicing the property or delivery personnel, and/or operation of maintenance personnel of the project.
4. The Management Plan shall state that if stamped concrete or decorative pavers or used within walkways within the City right-of-ways, any damage and repair/replacement shall be the responsibility of the management company and/or project owner.

FIRE DEPARTMENT CONDITIONS

1. All Fire underground line, Fire sprinkler, fire alarm, and standpipe systems shall comply with the current additions of NFPA and the California Fire Code.
2. A smoke evacuation system is required.
3. The building shall comply with/ provide First responder radio coverage. A deferred plans and system may be required.
4. All Fire protection system plans shall be deferred submittals to the Escondido Fire Department.
5. An approved paved access and approved adequate water supply shall be provided prior to any combustibles being brought to the site.
6. The building may require multiple FDC/ PIV 's. These devices shall not be on the building and shall be placed in an approved location.
7. Fire access shall be paved all-weather surface able to support the weight of the Fire apparatus (75,000 lbs.). The Fire access along Maple street leading into the alley and down Maple toward Valley Parkway shall be a paved with an approved surface able to hold the weight of the fire apparatus (75,000 lbs.). A Compaction Report may be required to verify access weight capabilities.
8. A minimum turning radius of 28ft inside shall be provided on all fire department access roadways.
9. An adequate water supply with minimum fire flow shall be as determined by the Fire Marshal
10. Fire lanes shall be designated and approved by the Fire Marshal and painted red with white letter, marked "no parking fire lane." Fire lane shall be maintained by the project management company for the duration of the project.

ENGINEERING CONDITIONS OF APPROVAL
Aspire – 151 W. Valley Pkwy. - PHG19-0014

GENERAL

1. The Developer shall provide the City Engineer with a current Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with proposed project or improvements, these facilities shall be relocated subject to approval of the owner of the utility/facility prior to approval of Grading plans and issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warranty (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. 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.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.

8. The Developer's engineer shall submit to the Planning Department 3 copies of the Master and Precise Development Plan as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. These copies shall be signed by the Planning Department verifying that they are an accurate reproduction of the approved Master and Precise Development Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.
9. A Continuing Encroachment Permit for this project's use of the Maple Street Plaza right-of-way for outdoor restaurant seating and for the Property Owner's required maintenance of storm water facilities, entrance improvements, and landscaping in the surrounding public right-of-ways must be applied for, and in conjunction, a perpetual liability insurance policy with the City as an additionally insured must be put in place.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards in effect at the time of Final Engineering approval and shall be submitted on public improvement plans prepared by a Civil Engineer. Specific details, including final concrete driveway apron design for the project entrances, concrete curb & gutter and sidewalk replacement, drainage, street lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The public (level 1) parking entrance from Valley Parkway shall be constructed as a modified alley-type driveway apron with a minimum throat width of 24 feet and 14-foot radius side transitions and a 4' minimum ADA path of travel near the R/W line to the satisfaction of the City Engineer.
3. The resident (basement level) parking entrance shall be constructed as a modified alley-type driveway apron with a minimum throat width of 24 feet. The westerly side shall be a 14-foot radius side transition and the easterly side will require half of the neighboring bank driveway apron be replaced as joint driveway apron with a 4' minimum ADA path of travel maintained near the R/W line to the satisfaction of the City Engineer.
4. The existing alley type driveway apron off of Valley Parkway shall be completely removed and shall be replaced with full height PCC curb and gutter and the new driveway apron described above in item 3.
5. The existing traffic signal pole currently being used as a modified street light just to the west of the existing driveway apron off of Valley Parkway shall be removed and salvaged to the City Public Works yard and shall be replaced with an LED street light in accordance with Escondido Standard Drawing No. E-1-E.

6. The access openings to the project's parking structure shall have a minimum throat width of 24 feet and shall be adequately illuminated from the building structure to the satisfaction of the City Engineer and Building Official.
7. The existing curb & gutter and sidewalk along the project's (northerly) side of the alley and the existing driveway apron off of the alley into the project site shall be completely removed and shall be replaced with either full height PCC curb and gutter or new 4-foot-wide PCC ribbon gutter across the proposed alley parking spaces.
8. The existing street light in the alley shall be relocated 10 feet to the east and shall be retrofitted with an LED light head in accordance with Escondido Standard Drawing No. E-1-E.
9. The public alley along the parking areas shall be adequately illuminated from the project building structure to the satisfaction of the City Engineer and Building Official. This lighting shall be maintained by the property owner.
10. The Developer will be responsible for a minimum 1 ½" grind and 2" asphalt concrete overlay of Valley Parkway in full lane widths as necessary due to the required utility and storm drain installation. The determination of the extent of the grind and overlay shall be to the satisfaction of the City Engineer.
11. The Developer will be responsible for a minimum 1 ½" grind and 2" asphalt concrete overlay of the alley due to the many utility trenches necessary to serve this project, and shall be completed prior to issuance of a Certificate of Occupancy.
12. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
13. Adequate horizontal sight distance shall be provided at all entrances. Restrictions on landscaping and placement of planter walls may be required at the discretion of the City Engineer.
14. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
15. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
16. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.

17. All gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
18. The public parking lot (Level 1) will be equipped with a modern parking detection and management system with display showing parking availability both on the street and at the public parking entrance gate.
19. The project shall contribute a fair share amount toward a Citywide parking management system with real time parking availability signage for public parking lots.
20. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.
21. The Developer will be required to make arrangements for offsite parking including shuttle service if necessary for all construction and employee vehicles. A Construction Period Parking Management Plan shall be submitted to and approved by the City Engineer prior to work in this Lot 1 Parking Lot. The City Engineer shall have the ability to monitor and request changes to this plan as needed to minimize impact to the public and surrounding businesses.
22. Due to the amount of grading export from the project site and expected construction material deliveries, the Developer's traffic engineer will be required to provide a detailed haul route and truck trip scheduling plan for review and approval by the City Engineer. Material deliveries and export operations shall be limited to outside of the peak traffic hours. This scheduling plan shall be approved prior the issuance of an Encroachment Permit.

GRADING and SITE IMPROVEMENTS

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 three copies of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading and basement/foundation shoring design and found it to be in conformance with his/her recommendations.
2. The Developer shall in conjunction with the Grading plans submit structural shoring plans for the basement and foundation construction to the Building Department for approval by the Building and Engineering Departments. The Developer will be required to pay for the required third party structural engineering review of these shoring plans.

3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.
4. The developer shall be required to obtain permission from adjoining property owners for any off-site grading or work necessary to construct the project and/or the required improvements.
5. Future work on the Maple Street Plaza fountain is planned by the City. Once operational, the City will only be responsible for repairs to the fountain caused by willful destruction or acts of nature. The Project Owner shall be responsible for all cleaning and maintenance of the fountain in perpetuity, at Owner's sole cost, including the care and servicing by personnel for the purpose of maintaining the fountain and all ancillary equipment in satisfactory operating condition by providing for systematic inspection, detection, and correction of equipment and emerging failures either before they occur, or before they develop into major defects.
6. Only those street furniture items and architectural features specifically identified for removal or relocation shall be disturbed. All other items shall be protected in place and any damage to these items shall be corrected or compensated for to the satisfaction of the City Engineer and Director of Community Development. Before work in this area commences a final review and tabulation of the items in the Maple Street Plaza Right-of-way to be disturbed shall be approved by the City Engineer.
7. Street pavers in the Maple Street Plaza shall be replaced and reinstalled in all areas disturbed and their installation shall extend into areas where street furniture and architectural features have been removed or relocated. Pavers in areas designated as Fire access shall be installed to meet Fire Department vehicle loading requirements to the satisfaction of the Fire Marshall and City Engineer.
8. The existing parking lot light standards and fixtures shall be removed and salvaged to the City Public Works yard.
9. 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.
10. 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.

11. 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.
12. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
13. All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.
14. The parking entrance grades shall conform to current Escondido Design Standards and Escondido Standard Drawings for driveways.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be designed 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 minimum 18" RCP storm drain lateral will be required to serve the new proposed type B curb inlet along Valley Parkway curb line. This lateral and inlet shall be included with profiles on the public Improvement plans.
3. 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 treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
4. All site drainage including the parking along the alley shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The grading and landscape plans will need to reflect these areas of storm water treatment.
5. All drainage associated with the project's public street improvements other than overlay shall be treated to remove expected contaminants using "Green Street" standard facilities. The maintenance in perpetuity of these "Green Street" or other

storm water treatment facilities in the public right-of-way shall be the responsibility of the Property Owner and shall be detailed in the Storm Water Quality Management Plan (SWQMP).

6. The Developer is required to have the current owner of the property sign and notarize for recording a Storm Water Control Facility Maintenance Agreement.
7. All on-site storm drains are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
8. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

WATER SUPPLY

1. All water services, detector check assemblies, and other water appurtenances shall be designed and installed at locations required and approved by the Director of Utilities.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
3. Where fire hydrants are being relocated, the abandoned fire hydrant laterals shall be abandoned at the water main. All existing gate valves and tees shall be removed and a straight run of pipe shall be replaced within the water main to the nearest joints.
4. No trees or deep rooted plants shall be planted within 10 feet of any water service.
5. All on-site water lines not in public easements will be considered a private water system. The Property Owner will be solely responsible for all maintenance of these water lines and facilities.

SEWER

1. A minimum 6" polyvinyl chloride (PVC) sewer lateral shall be installed with a standard clean-out at the property line. All sewer laterals shall be installed at a right angle to the main in conformance with the Design Standards. 8" sewer laterals shall be connected to the public sewer at a manhole.
2. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
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 and grease traps will be considered a private sewer system. The Property Owner will be responsible for all maintenance of sewer lateral(s) and system to the sewer main.
5. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.
6. A Grease trap if required for the restaurant component of the project shall be installed at an approved location to the satisfaction of the Director of Utilities.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan for review and approval by Engineering and Planning Departments. The Landscape plans shall be approved prior to issuance of Building Permits. 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 Grading and Improvement Plans.
2. Public utility easements for sewer, water, storm drain, etc. which are deemed necessary by the City Engineer shall be granted to the City.
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 Grading plans and Building Permits. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading plans and Building Permits. Building permits will not be issued for construction which will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

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

SURVEYING AND MONUMENTATION

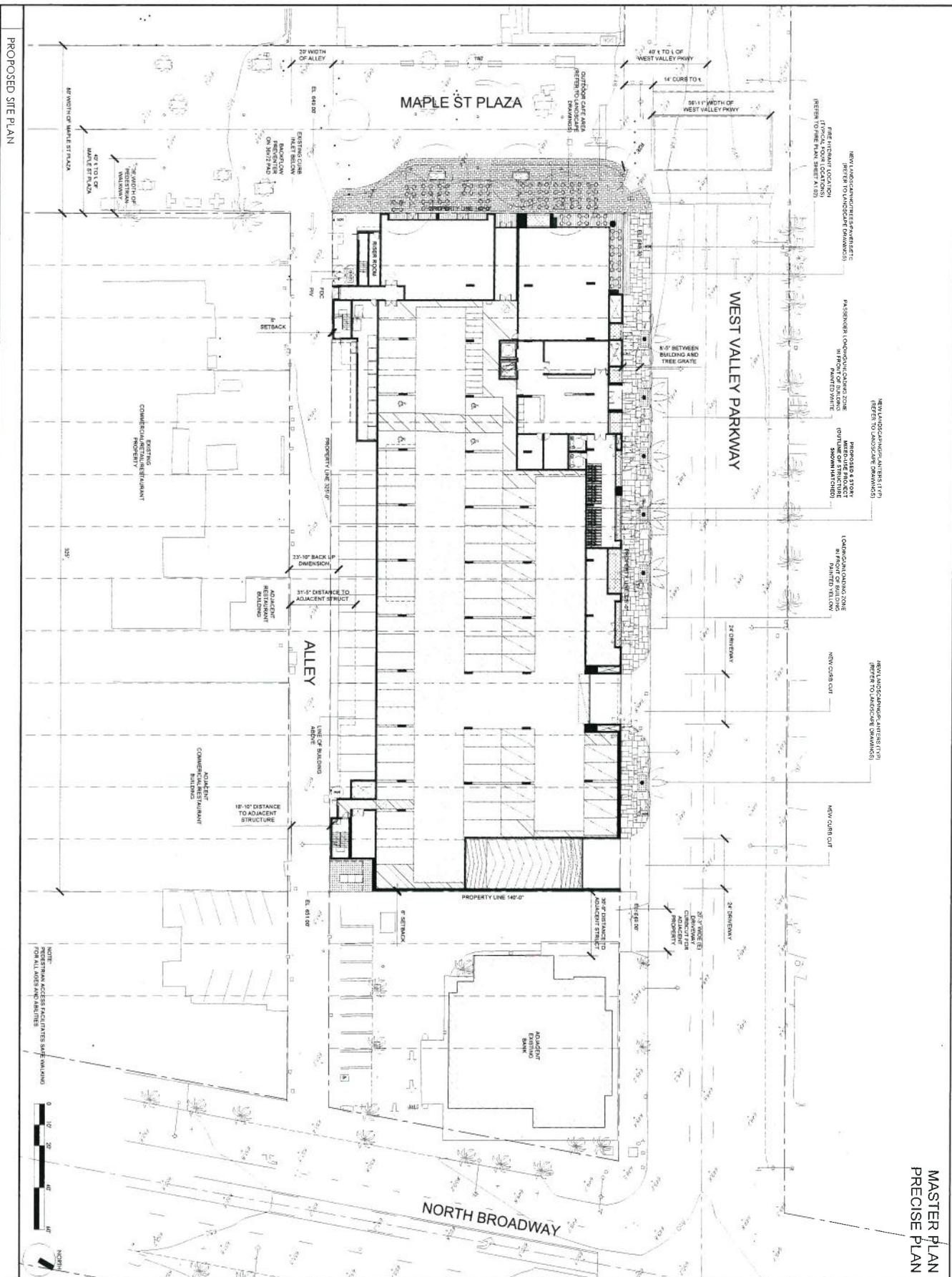
1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey (or Corner Record if appropriate) shall be recorded.

REPAYMENTS AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$60,000, unless a higher amount is deemed necessary by the City Engineer.
2. Unless otherwise specified in the Development Agreement, 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. 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.



**MASTER PLAN
PRECISE PLAN**

11044
 All data, information, drawings and files are the property of the client and shall remain confidential and shall not be used for any other purpose without the written consent of the architect. The architect shall not be responsible for the accuracy of any data, information, drawings and files provided by the client. The architect shall not be responsible for the accuracy of any data, information, drawings and files provided by the client. The architect shall not be responsible for the accuracy of any data, information, drawings and files provided by the client.

DBRDS
 DE BARCELONA DESIGN STUDIO

PROJECT TEAM

OWNER
 CITY OF ESCONDIDO
 ESCONDIDO, CA 92025

ARCHITECT
 THORNTON TOMASETTI ARCHITECTS, LLC
 1909 BARRA VISTA BLVD SUITE 100
 SAN DIEGO, CA 92121
 PHONE: (619) 224-4900
 FAX: (619) 224-4901
 WWW: THORNTON-TOMASETTI.COM

DESIGNER
 DE BARCELONA DESIGN STUDIO
 200 S. VALLEY BLVD SUITE 200
 ESCONDIDO, CA 92025
 PHONE: (760) 942-5300
 FAX: (760) 942-5301
 WWW: DEBARCELONA.COM

CONTRACTOR
 THORNTON TOMASETTI ARCHITECTS, LLC
 1909 BARRA VISTA BLVD SUITE 100
 SAN DIEGO, CA 92121
 PHONE: (619) 224-4900
 FAX: (619) 224-4901
 WWW: THORNTON-TOMASETTI.COM

LANDSCAPE ARCHITECT
 NORTON LANDSCAPE ARCHITECTURE, INC.
 2400 BROADWAY SUITE 100-403
 SAN DIEGO, CA 92108
 PHONE: (619) 727-1400
 FAX: (619) 727-1401
 WWW: NORTONLANDSCAPE.COM

PLANNING & PREPARE
 DESIGN CONSULTANT

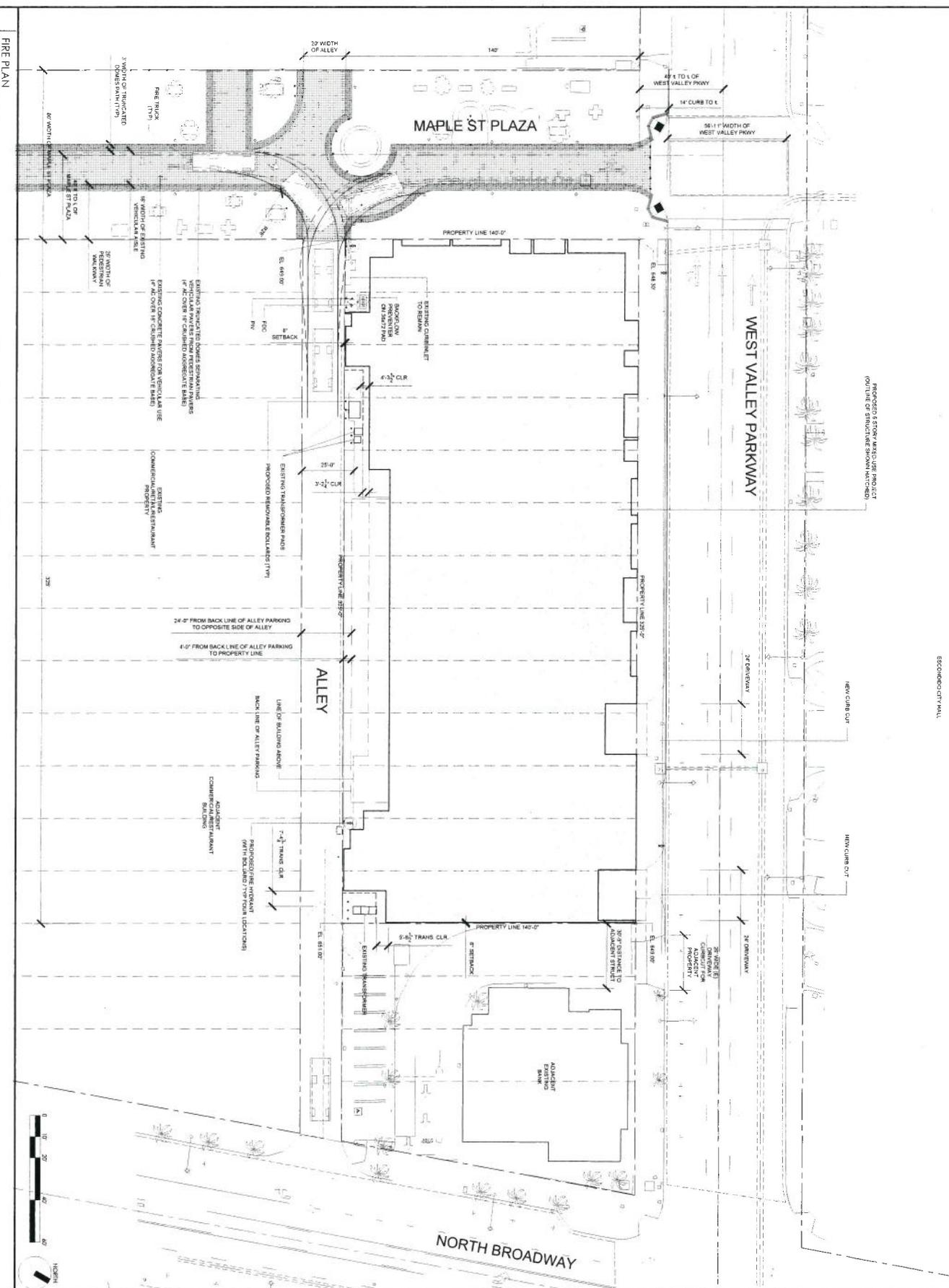
LOT AREA 45,484 sq ft
ZONE DOWNTOWN MIXED USE
APN 228-47-15-60
USE RESIDENTIAL UNITS
MAX. HEIGHT 45'-0"



DRAWING TITLE
 PROPOSED SITE PLAN

PROJECT
 PROPOSED MIXED USE
 DEVELOPMENT
 137 W VALLEY PARKWAY
 ESCONDIDO, CA 92025

DRAWING NO. 17009
DATE MAY 2019
DESIGNER CH
SCALE 1" = 20'-0"
SHEET NO. A1.01



PROPOSED 3 STORY MIXED USE PROJECT
(OUTLINE OF STRUCTURE SHOWN IN DASH)

18\"/>

18\"/>



DBRDS
of urban + landscape studio

PROJECT TEAM

OWNER
CITY OF ESCONDIDO
301 NORTH BROADWAY
ESCONDIDO, CA 92025

ARCHITECT
PROVINCIAL COMMUNITIES, LLC
3909 SAN VALENTINE BLVD SUITE 150
ESCONDIDO, CA 92025

DESIGNER
JAMES A. JENSEN
1425 N. MOUNTAIN VIEW
ESCONDIDO, CA 92025

ENGINEER - PLUMBING DESIGN STUDIO
1425 N. MOUNTAIN VIEW
ESCONDIDO, CA 92025

PHONE (865) 255-5283
CONTACT PAUL & DEBORAH
GONZALEZ

CIVIL ENGINEER
PROVINCIAL DEVELOPMENT, INC.
1425 N. MOUNTAIN VIEW SUITE 150
ESCONDIDO, CA 92025

PHONE (865) 746-4118
CONTACT AMBER TOBINSON
AMBER@PROVINCIALDEVELOPMENT.COM

LANDSCAPE ARCHITECT
MARTINE LANDSCAPE ARCHITECTURE, INC.
2555 JACOBSON BLVD SUITE 100-400
SAN DIEGO, CA 92108

PHONE (619) 775-5853
CONTACT TARA JACOBSON
TARA@MARTINELANDSCAPE.COM

LANDSCAPE ARCHITECT
JAMES A. JENSEN
1425 N. MOUNTAIN VIEW
ESCONDIDO, CA 92025

105' SIDE 45,949 S.F.
150' SIDE 1,58,000 S.F.

ZONE COMMERCIAL MIXED USE PLANNED DEVELOPMENT - RETAIL/COMMERCIAL

ADJ. 228-471-3480
151 RESIDENTIAL UNITS
1425 BROADWAY
ESCONDIDO, CA 92025

DRAWING TITLE
FIRE PLAN

PROJECT
PROPOSED MIXED USE DEVELOPMENT

137 W. VALLEY PARKWAY
ESCONDIDO, CA 92025

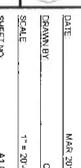
DRAWING PROJECT NO. 17009

DATE MAR. 2019

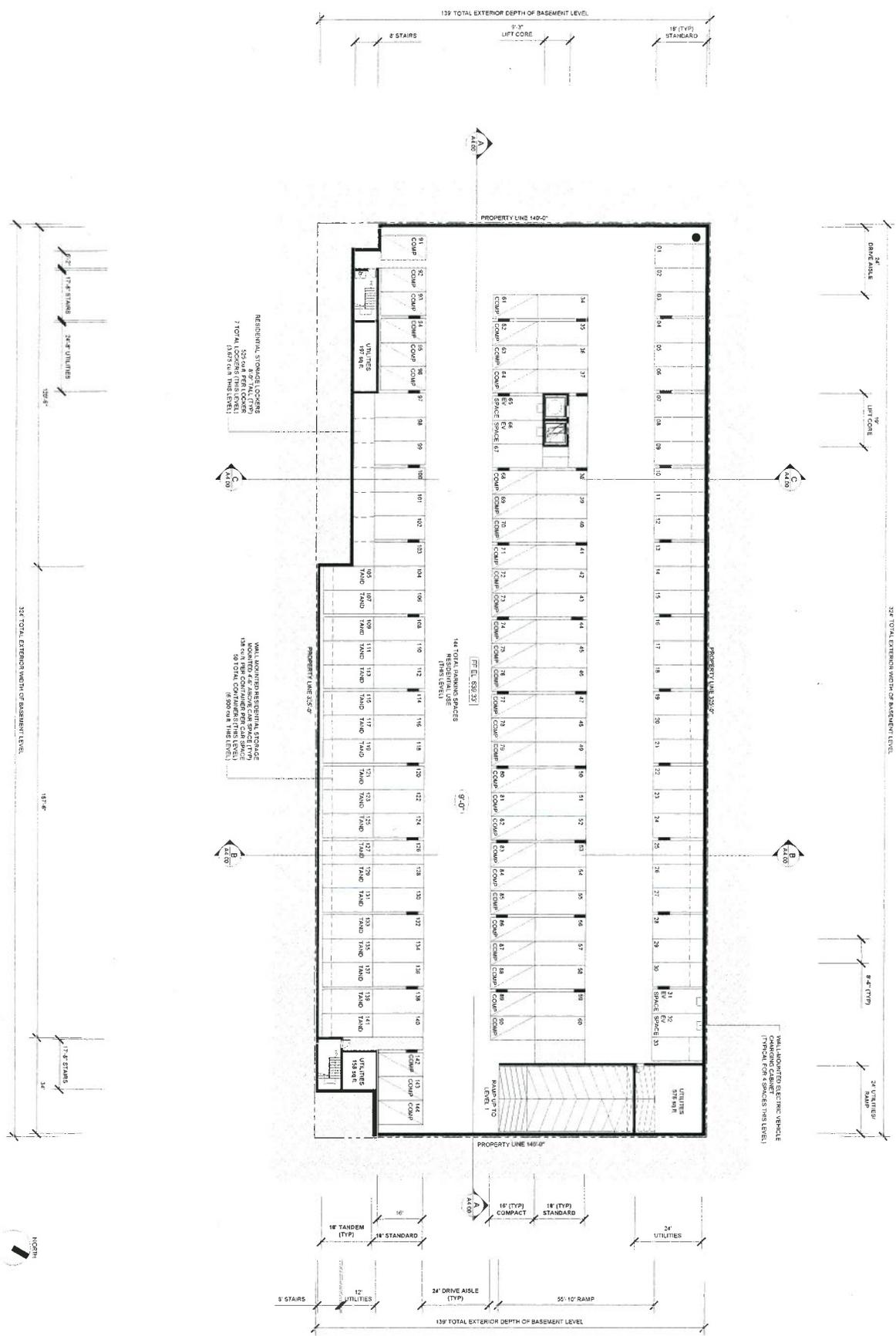
DRAWN BY CH

SCALE 1" = 20'-0"

SHEET NO. A1.0



FLOOR PLAN (BASEMENT LEVEL)



100%
 All data, information, drawings and plans are to be used for the project of design and construction of the project and shall not be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in the drawings or for any consequences of any use of the drawings for any purpose other than that intended by the architect.

DBRDS
 DE BARROS DESIGN CONSULTING

PROJECT TEAM

OWNER:
 CITY OF ESCONDIDO
 251 HILTON AVENUE
 ESCONDIDO, CA 92025

ARCHITECT:
 DE BARROS DESIGN CONSULTING, LLC
 3025 BALSARUA BLVD SUITE 114
 SAN DIEGO, CA 92131
 PHONE: (619) 594-8286
 FAX: (619) 594-8287
 WWW.DBRDS.COM

DESIGNER:
 DE BARROS DESIGN CONSULTING, LLC
 3025 BALSARUA BLVD SUITE 114
 SAN DIEGO, CA 92131
 PHONE: (619) 594-8286
 FAX: (619) 594-8287
 WWW.DBRDS.COM

CONTRACTOR:
 TAYLOR DEVELOPMENT, INC.
 5000 SAN DIEGO AVENUE SUITE 150
 SAN DIEGO, CA 92121
 PHONE: (619) 594-8286
 FAX: (619) 594-8287
 WWW.TAYLORDEV.COM

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. FINISH FLOOR IS 1'-0" ABOVE FINISH GRADE.
 3. ALL WALLS ARE 8" THICK UNLESS NOTED OTHERWISE.
 4. ALL DOORS ARE 3'-0" WIDE UNLESS NOTED OTHERWISE.
 5. ALL WINDOWS ARE 4'-0" WIDE UNLESS NOTED OTHERWISE.
 6. ALL CEILING IS 8'-0" HIGH UNLESS NOTED OTHERWISE.
 7. ALL FLOORS ARE CONCRETE UNLESS NOTED OTHERWISE.
 8. ALL ROOFS ARE FLAT UNLESS NOTED OTHERWISE.
 9. ALL EXTERIOR WALLS ARE CONCRETE UNLESS NOTED OTHERWISE.
 10. ALL EXTERIOR DOORS ARE 1'-6" ABOVE FINISH GRADE UNLESS NOTED OTHERWISE.

MANAGER & PREPARE:
 DE-ARCHITECT/144

ZONE:
 COMMERCIAL GENERAL
 1.07 ACRES
 1.07 ACRES
 45,989 SQ. FT.
 1.07 ACRES

DATE:
 03/14/2019

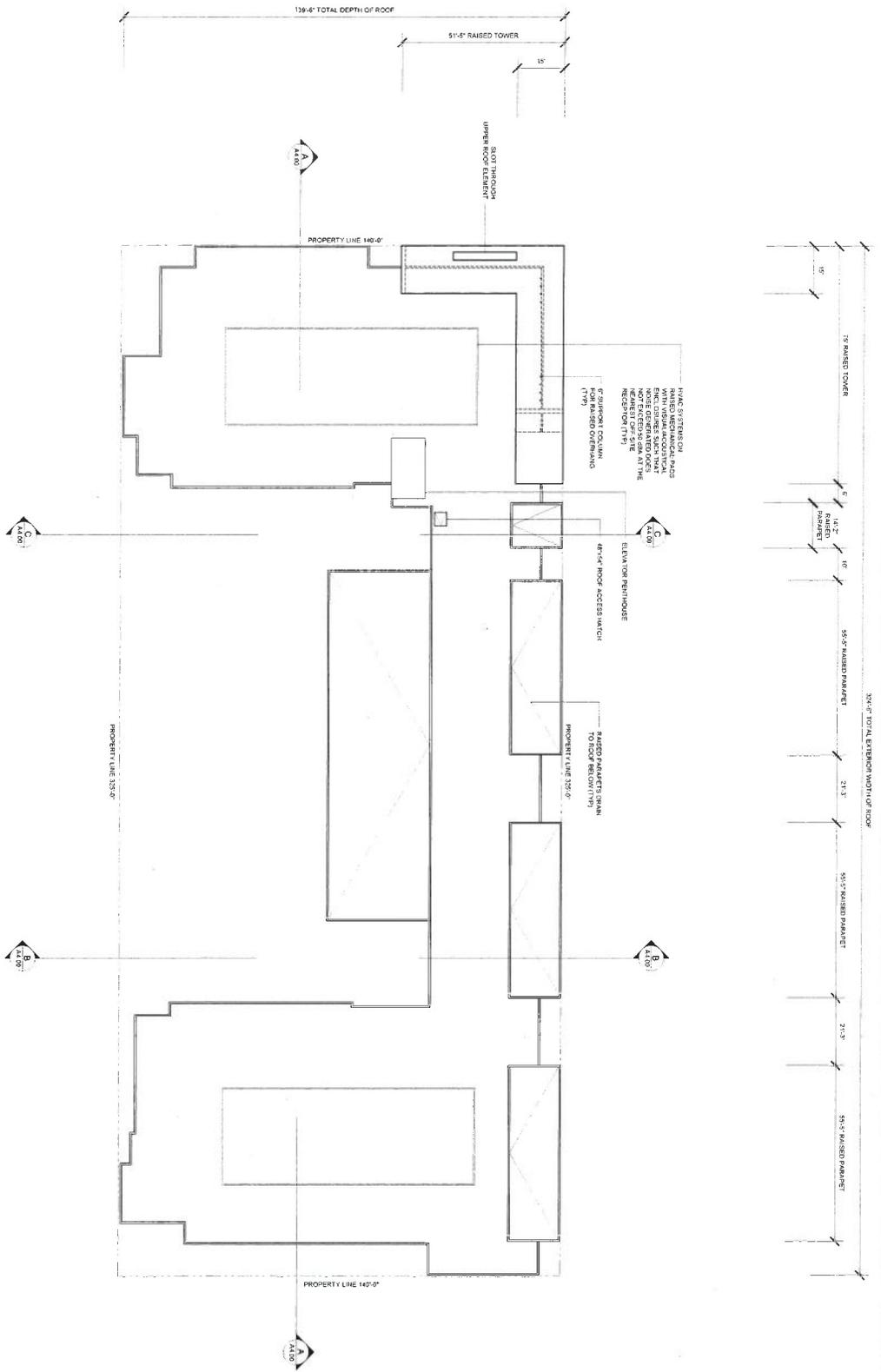
SCALE:
 1/8" = 1'-0"

PROJECT:
 PROPOSED MIXED USE DEVELOPMENT
 137 W. VALLEY PARKWAY
 ESCONDIDO, CA 92025

DATE:
 MAR 2019

SCALE:
 1/8" = 1'-0"

SHEET NO.:
 A2.10



NOTE: THIS PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL BUILDING DEPARTMENT. THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.



DBRDS
 DESIGN BUILD REPAIR & DEMOLITION STUDIO

PROJECT TEAM

OWNER:
 CITY OF ESCOBEDO
 271 WEST BROADWAY
 ESCOBEDO, CA 95323

ARCHITECT:
 TOUCHSTONE CONSULTING, LLC
 3900 BAKERSFIELD BLVD SUITE 150
 SAN JOAQUIN, CA 95231
 CONTACT: 925.255.2524

DESIGNER:
 DE SANTIAGO + PARTNERS DESIGN STUDIO
 1000 BROADWAY SUITE 200
 SAN FRANCISCO, CA 94103
 PHONE: 415.774.7419
 CONTACT: 415.774.7419

GENERAL CONTRACTOR:
 TAYLOR CONSTRUCTION, INC.
 1000 BROADWAY SUITE 150
 SAN FRANCISCO, CA 94103
 PHONE: 415.774.7419
 CONTACT: 415.774.7419

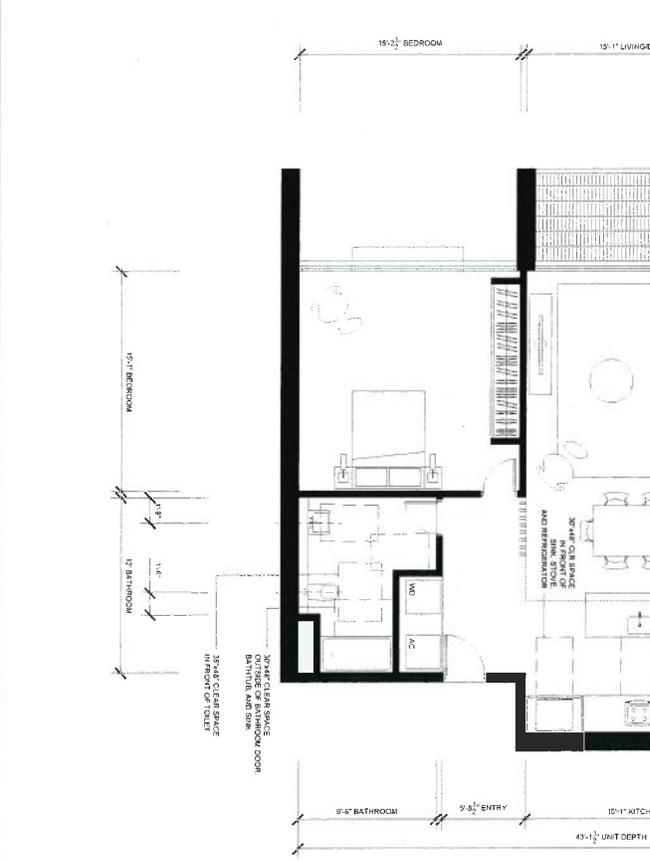
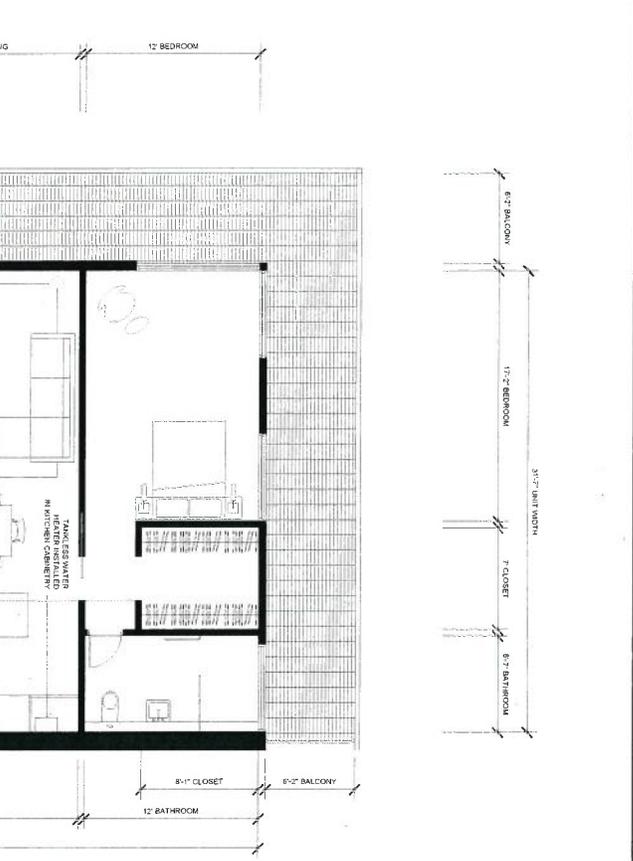
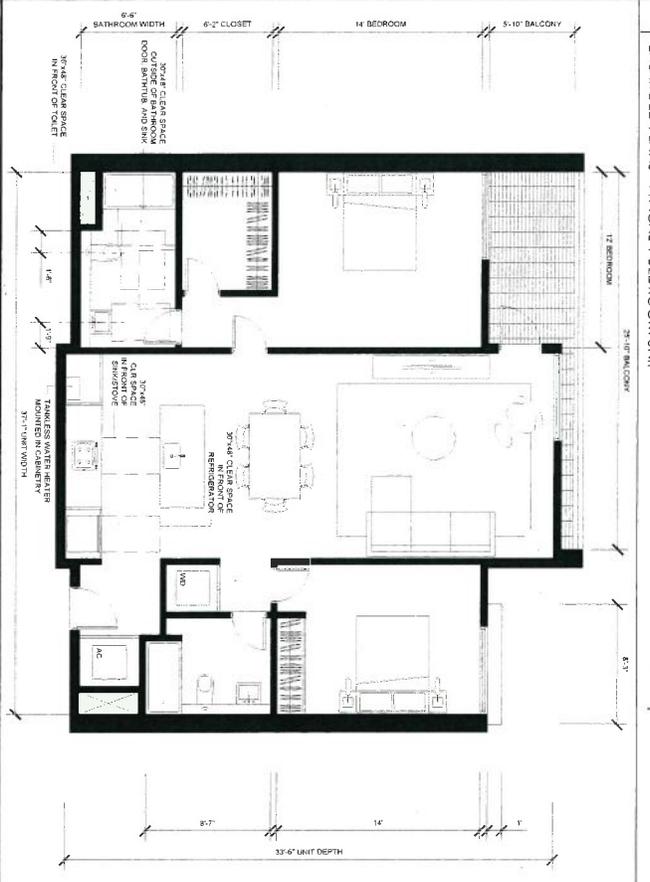
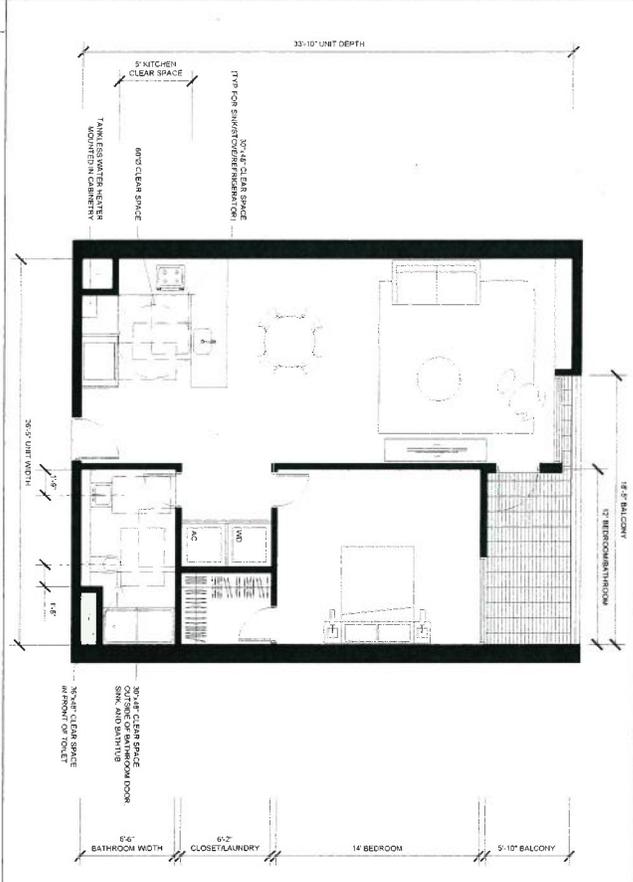
LANDSCAPE ARCHITECT:
 LANDSCAPE ARCHITECTURE, INC.
 1000 BROADWAY SUITE 150
 SAN FRANCISCO, CA 94103
 PHONE: 415.774.7419
 CONTACT: 415.774.7419

ENGINEER:
 TAYLOR CONSTRUCTION, INC.
 1000 BROADWAY SUITE 150
 SAN FRANCISCO, CA 94103
 PHONE: 415.774.7419
 CONTACT: 415.774.7419

PLANNING & PERMITTING:
 DE SANTIAGO + PARTNERS DESIGN STUDIO
 1000 BROADWAY SUITE 200
 SAN FRANCISCO, CA 94103
 PHONE: 415.774.7419
 CONTACT: 415.774.7419

DATE: MAR 2019
SCALE: 1/8" = 1'-0"
SHEET NO.: 4714





DBRDS
DEVELOPMENT REVIEW AND DESIGN SERVICES

PROJECT TEAM

OWNER:
CITY OF ESCONDO
21 WEST HERRINGWAY
ESCONDO, CA 92025

APPLICANT:
THOUGHTFUL DEVELOPMENTS, LLC
5939 WALKER AVENUE, SUITE 145
SAN DIEGO, CA 92121

DESIGNER:
DBRDS
4001 SAN DIEGO
SAN DIEGO, CA 92121

DBRDS PROJECT MANAGER:
DAVID J. HARRIS
PHONE: (619) 595-5822
EMAIL: DAVID.HARRIS@DBRDS.COM

DBRDS PROJECT ARCHITECT:
ADRIAN M. BROWN
PHONE: (619) 595-5822
EMAIL: ADRIAN.BROWN@DBRDS.COM

LANDSCAPE ARCHITECT:
MARTINE LANDSCAPE ARCHITECTURE, INC.
2207 MONTE VISTA DRIVE, SUITE 100-203
SAN DIEGO, CA 92105
PHONE: (619) 795-7800
EMAIL: INFO@MLA-ARCH.COM

MARKET ANALYST:
JACQUELINE F. FRETTE
DEVELOPER/PLANNING

LOT SIZE: 45,840 sq. ft.
ZONE: COMMERCIAL GENERAL NEIGHBORHOOD
REVENUE CENTER AREA
APN: 228-412-04-00
UNIT TYPE: 111 RESIDENTIAL UNITS
111 1-BEDROOM UNITS
111 2-BEDROOM UNITS

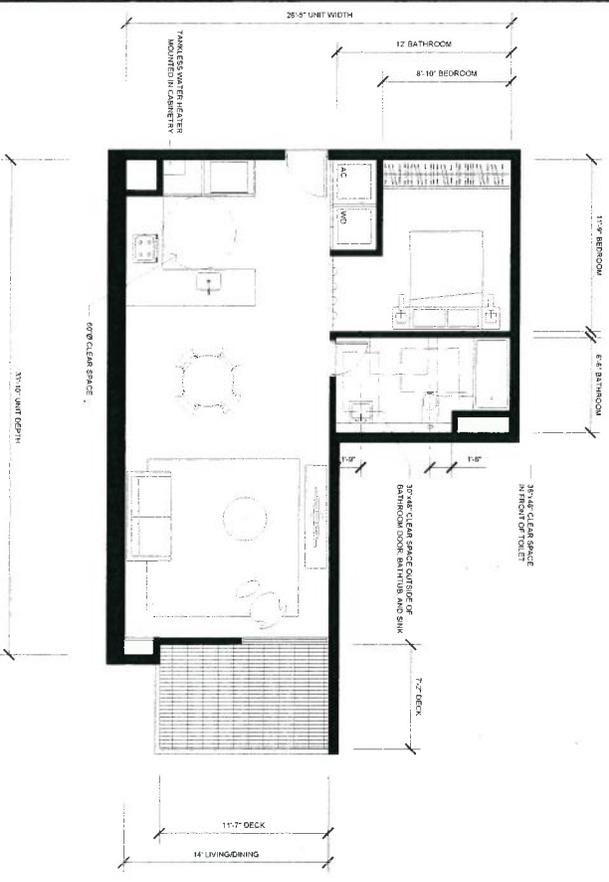
STAMP:
Professional Engineer
No. C-2182
JACQUELINE F. FRETTE
EXPIRES 12/31/2018

ISSUANCE DATE: ENLARGED PLANS
DATE: MAR 2018
SCALE: 1/4" = 1'-0"
SHEET NO.: A2.15

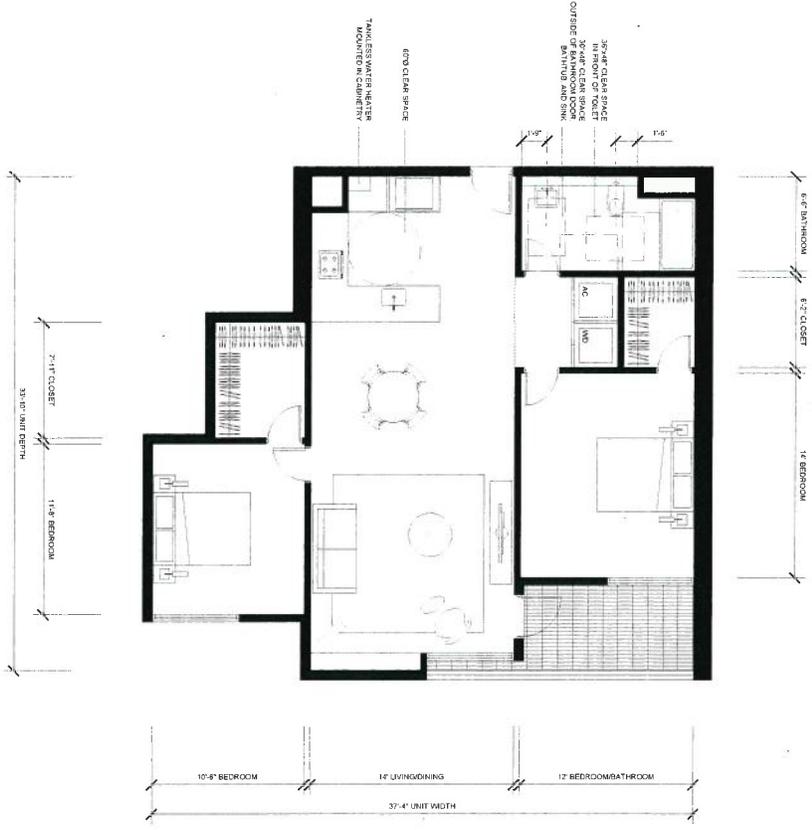
PROJECT: PROPOSED MIXED USE DEVELOPMENT
ADDRESS: 137 W. VALLEY PARKWAY
ESCONDIDO, CA 92025



ENLARGED PLANS - TYPICAL STUDIO UNIT



ENLARGED PLANS - INTERIOR STUDIO UNIT



ENLARGED PLANS - INTERIOR 2-BED CORNER UNIT

DBRDS
 DEPARTMENT OF BUILDING REGULATIONS
 100 SOUTH MARKET STREET, SUITE 100
 SAN FRANCISCO, CA 94102
 (415) 362-2200
 www.dbrds.org

PROJECT TEAM
 OWNER: CITY OF SACRAMENTO
 200 CALIFORNIA STREET, SUITE 100
 SACRAMENTO, CA 95833
 ARCHITECT: TROSTBACH COMMUNITIES, LLC
 3999 JARA AVENUE, SUITE 100
 SAN DIEGO, CA 92121
 PHONE: (619) 514-8900
 CONTACT: ANDREW SHERMAN

DESIGN
 DE BARTOLO - MARANO DESIGN STUDIO
 224 FIDELITY STREET, SUITE 200
 SAN FRANCISCO, CA 94102
 PHONE: (415) 375-5342
 CONTACT: PAVLA DE BARTOLO
 CONTACT: MARCO MARANO
 CONTACT: ANDREW SHERMAN

CONTRACTOR
 TROSTBACH DEVELOPMENT, INC.
 3999 JARA AVENUE, SUITE 100
 SAN DIEGO, CA 92121
 PHONE: (619) 514-8900
 CONTACT: ANDREW SHERMAN

LANDSCAPE ARCHITECT
 IN SITE LANDSCAPE ARCHITECTURE, INC.
 200 CALIFORNIA STREET, SUITE 100
 SACRAMENTO, CA 95833
 PHONE: (916) 745-7000
 CONTACT: TRACY LUCCHETTI
 CONTACT: MARGARETTA WONG

PLANNING & ENGINEERING
 CONSULTANTS
 100 SOUTH MARKET STREET, SUITE 100
 SAN FRANCISCO, CA 94102
 PHONE: (415) 362-2200
 CONTACT: ANDREW SHERMAN

REGISTERED ARCHITECT
 ANDREW SHERMAN
 100 SOUTH MARKET STREET, SUITE 100
 SAN FRANCISCO, CA 94102
 PHONE: (415) 362-2200
 CONTACT: ANDREW SHERMAN

REGISTERED ENGINEER
 ANDREW SHERMAN
 100 SOUTH MARKET STREET, SUITE 100
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 PHONE: (415) 362-2200
 CONTACT: ANDREW SHERMAN

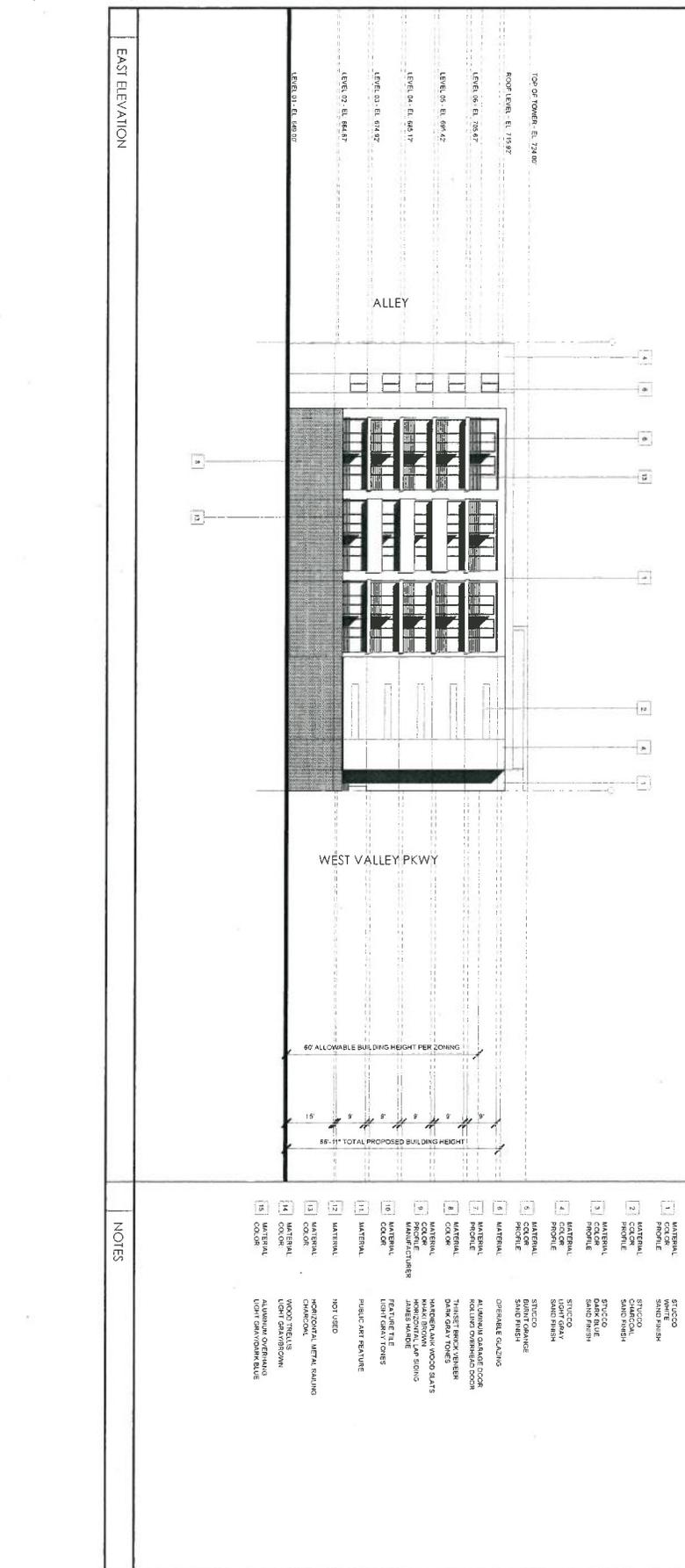
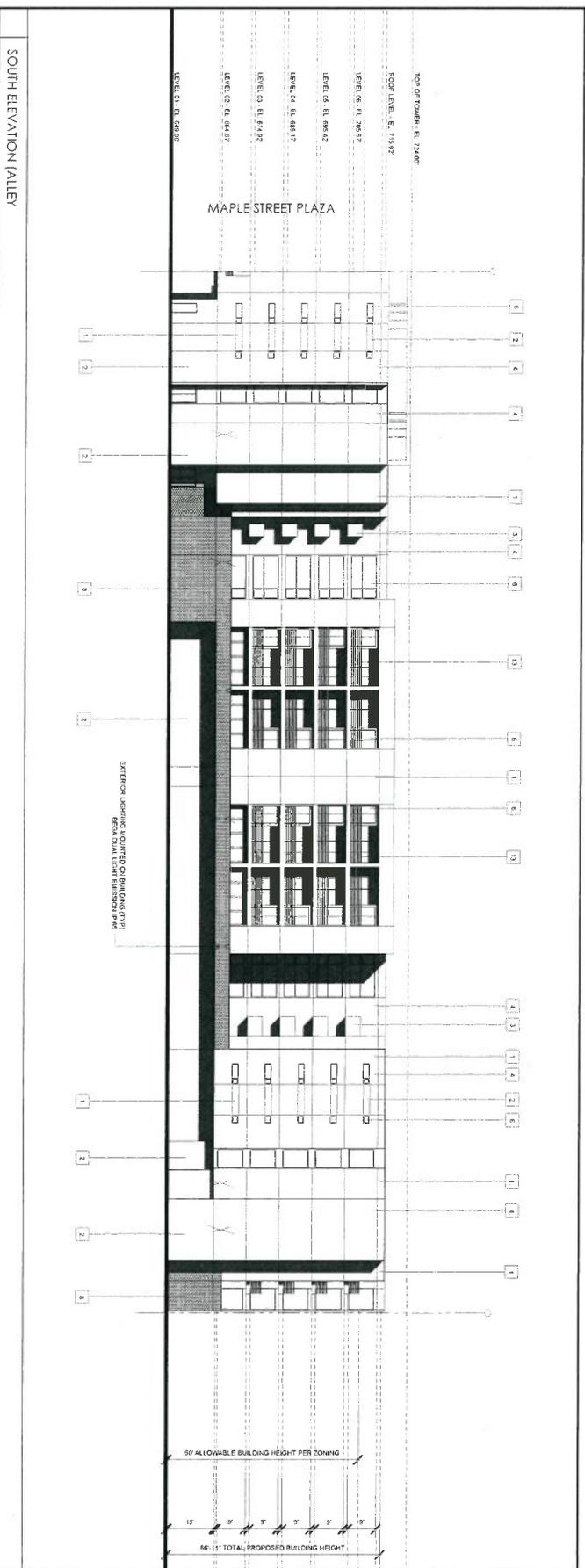
REGISTERED ELECTRICAL ENGINEER
 ANDREW SHERMAN
 100 SOUTH MARKET STREET, SUITE 100
 SAN FRANCISCO, CA 94102
 PHONE: (415) 362-2200
 CONTACT: ANDREW SHERMAN

REGISTERED MECHANICAL ENGINEER
 ANDREW SHERMAN
 100 SOUTH MARKET STREET, SUITE 100
 SAN FRANCISCO, CA 94102
 PHONE: (415) 362-2200
 CONTACT: ANDREW SHERMAN

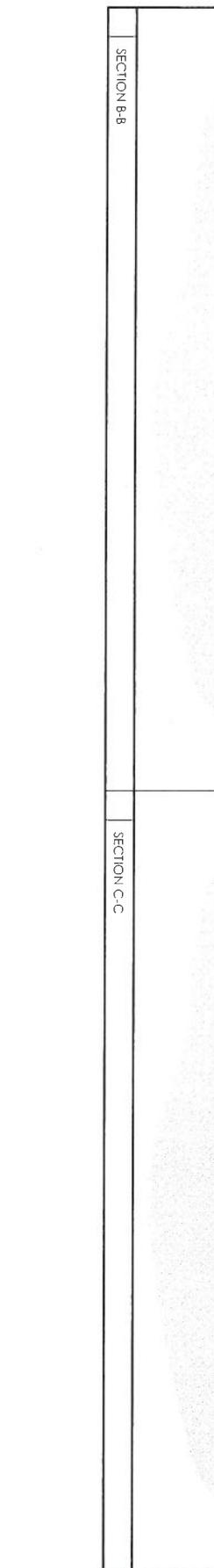
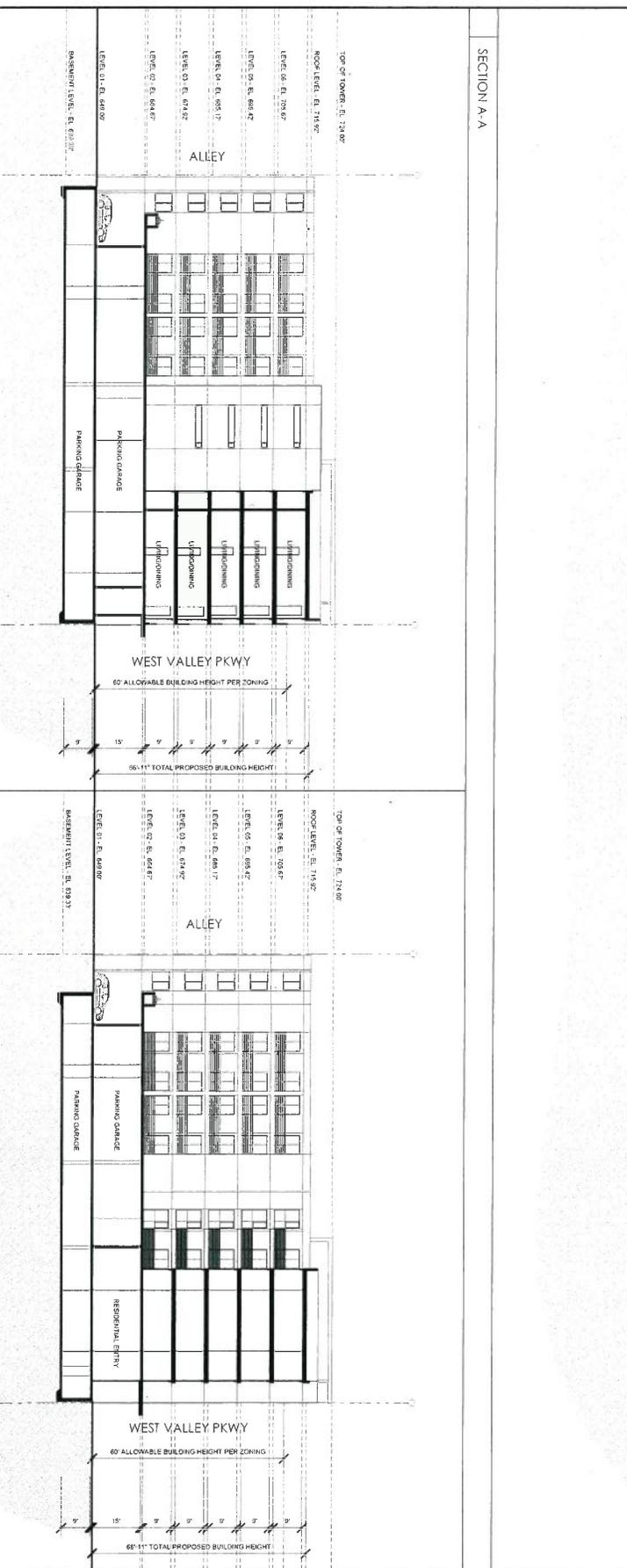
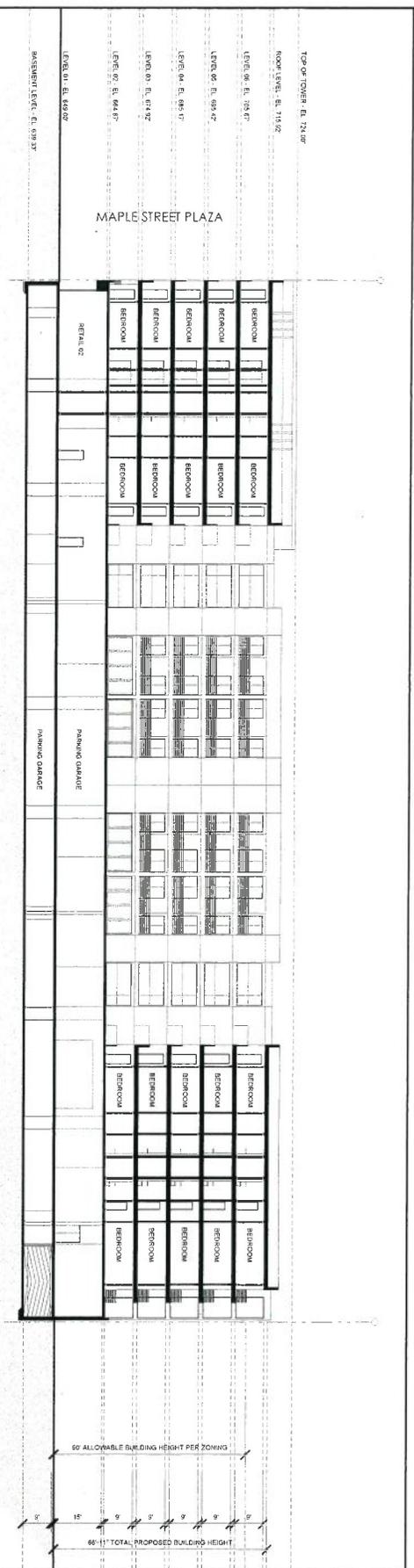
REGISTERED PLUMBING ENGINEER
 ANDREW SHERMAN
 100 SOUTH MARKET STREET, SUITE 100
 SAN FRANCISCO, CA 94102
 PHONE: (415) 362-2200
 CONTACT: ANDREW SHERMAN

REGISTERED CIVIL ENGINEER
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 CONTACT: ANDREW SHERMAN

REGISTERED ARCHITECT
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 SAN FRANCISCO, CA 94102
 PHONE: (415) 362-2200
 CONTACT: ANDREW SHERMAN



<p>63</p>		<p>63</p>	
<p>UNIVERSITY ARCHITECTS</p> <p>1000 UNIVERSITY AVENUE, SUITE 1000 SAN FRANCISCO, CA 94103 PHONE: (415) 775-8100 WWW.UNIVERSITYARCHITECTS.COM</p>		<p>MARKER & RESCUE DESIGN/OWNER PLAN</p>	
<p>137 W VALLEY PARKWAY ESCONDIDO, CA 92025</p>		<p>DATE: MAR 2018 DRAWN BY: CH SHEET NO: 43.01</p>	
<p>PROJECT: PROPOSED MIXED USE DEVELOPMENT</p>		<p>DATE: MAR 2018 DRAWN BY: CH SHEET NO: 43.01</p>	
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<p>PROJECT: PROPOSED MIXED USE DEVELOPMENT</p>		<p>DATE: MAR 2018 DRAWN BY: CH SHEET NO: 43.01</p>	



DBRDS
 DEPARTMENT OF BUILDING REGULATIONS AND DEVELOPMENT SERVICES
 PROJECT TEAM

OWNER
 CITY OF ESCONCIDO
 251 NORTH MAINWAY
 ESCONCIDO, CA 92525
APPLICANT
 THOUGHSTHE COMMUNITIES, LLC
 5155 MAINWAY BLVD SUITE 110
 SAN DIEGO, CA 92121
OWNER / APPLICANT CONTACT
 NAME: JESSIE RAY
 PHONE: 619.594.4444
 EMAIL: jessie.ray@thoughtthe.com

DESIGN
ARCHITECT
 DE BARTO + PARKER DESIGN STUDIO
 1000 W. BROADWAY
 SAN DIEGO, CA 92101
PHONE 619.235.582
CONTACT JAMES DEBARTO
EMAIL james@debartopark.com

GENERAL CONTRACTOR
 THOUGHSTHE DEVELOPMENT, INC.
 5155 MAINWAY BLVD SUITE 110
 SAN DIEGO, CA 92121
PHONE 619.594.4444
CONTACT JESSIE RAY
EMAIL jessie.ray@thoughtthe.com

IN STATE LANDSCAPE ARCHITECTURE, INC.
 2200 PINE E ST SUITE 100-103
 SAN DIEGO, CA 92101
PHONE 619.735.1800
CONTACT TIM LANDSCAPE
EMAIL tim@instate.com

JACKSON & SPOUSE
 DEVELOPMENT PLAN

107 525 6349 944
158 8995
ZONE DOWNTOWN RESIDENTIAL
PROJECT 137 W VALLEY PARKWAY
DEVELOPMENT
APR 2019-01-24-18
101 RESIDENTIAL UNITS
161 BEDROOM
161 BATHROOM
161 KITCHEN

DRIVING TIME SECTIONS
PROJECT PROPOSED MIXED USE DEVELOPMENT
137 W VALLEY PARKWAY
ESCONDIDO, CA 92025

DRAWING PROJECT NO 1702
DATE MAR 2019
DRAWN BY CH
SCALE 1/8" = 1'-0"
SHEET NO A410



NOTES:
 All elevations, dimensions, drawings and plans are to be used in accordance with the provisions of the City of Escondido Planning Department. The applicant is responsible for obtaining all necessary permits and approvals from the City of Escondido Planning Department. The applicant is responsible for obtaining all necessary permits and approvals from the City of Escondido Planning Department. The applicant is responsible for obtaining all necessary permits and approvals from the City of Escondido Planning Department.

DBRDS
 DE BARTOLO ARCHITECTURE STUDIO

PROJECT TEAM

OWNER:
 CITY OF ESCONDIDO
 1500 AVENUE 66
 ESCONDIDO, CA 92025

APPLICANT:
 TOUCHSTONE COMMUNITIES, LLC
 993 AMBA AVE. SUITE 100
 SAN DIEGO, CA 92121

PHONE: (619) 248-4856
CONTACT: ALDORE GONZA

DESIGN:
 DE BARTOLO ARCHITECTURE STUDIO
 2337 AVENUE SUITE 200
 ESCONDIDO, CA 92025

PHONE: (619) 248-4856
CONTACT: PABLO DE BARTOLO
EMAIL: info@dbars.com

CITY ENGINEER:
 TOUCHSTONE DEVELOPMENT, INC.
 590 AMBA AVE. SUITE 100
 SAN DIEGO, CA 92121

PHONE: (619) 248-4856
CONTACT: PABLO DE BARTOLO
EMAIL: info@dbars.com

LANDSCAPE ARCHITECT:
 INBETELANDSCAPE ARCHITECTURE, INC.
 240 W. WARE RD. SUITE 100-803
 SAN DIEGO, CA 92108

PHONE: (619) 444-7777
CONTACT: TRACY L. BROWN
EMAIL: info@inbetelandscape.com

MASTER & PRECISE DEVELOPMENT PLAN

LOT SIZE: 14,544 S.F.
 1.6 ACRES

ZONE: DOWNTOWN SPECIFIC PLAN
 RETAIL CORNER LOTS

APN: 279-471-28-69

131 RESIDENTIAL UNITS
1441 S. BEDROOM
150 S. BEDROOM



DRAWING TITLE:
 MATERIAL'S BOARD

PROJECT:
 PROPOSED MIXED USE DEVELOPMENT

137 W VALLEY PARKWAY
ESCONDIDO, CA 92025

DBRDS PROJECT NO.: 17029

DATE: MAR 2019

DESIGNED BY: CH

SCALE: NTS

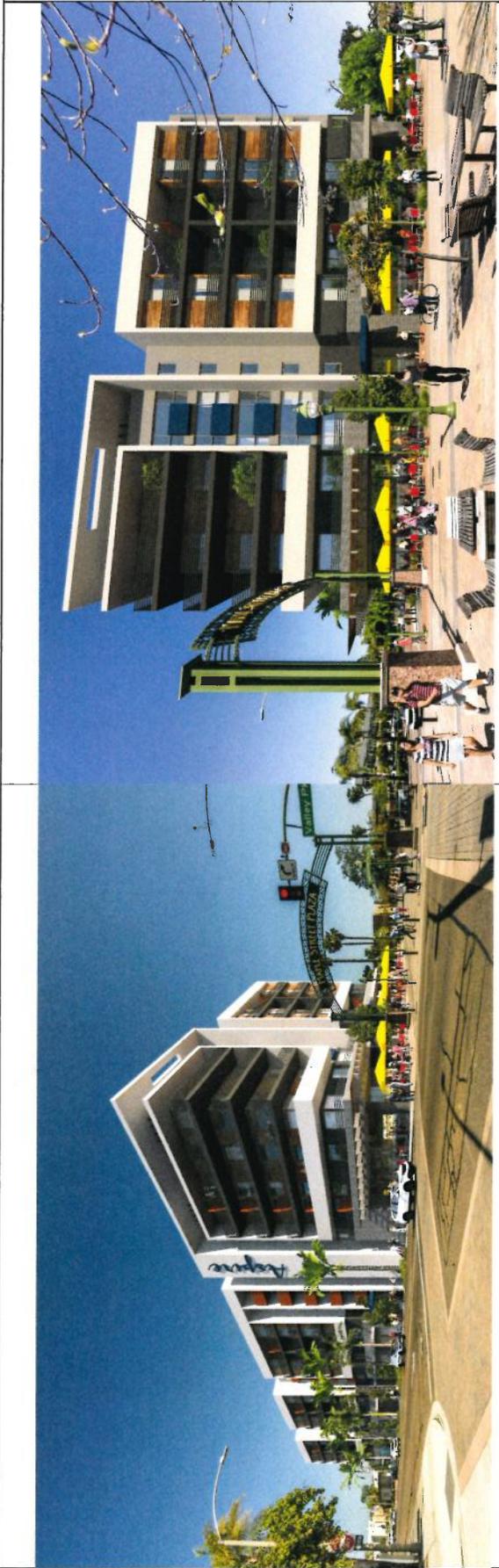
SHEET NO.: 45/50



NORTH ELEVATION (VALLEY PARKWAY)

1. SAND FINISH STUCCO - WHITE	6. OPERABLE GLAZING	11. PUBLIC ART FEATURE TBD
2. SAND FINISH STUCCO - CHARCOAL	7. ALUMINUM FRAMED ROLL UP GARAGE DOOR	12. NOT USED
3. SAND FINISH STUCCO - BLUE	8. THINSET BRICK VENEER - DARK GRAY TONES	13. HORIZONTAL METAL RAILING
4. SAND FINISH STUCCO - LIGHT GRAY	9. HARDIEPLANK WOOD SLATS - KHAKI BROWN	14. WOOD CORNER TRELLIS
5. SAND FINISH STUCCO - BURNT ORANGE	10. FEATURE TILE - LIGHT GRAY TONES	15. ALUMINUM OVERHANG LIGHT GRAY/BLUE TONES

MATERIAL'S BOARD

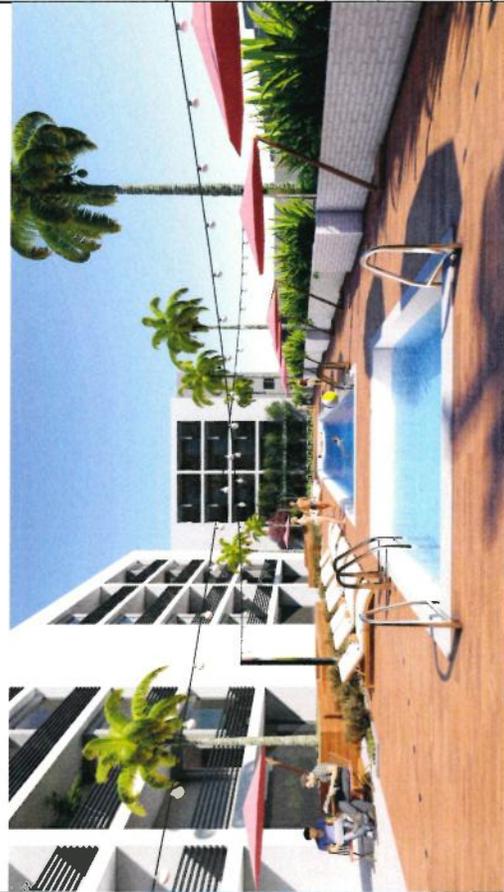


VIEW FROM THE CORNER OF W VALLEY AND MAPLE STREET LOOKING SOUTHEAST

VIEW FROM MAPLE STREET PLAZA LOOKING EAST



VIEW FROM W VALLEY LOOKING SOUTHWEST



POOL DECK LOOKING EAST

NOTES:
 All plans, specifications, drawings and notes are the property of the architect and shall remain the property of the architect. No part of these plans, specifications, drawings and notes shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect shall not be responsible for any errors or omissions on the site and shall not be liable for any damages, including but not limited to, consequential damages, arising from the use of these plans, specifications, drawings and notes.

DBRDS
 DE BARTOLO LANDSCAPE ARCHITECTS

PROJECT TEAM

CITY OF ESCONDIDO
 225 NORTH BROADWAY
 ESCONDIDO, CA 92025
LANDSCAPE ARCHITECT
 TOUCHSTONE COMMUNITIES, LLC
 1900 MAPLE AVE. SUITE 150
 SAN DIEGO, CA 92108
PHONE: (619) 246-4959
CONTACT: ANDREW GARCIA
DESIGN:
 DE BARTOLO LANDSCAPE ARCHITECTS
 301 STUYVESE STREET 200
 SAN DIEGO, CA 92101
PHONE: (619) 246-4959
CONTACT: PABLO DE BARTOLO
EMAIL: pablo@dbartololandscape.com
CIVIL ENGINEER:
 TOUCHSTONE DEVELOPMENT, INC.
 9900 MISSION VALLEY, SUITE 150
 SAN DIEGO, CA 92121
PHONE: (619) 246-4959
CONTACT: ALBERTO JARAMOLA
EMAIL: alberto@touchstone.com
LANDSCAPE ARCHITECT:
 SITE LANDSCAPE ARCHITECTURE, INC.
 3850 WOODLE RD. SUITE 100-403
 SAN DIEGO, CA 92108
PHONE: (619) 246-4959
CONTACT: IRENE HERRERA
EMAIL: irene@sitearch.com

MASTER & PREPARE
 DEVELOPMENT PLAN

LOT SIZE: 1.61 AC
ZONE: MDT (MEDIUM DENSITY TRANSITION)
APN: 229-021-26-09
131 RESIDENTIAL UNITS
1441 1-BEDROOM
159 2-BEDROOM



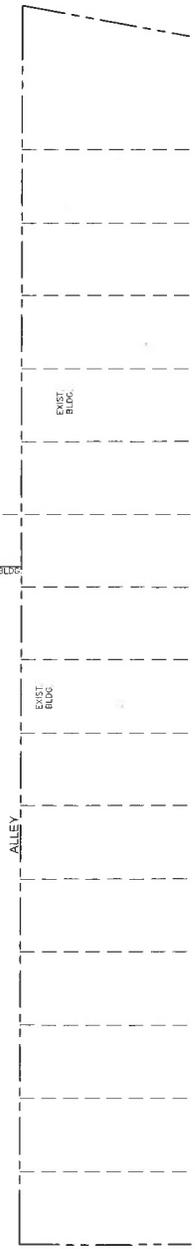
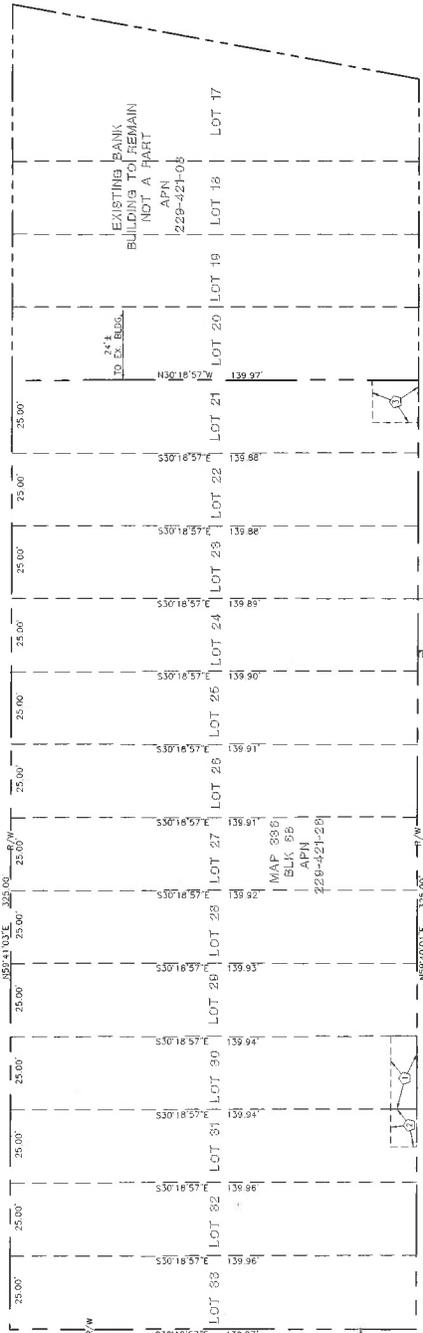
DRAWING TITLE:
 PERSPECTIVES

PROJECT:
 PROPOSED MIXED USE
 DEVELOPMENT
 137 W VALLEY PARKWAY
 ESCONDIDO, CA 92025

DBRDS PROJECT NO.: 177029
DATE: MAR 2019
DRAWN BY: CH
SCALE: NTS
SHEET NO.: 66.00



WEST VALLEY PARKWAY



REVISION	DATE	BY



PREPARED BY:

MASTER & PRECISE DEVELOPMENT PLAN FOR: SHEET
ASPIRE
 137 WEST VALLEY PARKWAY
 CITY OF ESCONDIDO, CALIFORNIA
 TOUCHSTONE DEVELOPMENT, INC. 4
 OF
 4

EASEMENT
 TO BE GRANTED FOR PUBLIC UTILITIES,
 INGRESS, EGRESS AND INCIDENTAL
 PURPOSES, RECORDED DECEMBER 27,
 1987 (0102296 OF OFFICIAL
 RECORDS) AND THE SAN DIEGO
 GAS AND ELECTRIC COMPANY (DIGO)
 AFFECTS, AS DESCRIBED THEREIN

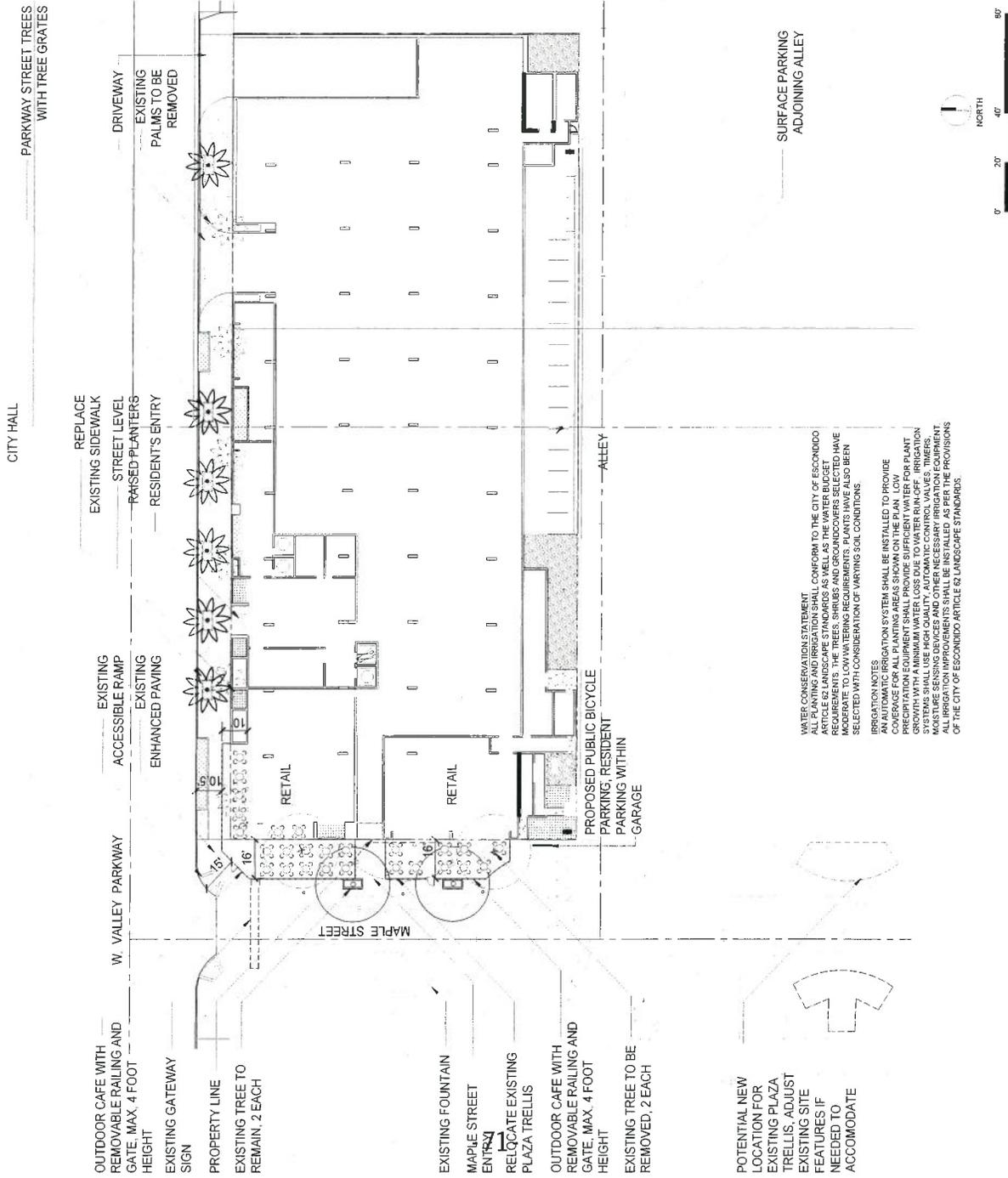


LEGEND - PRELIMINARY PLANT MATERIAL SELECTION

SYMBOL	CATEGORY / DESCRIPTION	MINIMUM SIZE	WATER USE / GROWTH HABIT	WINDSPEED / CATEGORY	QUANTITY
	STREET TREE (6' HEIGHT, 18' SPREAD)	MINIMUM SIZE, 10' BTH	LOW	MEDIUM	6
	INTERIOR ACCENT TREE (10' - 15' HEIGHT, 10' - 15' SPREAD)	MINIMUM SIZE, 15 GALLON	LOW	MEDIUM	24
	INTERIOR ACCENT PALM (20' HEIGHT, 10' SPREAD)	MINIMUM SIZE, 15 GALLON	LOW	MEDIUM	9

SYMBOL	CATEGORY / DESCRIPTION	MINIMUM SIZE	WATER USE / GROWTH HABIT	WINDSPEED / CATEGORY	QUANTITY
	STREET TREE (6' HEIGHT, 18' SPREAD)	MINIMUM SIZE, 10' BTH	LOW	MEDIUM	6
	INTERIOR ACCENT TREE (10' - 15' HEIGHT, 10' - 15' SPREAD)	MINIMUM SIZE, 15 GALLON	LOW	MEDIUM	24
	INTERIOR ACCENT PALM (20' HEIGHT, 10' SPREAD)	MINIMUM SIZE, 15 GALLON	LOW	MEDIUM	9
	LOW WATER USE SHRUBS AND GROUNDCOVERS	MINIMUM SIZE, 1 GALLON	LOW	MEDIUM	240

SYMBOL	CATEGORY / DESCRIPTION	MINIMUM SIZE	WATER USE / GROWTH HABIT	WINDSPEED / CATEGORY	QUANTITY
	LOW WATER USE SHRUBS AND GROUNDCOVERS	MINIMUM SIZE, 1 GALLON	LOW	MEDIUM	240
	LOW WATER USE SHRUBS AND GROUNDCOVERS	MINIMUM SIZE, 1 GALLON	LOW	MEDIUM	240
	LOW WATER USE SHRUBS AND GROUNDCOVERS	MINIMUM SIZE, 1 GALLON	LOW	MEDIUM	240



WATER CONSERVATION STATEMENT
 ALL PLANTING AND IRRIGATION SHALL CONFORM TO THE CITY OF ESCONDIDO ARTICLE 62 LANDSCAPE STANDARDS AS WELL AS THE WATER BUDGET. PLANTS WITH MODERATE TO LOW WATERING REQUIREMENTS PLANTS HAVE ALSO BEEN SELECTED WITH CONSIDERATION OF VARYING SOIL CONDITIONS.

IRRIGATION NOTES
 AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE COVERAGE FOR ALL PLANTING AREAS SHOWN ON THE PLAN. LOW PRECIPITATION EQUIPMENT SHALL PROVIDE SUFFICIENT WATER FOR PLANT GROWTH. SYSTEMS SHALL USE HIGH QUALITY, AUTOMATIC CONTROL VALVES, TIMERS, MOISTURE SENSING DEVICES AND OTHER NECESSARY IRRIGATION EQUIPMENT. ALL IRRIGATION IMPROVEMENTS SHALL BE INSTALLED AS PER THE PROVISIONS OF THE CITY OF ESCONDIDO ARTICLE 62 LANDSCAPE STANDARDS.



REVISION	DATE	BY

LANDSCAPE CONCEPT PLAN FOR:
ASPIRE
 137 WEST VALLEY PARKWAY
 CITY OF ESCONDIDO, CALIFORNIA
 TOUCHSTONE COMMUNITIES, LLC

EXHIBIT "E"
DEVELOPMENT AGREEMENT
PHG 19-0014

RECORDING REQUESTED BY:
CITY CLERK, CITY OF ESCONDIDO

WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF ESCONDIDO
201 N. BROADWAY
ESCONDIDO, CA 92025

THIS SPACE FOR RECORDER'S USE ONLY

APN: 229-421-26

Recording Fees Exempt Per Government Code Section 27383

DEVELOPMENT AGREEMENT
for Aspire

between

CITY OF ESCONDIDO

and

TOUCHSTONE MF FUND I, LLC

_____, 2019

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into by and between the City and Owner.

RECITALS

WHEREAS, Government Code Sections 65864 through 65869.5 and Articles 58 and 68 of the City's Zoning Code authorize the City to enter into binding development agreements with persons or entities having legal or equitable interests in real property for the purpose of establishing certainty in the development process for both the City and the property owner, and to enable specific terms regarding property development, to be negotiated and agreed upon; and

WHEREAS, the purposes of the Agreement are to eliminate uncertainty in the planning and development of the Project by assuring Owner that it may develop the Property, in accordance with existing laws, subject to the terms and conditions contained in the Agreement; assure the orderly installation of necessary improvements and the provision for public services appropriate for the development of the Project; and enable the City to obtain substantial public benefits by virtue of the Agreement.

NOW THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Parties agree as follows:

ARTICLE I

Definitions

1. “**Amendment**” refers to any written amendment to this Agreement approved by the City Council as provided in Article II, Section 3.
2. “**Annual Review**” refers to the Owner’s demonstration of compliance with the terms of this Agreement every 12 months.
3. “**Assignee**” refers to an assignee of this Agreement in accordance with Article II, Section 2 and approved by the City in writing.
4. “**CEQA**” refers to the California Environmental Quality Act, California Public Resources Code §§ 21000 et seq.
5. “**City**” refers to the City of Escondido, its City Council, its mayors and council members, past and present, and employees and agents.

6. **"Cure Period"** refers to the period of time in which a default may be cured, which will be 30 days.
7. **"Development Fees"** refers to the development related fees as provided in the City's Fee Guide for Development Projects Revised February 6, 2017, attached as Exhibit C.
8. **"Director"** refers to the Director of Community Development.
9. **Effective Date.** The effective date of the Agreement shall be the day that is 30 days after the City Council's adoption of an ordinance approving this Agreement.
10. **"Entitlements"** refers to all approvals and permits necessary or incidental to the development of the Project or any portion thereof, whether discretionary or ministerial, including but not limited to, specific plans, tentative or final tract map approvals, whether standard or vesting, conditional use permits, variances, project plans, grading permits, building permits, and this Agreement and includes all conditions of approval regarding any particular Entitlement.
11. **"Exaction"** refers to any fee, tax, requirement, condition, dedication, restriction, or limitation imposed by the City upon the development of the Property at any time in accordance with the Existing Laws.
12. **"Existing Laws"** refers to the ordinances, resolutions, codes, rules, regulations, general plan, stormwater regulations and official policies of the City and the State of California governing the development of the Property, including, but not limited to, the permitted uses of the Property, the density or intensity of use, the design, improvement and construction standards and specifications for the Project, including the maximum height and size of proposed buildings, and the provisions for reservation and dedication of land for public purposes, in effect on the Effective Date of this Agreement.

13. "**Future Exaction**" refers to Exactions imposed after the Effective Date, whether by ordinance, initiative, resolution, rule, regulation, policy, order or otherwise.
14. "**Future Laws**" refers to all ordinances, resolutions, codes, rules, regulations, and official policies implemented by the City after the Effective Date, whether by ordinance, initiative, resolution, rule, regulation, policy, order or otherwise. Future Laws includes changes to the Existing Laws.
15. "**General Fees**" refers to all general development fees which the City may levy pursuant to Government Code Sections 66000 et seq. ("the Mitigation Fee Act"), including, but not limited to, application fees, processing fees, utility connection fees, inspection fees, capital facilities fees, development impact fees, traffic impact fees, park fees and such other similar fees as may be enacted from time to time and generally applied throughout the City, excluding Development Fees.
16. "**General Plan**" refers to the City's General Plan in effect on the Effective Date.
17. "**Minor Modifications**" refers to minor modifications regarding the performance of this Agreement that are consistent with the Entitlements and have minimal impacts to the City's operations in terms of timing, performance, or value.
18. "**Modification**" refers to a modification approved by the City Council as provided in Article VI, Section 5.
19. "**Operating Memorandum**" refers to addenda to this Agreement to document changes or adjustments in the performance of this Agreement as specified in Article III, Section 7.
20. "**Owner**" refers to Touchstone MF Fund I, LLC, a Delaware limited liability company, who has legal or equitable interest in the real property which is the subject of this Agreement.
21. "**Party**" may refer to City or Owner individually or collectively as Parties.

22. **"Project"** shall mean and refer to all improvements described in the Entitlements and this Agreement.
23. **"Property"** shall mean the certain real property located in the County of San Diego, State of California as described in the Exhibit A.
24. **"Public Benefits"** shall refer to the consideration given by Owner to the City, as described in Exhibit B attached hereto, in return for the City's good faith performance of all applicable terms and conditions in this Agreement.
25. **"Public Improvements"** refers to any public improvements required to be constructed as conditions of approval to the Entitlements or as additionally provided in this Agreement.
26. **"Review Letter"** refers to a letter from the City regarding a statement of Owner's compliance with this Agreement, following a positive Annual Review by the City.
27. **"Term"** shall refer to the term of this Agreement as provided in Article II, Section 1.

ARTICLE II

General Provisions

1. **Term of Agreement.** The term of this Agreement shall commence on the Effective Date and shall continue for five (5) years unless terminated, modified, amended or extended as permitted by this Agreement. After the expiration of the Term, this Agreement shall be deemed terminated and of no further force or effect. This Agreement shall terminate with respect to any lot and such lot shall be released and no longer subject to the Agreement, without the execution or recordation of any further document, when a certificate of occupancy has been issued for the building(s) on the lot.
2. **Assignment.** The rights and obligations of Owner under the Agreement may be assigned by Owner as part of an assignment of the Property, only after receiving written approval from the

City. Owner shall provide thirty (30) days advance written notice to the City of any requested assignment, which may not be unreasonably conditioned, delayed, or withheld. The City shall have the right to ensure that the proposed assignee has the financial capability to complete and fulfill any uncompleted requirements relating to the Public Benefits and Public Improvements. Notwithstanding the foregoing, Owner may assign this Agreement in conjunction with a transfer of the Property, without any additional consent, to any entity in which Touchstone Communities, LLC or Kerry Garza has the majority ownership of, or directly controls its day to day operations. Any assignment agreement must be in writing and expressly provide that (a) the assignment shall be subject to this Agreement; and (b) the Assignee assumes all of Owner's rights and obligations with respect to the Property, or portion thereof, assigned.

3. **Amendment of Agreement.** The Agreement may be amended in writing by the mutual consent of the Parties in accordance with Article 58, Chapter 33 of the Escondido Zoning Code as well as any applicable state or federal law. The Agreement shall include any amendment properly approved and executed. Minor Modifications in the manner of performance shall not constitute an Amendment to the Agreement and may be accomplished through an Operating Memorandum.

4. **Enforcement.** Unless amended or terminated as provided herein, this Agreement is enforceable by either Party or its successors and assigns, notwithstanding any Future Laws, which alter or amend the Existing Laws.

5. **Defense and Indemnification.**

a. Owner agrees to defend, indemnify, and hold harmless, City, and provide and pay all costs for a defense of and judgment against the City, including any award for attorney's fees and litigation costs, in any legal action filed in a court of competent jurisdiction by a third party challenging the Project, or any component thereof, or this Agreement. Upon the Effective Date, or

another date as mutually agreed to by the Parties, the Owner shall deposit security, such as cash, a bond, irrevocable letter of credit, or other security to cover the costs of any such defense in a reasonable amount as determined by the City of Escondido City Attorney. Initially, the deposit shall be \$25,000 which may be reasonably adjusted should any lawsuit be filed. Said security may be released after all applicable statutes of limitation have expired.

b. Owner shall further indemnify, defend and hold harmless the City and its officers, employees and agents from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceedings, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. R9-2015-0001) of the California Regional Water Quality Control Board Region 9, San Diego, as amended or extended, which the City might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction of the Project.

c. The City shall have no liability to the Owner or any other person for, and Owner shall indemnify, defend, protect and hold harmless the City from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements, which the City may suffer or incur or to which the City may become subject as a result of or allegedly caused by the payment of prevailing wages for construction of the Project or any of the Public Benefits or Public Improvements.

d. If any action or proceeding is brought against the City by reason of any of the matters against which Owner has agreed to indemnify the City as provided above, Owner, upon

notice from the City, shall defend the City at Owner's expense by counsel chosen by the City. The City need not have first paid for any of the matters to which the City is entitled to indemnification in order to be so indemnified. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

6. **Third Party Challenges.** In the event the validity, applicability, or implementation of the Agreement is challenged by means of legal proceedings by any party other than the City and Owner, it shall be the City's option, at its sole and absolute discretion, whether to undertake the defense of such challenge. If the City determines not to defend such challenge, it shall be the option of Owner, to defend the validity, applicability, or implementation of this Agreement in the proceeding at Owner's sole expense. The City and Owner agree to cooperate in the defense of any such challenges.

7. **Notices.** All notices or communication between the City and Owner pursuant to the Agreement shall be in writing and shall be given by personal delivery, overnight delivery service, certified or registered mail, facsimile or telecopy to the addresses set forth below. The addresses may be changed by giving (ten) 10 days written notice.

A. City

City of Escondido
Attention: Director of Community Development
201 N. Broadway
Escondido, CA 92025

with a copy to:

City Attorney
201 N. Broadway
Escondido, CA 92025

B. Owner

Touchstone MF Fund I, LLC
C/O Touchstone Communities, LLC
Attention: Kerry Garza and Addison Garza

9909 Mira Mesa Blvd., Suite 150
San Diego, CA 92131
Phone: (858) 248-4951

with a copy to:

David W. Ferguson, Esq.
Lounsbury Ferguson Altona & Peak, LLP
960 Canterbury Place, Suite 300
Escondido, CA 92025-3836
Phone: (760) 743-1201

8. **Conflict of State or Federal Laws.** If state or federal laws or regulations enacted after the Effective Date prevent compliance with any provision of this Agreement or require changes in any Entitlements, those laws or regulations shall be controlling and the Parties shall make a good faith, reasonable attempt to modify this Agreement to comply both with the intent of the Agreement and with the new laws or regulations.

The City shall timely assist Owner in securing any permits, including permits from other public agencies, which may be required as a result of the modifications, suspensions, or alternate courses of action.

ARTICLE III

Development of the Property

1. **Applicable Rules, Regulations, and Policies.** Owner shall have the vested right, to the fullest extent allowed by law, to develop the Property in accordance with the Entitlements, Existing Laws and this Agreement. During the Term, the Entitlements, Existing Laws and this Agreement shall control the overall design, development and construction of the Project. Notwithstanding the foregoing, nothing in this Agreement shall preclude the City from applying changes occurring from time to time in the uniform codes published in Title 24 of the California Code of Regulations

and adopted by the City, including local amendments, in effect when the building permits are issued.

2. **Future Laws.** Future Laws shall not apply to the Project except as expressly provided in this Agreement. Future Laws may be applied to the Project if they are not in conflict with the Existing Laws. Owner may give the City written notice of its election to have any Future Law applied to the Property, in which case such Future Law will be considered an Existing Law for purposes of this Agreement.

3. **Future Discretionary Reviews.** Except as set forth in this Agreement, the City shall retain its discretionary rights in reviewing applications for Entitlements. Owner's applications for Entitlements and the City's review thereof, must comply with the Existing Laws and with the terms and conditions of this Agreement. The City shall not impose any conditions upon Entitlements that are more restrictive than or inconsistent with the terms of this Agreement or the Existing Laws, except as required by state or federal law. The City may conduct, in accordance with CEQA and the Existing Laws, an environmental review for Entitlements. The City may impose, if required by CEQA, additional mitigation measures to mitigate significant adverse environmental effects that were not previously considered, or were found to be infeasible to mitigate at the time of approval of this Agreement. Nothing herein is intended to require or authorize additional CEQA environmental review or mitigation measures beyond that otherwise required by CEQA.

4. **Permitted Uses and Density.** The Agreement shall vest the right to develop the Property to the fullest extent allowed by law with respect to the permitted uses of land, density and intensity of uses, and the rate or timing and phasing of development as described in the Entitlements which are hereby incorporated as if fully set forth in this Agreement. The permitted uses, density, and intensity of use of the Project, the maximum height and size of proposed buildings and provisions

for reservation or dedication of land for public purposes, shall substantially conform to those specified in the Entitlements, Existing Laws and this Agreement. All other aspects of the Project that are not specified in the Entitlements shall be determined by the Existing Laws, except as expressly provided herein.

5. **Time for Construction and Completion of the Project.** Owner cannot predict when or the rate or the order in which the Property or the parcels will be developed, if at all. Such decisions depend upon numerous factors that are not within the control of the Owner, such as market orientation and demand, interest rates, absorption, completion, and other similar factors. Therefore, Owner shall have the right to develop the Property in phases, in such order, at such rate, and at such times as Owner deems appropriate in Owner's business judgment, subject only to the provisions of this Agreement and the Entitlements. Owner shall be entitled to apply for and receive approval of permits, building permits, and other Entitlements for use at any time and for any or all portions or phases of the Project, provided that application is made in a manner consistent with this Agreement and the Entitlements. The City may require, and will process, all customary plans and agreements generally applicable to developers in the City for similar works of onsite or offsite improvements.

6. **Moratorium.** No City-imposed moratorium or other limitation (whether relating to the rate, timing or sequencing of the development or construction of all or any part of the Property, whether imposed by ordinance, initiative, resolution, policy, order or otherwise, and whether enacted by the City Council, an agency of the City, the electorate, or otherwise) affecting parcel or subdivision maps (whether tentative, vesting tentative, or final), building permits, occupancy certificates or other entitlements to use or service (including, without limitation, water and sewer) approved, issued or granted within the City, or portions of the City, shall apply to the Property to

the extent such moratorium or other limitation is in conflict with this Agreement; provided, however, the provisions of this Section shall not affect the City's compliance with moratoria or other limitations mandated by other governmental agencies or court-imposed moratoria, as established by the initiative process, or as otherwise established by law.

7. **Operating Memoranda.** The Parties acknowledge that the provisions of this Agreement require cooperation between the City and Owner, and that the refinements and further development of the Project hereunder may demonstrate that changes are appropriate with respect to the details of performance of the Parties hereunder. The Parties desire, therefore, to retain a certain degree of flexibility with respect to those items covered in general terms under this Agreement. If and when, from time to time during the Term, the Parties find that such Minor Modifications are necessary or appropriate, they may effectuate such Minor Modifications through Operating Memoranda approved by the Parties, which, after execution, shall be attached hereto as addenda and become a part hereof, and may be further changed and amended from time to time as necessary with further approval by the City and Owner. No such Operating Memorandum shall require prior notice or hearing, or constitute an amendment or modification to this Agreement; and in the case of the City, such Operating Memorandum may be acted upon by the City Manager or his designee. Failure of the Parties to enter into any such Operating Memorandum shall not affect or abrogate any of the rights, duties or obligations of the Parties hereunder or the provisions of this Agreement. An Operating Memorandum may be recorded as an addendum to this Agreement.

8. **Term of Project Approvals.** The term of each of the Entitlements shall be extended for a period of time through the Term of the Agreement. Should this Agreement be terminated, the Owner shall have thirty (30) days to submit an application for the extension of any of the approved Entitlements.

9. **Infrastructure Capacity.** Subject to Owner's proportionate contribution to infrastructure and the Public Benefits provided by Owner, in accordance with the requirements of the Entitlements, the City hereby acknowledges that it will have sufficient capacity in its infrastructure services and utility systems, including, without limitation, traffic circulation, flood control, sanitation service and, except for reasons beyond the City's control, sewer collection, sewer treatment, water supply, treatment, distribution and service, to accommodate the Project. To the extent that the City renders such services or provides such utilities, the City hereby agrees that it will serve the Project and that there shall be no restriction on connections or service for the Project except for reasons beyond the City's control.

10. **Easements.** Easements dedicated for pedestrian use shall be permitted to include public easements for underground improvements, including but not limited to, drainage, water, sewer, gas, electricity, telephone, cable and other utilities and facilities, so long as they do not unreasonably interfere with pedestrian use.

11. **Public Benefits and Improvements.** Owner agrees to design, construct and maintain the improvements as provided in the Entitlements and provide the Public Benefits as described in Exhibit B. These requirements shall survive the termination of this Agreement. However, should the Project be abandoned and an entirely new project applied for, the foregoing requirements shall terminate. This provision shall in no way effect the enforceability of the deed restriction requiring public parking spaces on the Property in perpetuity as provided in the City's Purchase and Sale Agreement with the Owner.

12. **Fees.** The Owner shall pay the Development Fees and General Fees in the amounts in effect at the time Owner submits payment of the fees unless otherwise explicitly provided in this

Agreement. The payment of Development Fees and General Fees may be deferred in accordance with City requirements separately from this Agreement.

ARTICLE IV

Provision of Public Benefits

1. **Description of Public Benefits.** Owner shall provide the City with the Public Benefits, as further described in Exhibit B, as consideration for the City's good faith performance of all applicable terms and conditions in this Agreement.
2. **Occupancy Contingent on Construction of Public Improvements.** Owner acknowledges that the City shall not grant a certificate of occupancy for the first residential or commercial unit on the Property prior to the construction of all improvements described in Exhibit B. This contingency for occupancy shall survive the termination of this Agreement.
3. **Grading Permit Contingent on Security for Public Benefits.** Prior to issuance of a grading permit, Owner must enter into an improvement agreement or agreements which will detail Owner's construction obligations for Public Improvements and the Public Benefits, and will require Owner to provide financial security for completion of construction, in a form or forms as approved by the City Attorney.
4. **Processing During Third Party Litigation.** The filing of any third party lawsuit(s) against the City or Owner relating to this Agreement, any Entitlements, or to other development issues affecting the Property shall not delay or stop the development, processing or construction of the Project or approval of Entitlements, unless the third party obtains a court order preventing the activity, in which case the term of this Agreement shall be tolled for the duration of the legal action and the expiration date of the Agreement shall be extended by the time during which the term is tolled.

ARTICLE V

Annual Review

1. **Owner Responsibilities.** At least every twelve (12) months during the Term, Owner shall demonstrate good faith substantial compliance with the major provisions of the Agreement and provide, to the best extent possible, the status and timing of development of the Project and related public improvements to the City for an Annual Review. If requested by the City, Owner shall provide any additional detail or information necessary to demonstrate good faith compliance with any particular provision of this Agreement identified by the City.
2. **Opportunity to be Heard.** Owner shall be permitted an opportunity to be heard orally and in writing at any noticed public hearing regarding its performance under this Agreement. Owner shall be heard before each appropriate board agency or commission and the City Council at any required public hearing concerning a review of performance under this Agreement.
3. **Information to be Provided to Owner.** The City shall mail to Owner a copy of staff reports and related exhibits concerning Agreement performance, a minimum of ten (10) calendar days prior to consideration and review by the City Council.
4. **Annual Review Letter.** If Owner is found to be in substantial compliance with this Agreement after the Annual Review, the City shall issue, upon written request by Owner, a Review Letter to Owner stating that, based upon information known or made known to the City Council, the City Planning Commission, and/or the City Manager, this Agreement remains in effect and Owner is in compliance. Owner may record the Review Letter in the Official Records of the County of San Diego.

5. **Failure of Annual Review.** The City's failure to perform an Annual Review of Owner's substantial compliance with the terms and conditions of the Agreement shall not constitute or be asserted as a default by Owner.

ARTICLE VI

Delay, Default, Remedies, and Termination

1. **Notice and Cure of Default.** In the event of a material default, the Party alleging a default shall give the defaulting Party a notice of default in writing. The notice of default shall specify the nature of the alleged material default. During the Cure Period, the Party charged shall not be considered in breach. If the default is cured within the Cure Period, then no breach shall be deemed to exist. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and, where appropriate, the manner in which such alleged failure satisfactorily may be cured.

2. **Waiver.** Failure or delay in giving notice of default shall not constitute a waiver of any other material default. Except as otherwise expressly provided in this Agreement, a failure or delay in asserting any rights or remedies as to any default shall not operate as a waiver of any default or of any rights or remedies otherwise available to a Party or deprive a Party of the right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any rights or remedies it may have.

3. **Default by Owner.** The Director may recommend the review and termination of this Agreement to the City Council upon an occurrence of a material default that is not cured within the Cure Period. The foregoing does not limit any of the City's other remedies upon a material breach of this Agreement by the Owner.

4. **Default by the City.** Upon a material default by the City, that is not cured within the Cure Period, Owner, without limiting any of its other remedies, shall not be obligated to complete any of its obligations under this Agreement.

5. **Termination or Modification.** Any termination or modification of this Agreement shall be done in accordance with Article 58, Chapter 33 of the Escondido Zoning Code as well as any applicable state or federal law. Owner shall have sixty (60) days from the Effective Date to sign the Agreement or the Agreement shall automatically expire.

ARTICLE VII

Encumbrances and Releases on Property

1. **Discretion to Encumber.** This Agreement shall not prevent or limit Owner, in any manner, from encumbering the Property or any portion of the Property or any improvement on the Property by any mortgage. The City acknowledges that lenders providing financing may require modifications to this Agreement and the City agrees, upon request, from time to time, to meet with Owner and/or representatives of lenders to negotiate in good faith any lender request for modification provided any modification does not will not affect the timely completion or fulfillment of any requirements in the Entitlements or this Agreement relating to the Public Benefits.

ARTICLE VIII

Miscellaneous Provisions

1. **Rules of Construction.** The singular includes the plural; the masculine gender includes the feminine; "shall" is mandatory; "may" is permissive.

2. **Severability.** If any non-material provision of this Agreement shall be adjudged by a court of competent jurisdiction to be invalid, void, or illegal, it shall in no way affect, impair, or

invalidate any other provision of this Agreement. If any material part of the Agreement is adjudged by a court of competent jurisdiction to be invalid, void, or illegal, the Parties shall take all steps necessary to modify the Agreement to implement the original intent of the Parties in a valid and binding manner. These steps may include the waiver by either of the Parties of their right under the unenforceable provision. If, however, this Agreement objectively cannot be modified to implement the original intent of the Parties and the Party substantially benefited by the material provision does not waive its rights under the unenforceable provision, the executory portions of the Agreement shall become void.

3. **Entire Agreement.** Except as expressly referred to herein, this Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter of this Agreement. This Agreement supersedes all other negotiations and previous agreements between the Parties with respect to that subject matter.

4. **Waivers.** All waivers of the provisions of this Agreement must be in writing and signed by the appropriate agents of the City or of Owner.

5. **Recording.** The City Clerk shall cause a copy of this Agreement to be recorded with the Office of the County Recorder of San Diego County, California within (ten) 10 days following the Effective Date. Upon the completion of performance of this Agreement or its revocation or termination, a statement evidencing completion, revocation, or termination signed by the appropriate agents of Owner and the City shall be recorded in the Official Records of San Diego County, California.

6. **Project as a Private Undertaking.** It is specifically understood by the Parties that the Project is a private development and that Owner shall have the full power and exclusive control of

the Property subject to the provisions of this Agreement. Any improvements completed remain the property of the Owner unless the City has explicitly accepted any improvement.

7. **Captions.** The captions of the Agreement are for convenience and reference only and shall not define, explain, modify, construe, limit, amplify or aid in the interpretation, construction or meaning of any of the provisions of the Agreement.

8. **Consent.** Where the consent or approval of a Party is required or necessary under this Agreement, the consent or approval shall not be withheld unreasonably.

9. **The City's Ongoing Statutory Authority.** Except as expressly stated, nothing in this Agreement shall limit the City's authority and responsibility under the California Constitution and applicable California statutes to act in the best interests of the public health, safety, and welfare, and nothing in this Agreement is intended to limit in any way the legislative discretion otherwise afforded the Escondido City Council under state or federal law.

10. **Covenant of Cooperation.** The Parties shall cooperate with and assist each other in the performance of the provisions of the Agreement including assistance in obtaining permits for the development of the Property which may be required from public agencies other than the City. The covenant of cooperation shall include, to the maximum extent permitted by law, that the City shall use its best efforts to prevent any ordinance, measure, moratorium or other limitation from invalidating, prevailing over or making impossible any provision of the Agreement, and the City shall cooperate with Owner to keep this Agreement in full force and effect. Owner reserves the right to challenge any such ordinance, measure, moratorium, or other limitation in a court of law if it becomes necessary to protect the development rights vested in the Property pursuant to this Agreement.

11. **Further Actions and Instruments.** Each of the Parties shall cooperate with and provide reasonable assistance to the other in the performance of all obligations under this Agreement and the satisfaction of the conditions. Upon the request of either Party, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of the Agreement or to evidence or consummate the transactions contemplated herein.

12. **Successors and Assigns.** Subject to Article II Section 2 above, the burdens of this Agreement shall be binding upon, and the benefits of this Agreement inure to, all successors-in-interest and assigns of the Parties.

13. **Time of the Essence.** Time is of the essence of this Agreement and of each and every term and condition hereof.

14. **Applicable Laws.** This Agreement shall be construed and enforced in accordance with the laws of the State of California. All statutory references are to California statutes.

15. **No Waiver of Existing Rights or Applicable Laws.** This Agreement shall not constitute a waiver of any of Owner's existing rights or applicable laws, nor shall it limit or expand Owner's right to challenge any General Fee as being contrary to applicable law or to challenge any existing or Future Exaction as being in excess of Exactions permitted by applicable law.

16. **Authorization.** Each person executing this Agreement hereby warrants and represents that he/she has the authority to enter into this Agreement and to bind his/her respective entity to the provisions hereof. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original.

17. **No Third Party Beneficiaries.** This Agreement and each and every provision hereof is for the exclusive benefit of the Parties hereto and not for the benefit of any third party.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the Parties have executed this Agreement:

CITY OF ESCONDIDO

CITY OF ESCONDIDO

By: _____
Paul McNamara
Its: Mayor

By: _____
Diane Halverson
Its: Clerk

By: TOUCHSTONE MF FUND I, LLC, a Delaware limited liability company

By: TOUCHSTONE COMMUNITIES, LLC, a California limited liability company
Its: Manager

By: _____
Its: Manager

APPROVED AS TO FORM:

CITY OF ESCONDIDO
OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

TOUCHSTONE MF FUND I, LLC

By: _____
David W. Ferguson
Attorney for Owner

EXHIBIT A

LEGAL DESCRIPTION

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

EXHIBIT B

I. PUBLIC BENEFITS AND PUBLIC IMPROVEMENTS

A. MAPLE STREET PLAZA. Public Art fees for the Project will be combined with existing City Public Art funds to replace the existing non-functioning fountain in Maple Street Plaza at a later date. The construction of the fountain, including design, size, dimensions, materials, style, pumping requirements, and installation will be the responsibility of the City. Upon completion, the City will only be responsible for repairs to the fountain caused by willful destruction or acts of nature. The Owner shall be responsible for all cleaning and maintenance of the fountain in perpetuity, at Owner's sole cost, including the care and servicing by personnel for the purpose of maintaining the fountain and all ancillary equipment in satisfactory operating condition by providing for systematic inspection, detection, and correction of equipment and emerging failures either before they occur, or before they develop into major defects.

B. PUBLIC PARKING. Owner shall design and construct a new parking structure that provides public parking spaces, including the installation of an electronic signage system to display available public parking spaces in real time in accordance with the traffic impact analysis for the Project and appropriate infrastructure (wiring, conduits, physical space, etc.) to facilitate future improvements (i.e. access gate(s), signage, security/attendant station, etc.) to be performed by others for an independent contractor to manage the public parking spaces, as approved by the City in its sole discretion. The Project shall provide a total of 76 public parking spaces on the Property in accordance with the Owner's

Purchase and Sale Agreement with the City. Owner shall also maintain the public parking spaces at Owner's cost when completed and operational. Prior to issuance of a grading permit, Owner shall provide a Parking Management Plan for any proposed use of the 76 spaces other than public parking, which shall be subject to City's written approval. Owner may allow said public parking spaces to be used for overnight parking for Project residents and guests, provided an appropriate permit regulated program is implemented by the Owner and approved by the City in writing. Prior to construction, the City will maintain the parking lot in accordance with its normal operations. The City shall continue to enforce public parking regulations after completion of the parking structure.

C. TRAFFIC CONTRIBUTIONS. Owner shall pay the City [\$xxx,xxx] as contributions towards future public signage for public parking lots to facilitate the efficient flow of traffic in the downtown area.

II. DENSITY TRANSFER FROM CITY DENSITY TRANSFER PROGRAM

A. DENSITY TRANSFER. The City will transfer 24 units of density from the City Density Credit Pool, established by the City's Density Transfer Program.

B. CALCULATION OF DENSITY BONUS. Any density bonus awarded pursuant to State law shall be calculated based on the 79 units as provided in the Downtown Specific Plan and will not include any transferred density in the calculation.

III. TIMING AND COOPERATION

A. GENERALLY. The City and Owner agree to cooperate towards the requirements in this Agreement including a permitting and construction schedule.

- B. USE OF MAPLE STREET PLAZA.** The Project shall be permitted to use a portion of Maple Street Plaza for outdoor café seating, subject to any terms and conditions of an encroachment permit. This space shall extend approximately sixteen (16) feet from the exterior of the building as depicted in the Entitlements. Owner shall be permitted to use this space during construction of the Project. Owner shall be responsible for maintenance of this space after construction starts. Such maintenance shall include routine care and cleaning, repair and replacement of existing improvements unless damaged by the City. Owner shall relocate the existing improvements being displaced to a new location within Maple Street Plaza and in a manner approved by the City at Owner's cost.
- C. TEMPORARY PARKING MANAGEMENT PLAN.** Prior to issuance of grading permit, the City will require a temporary parking management plan that secures temporary off-site parking accommodations for construction workers. Owner may allow onsite parking once the initial garage is constructed subject to City approval in accordance with the City's municipal code and state and federal law.
- D.** Owner may require the temporary exclusive use of the south side parking lane of Valley Parkway to facilitate the construction of the Project. If Owner determines that such use is necessary, then City and Owner agree to cooperate towards this requirement, subject to any terms and conditions of an encroachment permit.

EXHIBIT C

FEE GUIDE

Mike Strong

From: Jacks, Paula <Paula.Jacks@aecom.com>
Sent: Wednesday, July 31, 2019 9:51 AM
To: Angela Morrow; Mike Strong; Bill Martin; 'BekmanisJT@bv.com'; Graham, Bill; Oberbauer, Tom; Anguiano, Michael; Fowler, Alexandra
Subject: [EXT] FW: Lake Wohlford Inundation Analysis Memo

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

Eric Hollenbeck sent a reply this morning. He used a different distribution list vs. sending 'reply all' to the email I sent yesterday (see below). He does not agree with our analysis and notes that climate change uncertainties require a more conservative mitigation approach. After everyone has had a chance to read this we can discuss this further. –Paula

From: Hollenbeck, Eric@Wildlife <Eric.Hollenbeck@wildlife.ca.gov>
Sent: Wednesday, July 31, 2019 8:16 AM
To: Jacks, Paula <Paula.Jacks@aecom.com>; janet_stuckrath@fws.gov; Fisher, Kelly@Wildlife <Kelly.Fisher@wildlife.ca.gov>
Cc: Weiss, Eric@Wildlife <Eric.Weiss@wildlife.ca.gov>
Subject: RE: Lake Wohlford Inundation Analysis Memo

Hi Paula,
I apologize. Some wires got crossed and this didn't get sent out on July 11 as planned. Please see response below.

The analysis presented did not include data on upland habitat inundation survival but rather presented a hypothetical extrapolation of impacts based on historical records for annual periods of potentially maximum inundation for unspecified durations of time. The Department cannot concur that the extrapolation is an accurate predictor of inundation period in perpetuity or for the life of the project. Even if an analysis of the variance of the historical rainfall were presented, unpredictable changes in regional precipitation regime are increasingly likely due to global climate change and therefore represent an unknown level of impact necessitating a conservative approach. In addition, the lack of detail in the data for exact daily duration of inundation and potential impact to established upland habitats, and lack of information on the topic in general, again necessitates a conservative approach when mitigating for long-term preservation in perpetuity.

The Department cannot concur that a type conversion of 3.84 acres of SWS to FWM meets the no-net-loss standard. Due to the type conversion, there would be a net loss of SWS. Further, it is unclear if the 3.84 acres of SWS lost is included in the 7.48 acres required as mitigation—which implies a net loss of SWS.

No analysis is provided to justify the 25% reduction in mitigation required for upland habitat impacts (indeed the summary states that no such analysis was possible given a search for the necessary data). The Department cannot concur that the reduction conforms to either the draft Escondido SAP or the MHCP. Given the experimental nature of the proposal and lack of empirical data informing the level of impact to upland impacts (due to inundation, or the viability of the habitat under possible durations of full inundation for the life of the project) the Department proposes that the City:

- Draft a mitigation plan identifying how any upland habitats impacted by full inundation will be fully mitigated;

- Provide a financial security instrument in an amount sufficient to cover the cost of mitigating the largest possible loss of habitat; and
- Define the trigger mechanisms (e.g., timing, and thresholds for habitat loss) when all or a portion of the financial surety will be used to mitigate potential losses.

Thanks,

Eric Hollenbeck
Senior Environmental Scientist
California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123
(858) 467-2720

From: Jacks, Paula <Paula.Jacks@aecom.com>

Sent: Tuesday, July 30, 2019 4:03 PM

To: Hollenbeck, Eric@Wildlife <Eric.Hollenbeck@wildlife.ca.gov>; janet_stuckrath@fws.gov; Fisher, Kelly@Wildlife <Kelly.Fisher@wildlife.ca.gov>

Cc: 'amorrow@escondido.org' <amorrow@escondido.org>; mstrong@escondido.org; 'bmartin@escondido.org' <bmartin@escondido.org>; 'BekmanisJT@bv.com' <BekmanisJT@bv.com>; Oberbauer, Tom <Tom.Oberbauer@aecom.com>; Graham, Bill <Bill.Graham@aecom.com>; Anguiano, Michael <Michael.Anguiano@aecom.com>

Subject: RE: Lake Wohlford Inundation Analysis Memo

Hello again, Eric, Janet, and Kelly,

I'm following up on the email that I sent a few weeks ago; please see below. Eric, I also tried to call you today and left a message on your line.

The memo (June 2019) provided with my email below responds to your previous questions and describes a complete mitigation concept for the Lake Wohlford Dam Replacement Project. Please let us know if you have been able to review our memo, and if you approve of the mitigation concept described therein.

Thanks, Paula
619.610.7577

From: Jacks, Paula

Sent: Monday, June 24, 2019 2:40 PM

To: Hollenbeck, Eric@Wildlife <Eric.Hollenbeck@wildlife.ca.gov>; janet_stuckrath@fws.gov; Fisher, Kelly@Wildlife <Kelly.Fisher@wildlife.ca.gov>

Cc: 'amorrow@escondido.org' <amorrow@escondido.org>; mstrong@escondido.org; 'bmartin@escondido.org' <bmartin@escondido.org>; 'BekmanisJT@bv.com' <BekmanisJT@bv.com>; Hardy, Alex <Alex.Hardy@aecom.com>; Oberbauer, Tom <Tom.Oberbauer@aecom.com>; Graham, Bill (Bill.Graham@aecom.com) <Bill.Graham@aecom.com>

Subject: RE: Lake Wohlford Inundation Analysis Memo

Hello Eric, Janet, and Kelly,

Per the email chain below, we provided a memo to each of you in early December on the inundation impact analysis for the Lake Wohlford Dam Replacement Project and Eric provided comments by December 14, 2018. The phone call that is referenced below was held on December 20, when the AECOM team called Eric to discuss further the comments he provided.

We appreciate the time you have provided to review and comment on this project to date. Our understanding is that the impact analysis summarized in the December memo for wetlands is acceptable. Therefore the focus of the memo

attached is to provide supplemental impact analysis of the upland habitats to address the concerns that Eric raised in his comments below. The attached memo also provides supplemental mitigation analysis (wetlands and uplands) to provide a complete mitigation concept proposed for the project.

We also appreciate your busy schedules, and respectfully request a reply by Monday, July 15, 2019.

Thank you,

Paula

619.610.7577

From: Jacks, Paula

Sent: Monday, December 17, 2018 12:38 PM

To: 'Hollenbeck, Eric@Wildlife' <Eric.Hollenbeck@wildlife.ca.gov>

Cc: Fisher, Kelly@Wildlife <Kelly.Fisher@wildlife.ca.gov>; janet_stuckrath@fws.gov

Subject: RE: Lake Wohlford Inundation Analysis Memo

Eric, thanks for your response below. We want to clarify some of what you wrote, and would like to schedule a brief phone call to be sure we understand your reply.

Are you available to talk with me, Tom Oberbauer, and Scott McMillan later today or sometime tomorrow?

If so, then let me know time(s) you prefer and we will call you.

Thanks, Paula

619.610.7577

From: Hollenbeck, Eric@Wildlife [<mailto:Eric.Hollenbeck@wildlife.ca.gov>]

Sent: Friday, December 14, 2018 2:27 PM

To: Jacks, Paula; Fisher, Kelly@Wildlife; janet_stuckrath@fws.gov

Subject: RE: Lake Wohlford Inundation Analysis Memo

Hi Paula,

As I understand it, the 1464 AMSL is based on a four month inundation period that the willows are expected to survive. However, other habitats listed in Table 2 as upland, may not survive inundation of periods much shorter than four months. Thus, while a reduction in impacted wetland habitats to the totals in Table 2 seem appropriate for 1464 AMSL, the upland acreage may have the potential for impacts during much smaller periods of inundation. An adaptive approach that restores lost habitats to the more appropriate willow scrub seems an appropriate mitigation alternative, but not a reduction in mitigation ratio for those impacts. Thanks,

Eric Hollenbeck

Senior Environmental Scientist (Specialist)

California Department of Fish and Wildlife

South Coast Region 5

3883 Ruffin Road

San Diego, CA 92123

(858) 467-2720

From: Jacks, Paula <Paula.Jacks@aecom.com>

Sent: Tuesday, December 04, 2018 5:47 PM

To: Hollenbeck, Eric@Wildlife <Eric.Hollenbeck@wildlife.ca.gov>; Fisher, Kelly@Wildlife <Kelly.Fisher@wildlife.ca.gov>; janet_stuckrath@fws.gov

Cc: 'amorrows@escondido.org' <amorrows@escondido.org>; 'mstrong@escondido.org' <mstrong@escondido.org>; 'bmartin@escondido.org' <bmartin@escondido.org>; 'BekmanisJT@bv.com' <BekmanisJT@bv.com>; Hardy, Alex <Alex.Hardy@aecom.com>; Graham, Bill <Bill.Graham@aecom.com>; McMillan, Scott (San Diego)

<Scott.McMillan2@aecom.com>; Oberbauer, Tom <Tom.Oberbauer@aecom.com>

Subject: Lake Wohlford Inundation Analysis Memo

Hello Eric, Janet, and Kelly,

At the City of Escondido's request, AECOM is transmitting the attached memo detailing results of the inundation analysis for the Lake Wohlford Dam Replacement Project conducted by our senior natural resources staff. The information provided herein was introduced to you during our meeting last week, on November 28, 2018. This memo provides a description for your review, as requested during the meeting.

The City is at a critical juncture in the planning process for the dam-replacement project, and respectfully requests your prompt attention to this memo in order to ensure their concepts regarding project-related impacts and mitigation are acceptable. At this time, the City is seeking Wildlife Agency approval of this approach so they can proceed with the next steps on the project.

If you have any questions or would like additional information on the topics addressed in the memo, please let us know as soon as possible. Given the importance of this subject for project progress, we would greatly appreciate your review and response by next Friday, December 14.

Regards, Paula

Paula Jacks

Director, Senior Biologist
Natural Resources / Regulatory
D +1 619.610.7577
paula.jacks@aecom.com

AECOM

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 & ASSOCIATES, INC.

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 FAX (760) 745-1212
 www.jamescrone.com

August 16, 2019

Planning Commission
 Planning Staff
 201 N. Broadway
 Escondido, CA 92025

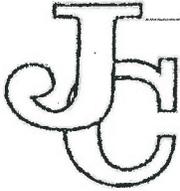
**RE: Public Hearing: Master And Precise Development Plan And Development Agreement For A
 131-Unit Mixed-Use Development Within The Downtown Specific Plan-PHG 19-0014**

Dear Escondido Planning Commissioners,

I am addressing this letter to you regarding the above public hearing as I cannot personally attend and want to voice my opinion for the record.

As you should all be aware, parking lot number 1 is a key parking lot for the downtown businesses that do not have their own parking lots. You have seen and heard over the past three decades considerable complaints about the lack of parking in downtown. You are aware that when Maple Street Plaza was approved and built, approximately 25 on-street parking spaces were lost. At that time, Lot 1 was previously used by the public as a 2-hour lot. Businesses had to purchase parking permits to allow employees to park all day, and there were a limited number of these permits issued. This was done in an effort to ensure a supply of much needed public parking. After many complaints, the parking permit process was eliminated, and the lot was then free all day to anyone. Please refer to the parking studies the city conducted over the years that have shown a need for additional parking. The rules for Lot 1 were subsequently changed slightly after a public review and input, limiting the first row along the alley to less than all day. Now, the proposed development is asking the city to consider taking away the 118 current parking spaces and to allow the developer to replace these 118 with only 59 public use parking spaces. The developer plans to put those spaces in a parking structure under the condo project at street level, with an 17 additional spaces along the alley. There is no agreement or restriction that these spaces will remain free, as they are today, indefinitely. This would eliminate an additional 42 parking spaces after the completion of the project construction. I would like to address the total project below with my objections.

Commercial Sales *Leasing* *Asset Management* *Development* *Construction*



Exemption of CEQA:

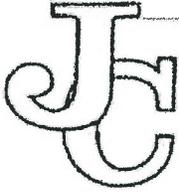
This is not a little infill development or something that should be done without an environmental impact report. It should not be exempt from CEQA. This project will have an incredible impact on the businesses on Grand Avenue. This project will create a financial loss to these businesses during construction and beyond, with no thought to compensation for said losses that will most certainly occur by the reduction of available free parking.

Parking Issue:

There will be a reduction of 42 parking spaces available to the public at the completion of this project, which is very significant to the businesses relying on that parking. In the late 1980s and early 1990, the City of Escondido required businesses locating downtown, and that had increased parking requirements above retail CG zoning code of 1 space per every 250 sf of rentable space, to pay a fee to the City of Escondido in the amount of \$7,200.00 per parking space needed. Alternatively, the business could provide additional parking on-site, or rent space in close proximity to that business. Bank of America is a prime example of this when they expanded on 2nd Ave and Valley Pkwy. B of A required additional parking, so they rented property on Grand Avenue in a vacant lot west of 237 W. Grand Ave. They pay around \$1,500.00 per month currently to provide additional parking to meet the building code. They have been paying to rent that space for over 20 years. One of our past Planning Commissioners, Jack Campbell, and his now widow Jill, owned a building on Kalmia and Grand, that when developed by the Sadah Brothers, paid the city over \$273,000 for parking, if my memory serves me. Other business did the same thing when required. This was all in reliance that the city would provide the parking to support the uses in that and other buildings. The city also turned the property they purchased as a parking lot on Juniper and Grand into a park, further reducing available parking. I would be interested to see what legal options might be available to those who paid the \$7,200 per parking space to the city with a reliance that said parking would be available in the future.

With the city changing the ordinance or code to allow any use that would fit into the zoning to locate downtown, it became much easier to fill vacancies adding much-needed restaurants, pubs and other viable businesses. Those businesses located in this area, knowing the available parking was there for their customers and employees and relied upon it, as did those who paid \$7,200.00 per space.

During the 1 to 2-year construction period for this project, you can be assured there will be no convenient parking available for the businesses that continue to rely Lot 1 parking for their employees and customers. Construction workers and their vehicles will park in what on-street parking is left since they will be arriving early in the morning before businesses open when parking on the street is not a



problem. Streets will be closed off during construction at various times for utilities and large material deliveries, as there will be no available staging area on site. This will have a significant impact on traffic.

Tandem Parking:

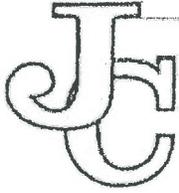
This project anticipates that, of the 153 parking spaces provided for residents, 19 of those spaces will be tandem spaces. Tandem spaces in a condo project only work for the developer in order to add additional square footage, not for the end user. They do not work for residents that have two cars per family. This would require one family member to park in front of the other. Try this at home for a month. Uncoordinated, people will be backing one car out into the drive aisle, then the second to get that car out, and then pulling the first back in. Just imagine this scenario when people are on their way to work at the same time. It just doesn't work, and in most cases, those coming in last will park in the public parking spaces designated for the business in downtown. There will also be visitors coming to the project that will take away public parking. I did not see in the notice any visitor parking that is required by code. If you were to take the 153 parking spaces that are for residents and deduct the 19 tandem parking spaces that are not user-friendly, you really only get 134 usable parking spaces. The project calls for 131 units. That equates to one parking space per unit with three additional parking spaces left over. This violates the parking code for a condo project and therefore under parks this project significantly. There will be 55 two bedroom units that could accommodate 4 people who may have cars. Theoretically, that could translate into the need for 220 parking spaces alone, leaving the other 76 studios and 1 bedroom units no parking at all, not to mention the 4,289 sf of commercial space.

Commercial Space:

This project intends to, in addition to the 131 apartment units, build 4,289 sf of commercial space on the ground floor of this project. I see no parking allotted for this new commercial space. Even when the 'grandfathering' of the required parking for an existing building is considered, the code requires that parking be provided for any new sf added to a lot or building. I was denied an outdoor patio over 300 sf for Filippis Pizza because of non-available parking. Under the zoning code, it would require 17 parking spaces at 1/250 for the 4,289 retail. If they rented to a restaurant that would require 43 parking spaces. Since we have taken away all of the retail parking spaces by building this project, I don't understand how adding an additional 4,289 sf of retail, office or restaurant use will not have an adverse effect and impact on all of the existing businesses.

Scale and Massing:

The project is going to be 75 feet in height, which will tower over and shadow the buildings on Grand Avenue. The scale and massing of this project is too large for the surrounding area. The tower for the



Arts Center is approximately the same in height, however, it is surrounded by other larger buildings and therefore does not look out of place. This should not be located on lot 1 at this height.

Conclusion:

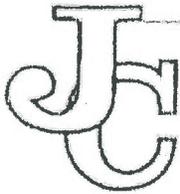
In conclusion, am not opposed to additional residential development in the downtown area. However, I am opposed to any development that significantly impacts other businesses. This condo project is no different than the one that was previously proposed by Craig Clark when he was attempting to develop the hotel behind City Hall. That project was never built, and for good reason. A settlement was arrived at during a lawsuit that would have restricted city employees from parking there and the hotel would have needed to provide their own adequate parking. This developer is no different, and has yet to demonstrate they have provided sufficient parking for this project, and has no plan or intention to replace the lost public parking. When developing Signature Pavilion in the downtown zone, I had to meet the parking requirements of the planning department by adding over 500 new spaces for a project of less sf than this.

When I attended the neighborhood meetings in the past on this project, I suggested that this developer build his project in the parking lot on the north side of the California Center for the Arts. That parking lot is much bigger and a parking structure could be built above ground that would house the parking required under the zoning code for a condo project without necessitating tandem parking. There is plenty of land, so additional parking could be built to make it more convenient to the owners. Height would also not be an issue.

The city could use the money that the developer would pay to purchase the land and apply it to building a much-needed parking structure on lot #1. Everyone would win.

As the owner of the property on the corner of Grand and Broadway with nine businesses, the property at 237 W. Grand, the previous owner of the property commonly known as Bellissima Day Spa and the developer and previous owner of Signature Pavilion, I strongly oppose this project at this location. My objections are based on the impact not just to my buildings, but to those other owners, tenants and business owners that have invested in downtown, and who relied upon the City of Escondido to provide and maintain a parking lot able to support those businesses.

Please consider the decision you are making tonight seriously and carefully. The decision that you make at this hearing may have such an adverse effect on Grand Avenue that business will fail financially during the two year construction phase of this project, leaving vacant buildings all over downtown once again.



The notion that the addition of 131 apartments units will generate sufficient income on a daily basis to the downtown area to replace the income that customers parking in Lot #1 generate annually is foolhardy. This project has too many issues to let it slip through without an Environmental review, so that conditions can be imposed to provide the necessary development requirements that will minimize any negative impact to all parties.

A handwritten signature in black ink, appearing to read 'James Crone'. The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Sincerely,

James Crone

Joanne Tasher

From: Peggy Chapin
Sent: Thursday, August 22, 2019 2:37 PM
To: Joanne Tasher
Cc: Bill Martin
Subject: FW: [EXT] Apartment building behind Fillipi's

Public comment -- please attach to PC staff report.

-----Original Message-----

From: Vanessa Throgmorton <vthrogmortonphoto@gmail.com>
Sent: Thursday, August 22, 2019 2:22 PM
To: Peggy Chapin <pchapin@escondido.org>
Subject: [EXT] Apartment building behind Fillipi's

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

To Whom It May Concern,

Please don't put in yet another apartment building and take away some of the only parking we have! How can we frequent the shops and restaurants in our community if we don't have parking? Secondly, Escondido is not short on apartments. They do not drive the value of our area up, but instead bring it down. I feel this project does not enhance our downtown community.

Vanessa Throgmorton
Resident of Escondido since 1998
Home Owner



ATTACHMENT 4
RECEIVED
JAN 17 2019

City of Escondido Planning Division

DATE: January 17, 2019
TO: Jim Hirsch
COMPANY: Touchstone Communities

PREPARED BY: Steffen Turoff, Derek Adams
PROJECT NAME: Escondido Lot 1 Area Parking Analysis
PROJECT NUMBER: 37-8861.00

Walker California:

606 South Olive Street, Suite 1100
Los Angeles, CA 90014

601 California Street, Suite 820
San Francisco, 94108

16441 Scientific Way, Suite 100
Irvine, CA 92618

213.488.4911
walkerconsultants.com

BACKGROUND AND SUMMARY OF FINDINGS

Consistent with the policies of small and large cities throughout California that have successfully leveraged walkable and livable downtowns as an economic development strategy and catalyst for development, the City of Escondido has goals to increase the number of residents and pedestrians downtown¹ by encouraging residential and mixed use development.

The City of Escondido ("the City") currently owns a number of surface parking lots in the downtown area. In order to advance the goals of the Downtown Specific Plan, the City has agreed to sell its parking Lot 1, for a mixed-use development to contain residential and commercial space. The development project would be required to include 76 public parking spaces. Lot 1 is located on 1.04 acres on the north half of the block bordered by Maple Street Plaza to the west, Grand Avenue to the south, Broadway to the east, and Valley Parkway to the north. It contains 118± spaces.

To increase understanding of the usage of Lot 1 and parking in the surrounding area, data collection and an analysis were performed. The following is a summary of findings:

SUMMARY OF FINDINGS

1. Peak demand for Lot 1's spaces occurred on weekdays between 10AM and 2PM. However, during the peak between 45% and 56% of the vehicles parked on Lot 1 were parked for over four hours, indicating that roughly half of parkers were more likely to be employees of local government or businesses, rather than customers or visitors.
2. Lot 1's parking spaces are not being used as intended, or effectively given their location. During the period of weekday, lunchtime peak demand, the lot was effectively full but roughly half of Lot 1's parking spaces were unavailable to customers due to spaces occupied by employees and other long-term parkers. Policies to encourage short-term parkers (typically customers) and decrease employee parkers would increase the lot's total daily capacity (number of cars parked over the course of a day), through the turnover of spaces that could serve four or more customer vehicles (at 2 hours per customer) rather than one employee car all day (8± hours) under current conditions.

¹ Per the City of Escondido's Downtown Specific Plan, "Downtown's urban atmosphere is envisioned to address the increased intensity of pedestrian and vehicular activity. Emphasis is focused on facilitating an enjoyable 'walkable' experience." <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/DowntownSpecificPlan.pdf?v=4>. "Downtown Escondido is envisioned as a dynamic, attractive, economically vital city center providing social, cultural, economic, and residential focus."

3. Walker determined that the study area has a total parking supply of 2,750± spaces. Of that total, 1,650± are publicly available spaces available for general use by drivers coming to the area.
4. Peak demand for the study area was found to occur on weekdays between 10AM and 1PM, which Walker has found is typical of parking demand for a small city's downtown, when the parking demand generated by public and private sector office workers during the business day overlaps with lunch time visitors. During this time in the Downtown Escondido study area, we identified a total parking surplus of 1,190± spaces, including a surplus of 700-850 public spaces, the equivalent of 3.5 to over 4.0 acres of empty asphalt that rarely if ever serve the public and discourage Downtown Escondido as a destination.
5. Allocating the demand for parking across the hundreds of available spaces in the area, a common goal and practice in municipal parking management, would increase the availability of parking by easing parking congestion and encourage pedestrian activity and walkability,
6. Parking demand for drivers parking four hours or longer for destinations such as the City's municipal buildings on North Broadway, and office and other commercial establishments should be encouraged to park in other locations throughout the area through the adjustment and enforcement of time limits.
7. The proposed inventory of 76 public spaces is projected to be adequate to serve the public demand for visitor parking at Lot 1 for typical busy days. At peak periods for parking in the downtown, Walker projects that the actual high turnover public demand for Lot 1 is 64± spaces.
8. Motorists parking for four hours or longer for the City's municipal buildings on North Broadway and for local restaurant, retail, and commercial establishments should be encouraged to use nearby public lots, which would have the added benefit of reducing concentrated areas of parking impact in the downtown and encouraging pedestrian behavior and walkability in the area.

METHODOLOGY

To identify and quantify the issues in Lot 1 and in the Study Area, Walker conducted fieldwork to understand better the parking demand patterns compared to the parking supply. Figure 1 shows Lot 1 and the surrounding area under study.

Figure 1: Study Area



Source: Walker Consultants, 2018.

FIELDWORK

Walker performed fieldwork in the Study Area, identified as appropriate by the City. The fieldwork consisted of an inventory of the parking supply, occupancy counts, and a length of stay study in Public Lot #1 to better understand the parkers utilizing the parking facility.

Walker additionally conducted field observations to determine the extent to which employees, visitors, and guests of ARS National Services, Inc., use Public Lot #1.

Walker performed an inventory of the parking spaces in the study area on October 30, 2018. Walker counted on- and off-street publicly owned parking spaces. Walker also counted privately-owned off-street spaces that could easily be accessed. Walker did not inventory the lot of the establishment located at 234 W 3rd Avenue (Baldwin Auto Sales).

Public and private off-street spaces were categorized as “available” or “unavailable” for public parking. Publicly-owned available spaces included unreserved spaces and spaces with time limits greater than one hour.

Privately-owned available private spaces included the unreserved spaces at 140 N. Escondido Boulevard, 220 S. Escondido Boulevard, and 140 W. 2nd Avenue. The determination of availability was informed by Walker’s

experiences in municipalities similar in size and location to Escondido as well observations of parking behavior at these three locations.

The following table summarizes by block and space type the parking inventory of the study area.

Table 1: Parking Inventory, October 2018

BLOCK NUMBER	ON-STREET					OFF STREET				BLOCK
	NORTH	EAST	SOUTH	WEST	TOTAL	AVAILABLE†		UNAVAILABLE††	ALL SPACES	TOTAL
						PUBLIC	PRIVATE	TOTAL	TOTAL	
1	4	12	14	10	40	--	--	190	190	230
2	9	11	--	3	23	--	--	63	63	86
3	8	13	15	6	42	51	--	56	107	149
4	15	15	8	13	51	78	--	13	91	142
5	12	14	9	12	47	77	--	33	110	157
6	15	--	--	--	15	--	--	6	6	21
7	11	--	--	--	11	134	--	11	145	156
8	19	--	--	--	19	566	--	36	602	621
9	--	17	--	--	17	--	--	--	--	17
10	--	--	--	--	--	30	--	40	70	70
11	--	--	--	--	--	59	--	31	90	90
12*	12	5	11	--	28	111	--	52	163	191
13	--	--	12	--	12	--	19	139	158	170
14	11	11	13	8	43	--	53	18	71	114
15	14	8	11	--	33	--	--	172	172	205
16	6	9	15	15	45	95	--	59	154	199
17	6	9	10	--	25	--	74	34	108	133
SUBTOTALS					451±	1,201±	146±	953±	2,300±	2,751±

Notes

* Includes Public Lot #1, inventory of 118 spaces.

† Available public spaces include unreserved spaces and spaces with a time limit greater than one hour. Available private spaces include spaces at 140 N. Escondido Blvd, 220 S. Escondido, Blvd., and 140 W. 2nd Ave.. The availability of these spaces was determined by Walker staff observations during field work.

†† Category includes all spaces designated as disabled (ADA), loading, reserved, or with a time limit of one hour or less.

Source: *Walker Consultants, 2018.*

Overall, the study area has a parking supply of 2,751± spaces. Of that total, 451± are on-street spaces, and 1,201± are publicly available off-street spaces, available for general use by driving coming to the area.

EFFECTIVE SUPPLY

At a given moment, a number of spaces in a parking system will be unavailable for immediate use due to motorists waiting to occupy or vacate parking spaces, mis-parked vehicles, maintenance, and other factors. To account for spaces being temporarily unavailable, Walker applies effective supply factors (ESF) to a parking system after performing fieldwork to determine the effective supply-- a qualitative and quantitative assessment of the operational effectiveness of a parking system.

The following table summarizes the effective supply factors used in this study.

Table 2: Effective Supply Summary

METRIC	ON-STREET		OFF STREET			ALL SPACES
	ALL SPACES	AVAILABLE†		UNAVAILABLE††	TOTAL	
	TOTAL	PUBLIC	PRIVATE	TOTAL		
Inventory	451±	1,201±	146±	953±	2,751±	
Effective Supply Factor	0.85	0.85	0.85	0.90	0.87	
Effective Supply	384±	1,020±	124±	858±	2,386±	

Notes:

† Available public spaces include unreserved spaces and spaces with a time limit greater than one hour. Available private spaces include spaces at 140 N. Escondido Blvd, 220 S. Escondido, Blvd., and 140 W. 2nd Ave.. The availability of these spaces was determined by Walker staff observations during field work.

†† Category includes all spaces designated as disabled (ADA), loading, reserved, or with a time limit of one hour or less.

Source: Walker Consultants, 2018.

The study area has an effective supply of 2,386± spaces.

Table 3: Effective Supply by Block

BLOCK NUMBER	ON-STREET					OFF STREET				BLOCK
	NORTH	EAST	SOUTH	WEST	TOTAL	AVAILABLE†		UNAVAILABLE††	ALL SPACES	TOTAL
						PUBLIC	PRIVATE	TOTAL	TOTAL	
1	3	10	12	9	34	--	--	171	171	205
2	8	9	--	3	20	--	--	57	57	77
3	7	11	13	5	36	43	--	51	94	130
4	13	13	7	11	44	66	--	11	77	121
5	10	12	8	10	40	65	--	30	95	135
6	13	--	--	--	13	--	--	6	6	19
7	9	--	--	--	9	114	--	10	124	133
8	16	--	--	--	16	481	--	32	513	529
9	--	14	--	--	14	--	--	0	0	14
10	--	--	--	--	0	26	--	36	62	62
11	--	--	--	--	0	50	--	28	78	78
12	10	4	9	--	23	94	--	47	141	164
13	--	--	10	--	10	--	16	125	141	151
14	9	9	11	7	36	--	45	16	61	97
15	12	7	9	--	28	--	--	154	154	182
16	5	8	13	13	39	81	--	54	135	174
17	5	8	9	--	22	--	63	30	93	115
SUBTOTALS					384	1,020	124	858	2,002	2,386

† Available public spaces include unreserved spaces and spaces with a time limit greater than one hour. Available private spaces include spaces at 140 N. Escondido Blvd, 220 S. Escondido, Blvd., and 140 W. 2nd Ave.. The availability of these spaces was determined by Walker staff observations during field work.

†† Category includes all spaces designated as disabled (ADA), loading, reserved, or with a time limit of one hour or less.

OCCUPANCY COUNTS

Walker performed seven occupancy counts.

- One occupancy count was performed to assess the impact of the weekly Farmers' Market upon the parking demand patterns in the study area.
- Three occupancy counts were performed on Thursday, November 8 2018 to assess parking demand on a typical weekday.
- Three occupancy counts were performed on Saturday, November 10, 2018 to assess parking demand patterns on a typical weekend.

Table 4: Summary of Inventory and Occupancy Counts

DATA DESCRIPTION	ON-STREET		OFF STREET		STUDY AREA	
	TOTAL	AVAILABLE [†] PUBLIC	PRIVATE	UNAVAILABLE ^{††} TOTAL	ALL SPACES TOTAL	TOTAL
<u>INVENTORY</u>						
Total Spaces	451±	1,201±	146±	953±	2,300±	2,751±
Effective Supply [‡]	384±	1,020±	124±	858±	2,002±	2,386±
<u>FARMERS' MARKET, 5 PM</u>						
Occupancy	176±	491±	44±	393±	928±	1,104±
Occupancy Percentage	39%	41%	30%	41%	40%	40%
Parking Adequacy ^{‡‡}	208±	529±	80±	465±	1,074±	1,282±
<u>WEEKDAY MORNING, 10 AM</u>						
Occupancy	212±	489±	77±	415±	981±	1,193±
Occupancy Percentage	47%	41%	53%	44%	43%	43%
Parking Adequacy ^{‡‡}	172±	531±	47±	443±	1,021±	1,193±
<u>WEEKDAY AFTERNOON, 1 PM</u>						
Occupancy	218±	477±	64±	421±	962±	1,180±
Occupancy Percentage	48%	40%	44%	44%	42%	43%
Parking Adequacy ^{‡‡}	166±	543±	60±	437±	1,040±	1,206±
<u>WEEKDAY EVENING, 6 PM</u>						
Occupancy	163±	387±	10±	205±	602±	765±
Occupancy Percentage	36%	32%	7%	22%	26%	28%
Parking Adequacy ^{‡‡}	221±	633±	114±	653±	1,400±	1,621±
<u>WEEKEND MORNING, 10 AM</u>						
Occupancy	227±	371±	44±	248±	663±	890±
Occupancy Percentage	50%	31%	30%	26%	29%	32%
Parking Adequacy ^{‡‡}	157±	649±	80±	610±	1,339±	1,496±
<u>WEEKEND AFTERNOON, 1 PM</u>						
Occupancy	213±	461±	44±	279±	784±	997±
Occupancy Percentage	47%	38%	30%	29%	34%	36%
Parking Adequacy ^{‡‡}	171±	559±	80±	579±	1,218±	1,389±
<u>WEEKEND EVENING, 6 PM</u>						
Occupancy	150±	282±	3±	135±	420±	570±
Occupancy Percentage	33%	23%	2%	14%	18%	21%
Parking Adequacy ^{‡‡}	234±	738±	121±	723±	1,582±	1,816±

Notes

[†] Available public spaces include unreserved spaces and spaces with a time limit greater than one hour. Available private spaces include spaces at 140 N. Escondido Blvd, 220 S. Escondido, Blvd., and 140 W. 2nd Ave.. The availability of these spaces was determined by Walker staff observations during field work.

^{††} Category includes all spaces designated as disabled (ADA), loading, reserved, or with a time limit of one hour or less.

[‡] The effective supply is the total inventory of spaces less spaces temporarily unavailable due to maintenance, misparked vehicles, and other factors.

^{‡‡} The parking adequacy is the difference between the effective supply and the occupancy.. A positive value reflects a surplus, a negative value a deficit.

Source: Walker Consultants, 2018.

PEAK PARKING DEMAND

The interval of peak parking demand occurred on Thursday, November 8, 2018 at or about 10 AM. During that interval:

- 1,193± vehicles were parked in the study area. Of that total
 - 212± were parked on-street
 - 918± were parked off-street.
- 43% of the total available spaces were occupied.
- 47% of the on-street spaces were occupied.
- 43% of the off-street spaces were occupied.
- When one accounts for effective supply, the number of parked vehicles was equal to the parking surplus of 1,193± spaces.

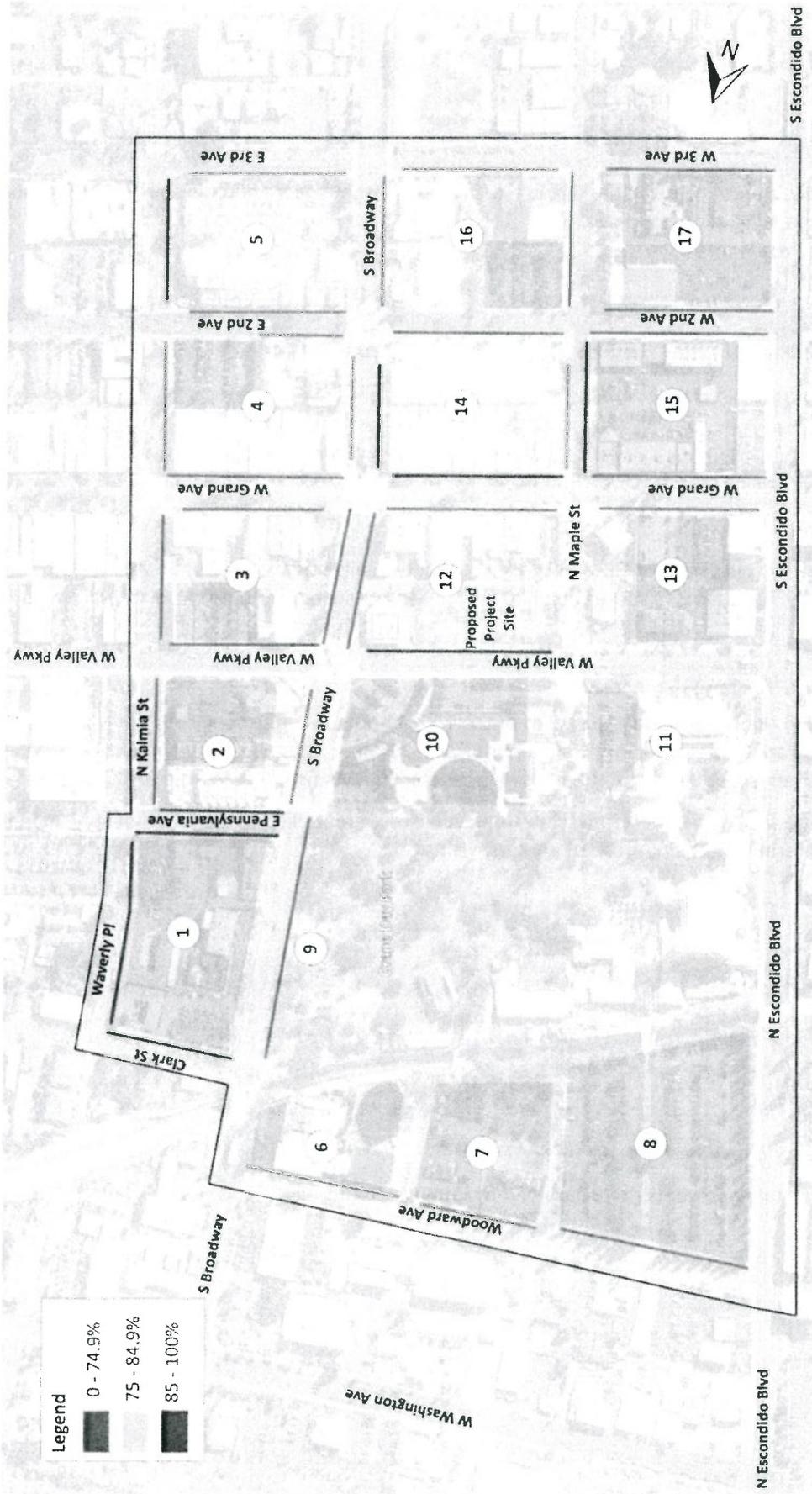
Figure 2 on the following page illustrates the tabulated data, demonstrating concentrated areas of high parking demand in a broader area containing an overall surplus of parking availability.

Table 5: Peak Parking Demand, Thursday, November 8, 2018, 10 AM

BLOCK NUMBER	ON-STREET								OFF-STREET	
	NORTH		EAST		SOUTH		WEST		TOTAL	
	OCCUPANCY	PERCENT OCCUPIED	OCCUPANCY	PERCENT OCCUPIED						
1	5	125%	12	100%	12	86%	8	80%	58	31%
2	8	89%	2	18%	0	--	0	0%	30	48%
3	3	38%	7	54%	8	53%	4	67%	61	57%
4	10	67%	7	47%	3	38%	4	31%	56	62%
5	1	8%	14	100%	5	56%	0	0%	93	85%
6	2	13%	0	--	0	--	0	--	4	67%
7	2	18%	0	--	0	--	0	--	94	65%
8	3	16%	0	--	0	--	0	--	63	10%
9	0	--	3	18%	0	--	0	--	0	--
10	0	--	0	--	0	--	0	--	41	59%
11	0	--	0	--	0	--	0	--	35	39%
12	11	92%	2	40%	8	73%	0	--	128	79%
13	0	--	0	--	2	17%	0	--	70	44%
14	10	91%	10	91%	5	38%	5	63%	60	85%
15	4	29%	8	100%	8	73%	0	--	115	67%
16	0	0%	4	44%	4	27%	5	33%	37	24%
17	2	33%	0	0%	1	10%	0	--	36	33%

Source: Walker Consultants, 2018.

Figure 2: Peak Parking Demand, Weekday



Source: Walker Consultants, 2018.

PARKING ADEQUACY

Table 6, below, summarizes the parking adequacy of on-street spaces and off-street public spaces that are available for parking in the study area.

Table 6: Summary of On- and Off-Street Public Parking Adequacy

STUDY AREA	FARMERS' MARKET	WEEKDAY (11/08/18)			WEEKEND (11/10/18)		
	5 PM	10 AM	1 PM	6 PM	10 AM	1 PM	6 PM
On Street	208±	172±	166±	221±	157±	171±	234±
Off Street, Available Public	529±	531±	543±	633±	649±	559±	738±
Parking Adequacy##	737±	703±	709±	854±	806±	730±	972±

The parking adequacy is the difference between the effective supply and the occupancy.. A positive value reflects a surplus, a negative value a deficit.

Source: *Walker Consultants, 2018.*

During a typically busy Farmers' Market as well as on typically busy weekdays and weekends, the study area has approximately 700 spaces to more than 900 empty parking spaces for public use.

LENGTH OF STAY ANALYSIS

To understand the current usage patterns of Lot 1, build-out, and occupancy of the Project, Walker performed a length of stay analysis in Lot #1 on November 8, 2018. Walker collected and anonymized license plate data from each parked vehicle at 8 AM and then hourly between 10 AM and 6 PM, inclusive.

The data were analyzed to determine how long vehicles were parked, with length of stay an industry-standard proxy for determining the purpose of parkers' visit.

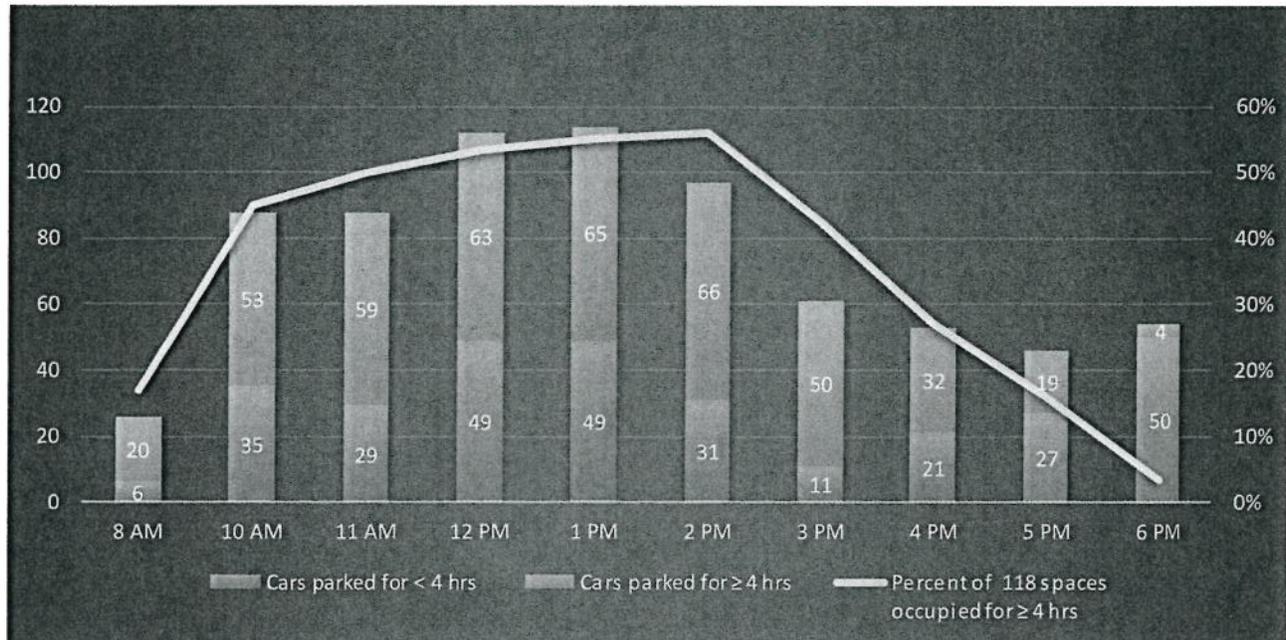
Table 7: Summary of Length of Stay Data, Public Lot #1, November 8, 2018

VEHICLES PARKED	8 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM
Total	26	88	88	112	114	97	61	53	46	54
Parked for ≥ 4 hrs	20	53	59	63	65	66	50	32	19	4
Parked for < 4 hrs	6	35	29	49	49	31	11	21	27	50
Percent of 118 spaces occupied for ≥ 4 hrs	17%	45%	50%	53%	55%	56%	42%	27%	16%	3%

Source: *Walker Consultants, 2018.*

The following table presents the length of stay findings graphically.

Figure 3: Length of Stay, Public Lot #1, November 8, 2018



Source: Walker Consultants, 2018.

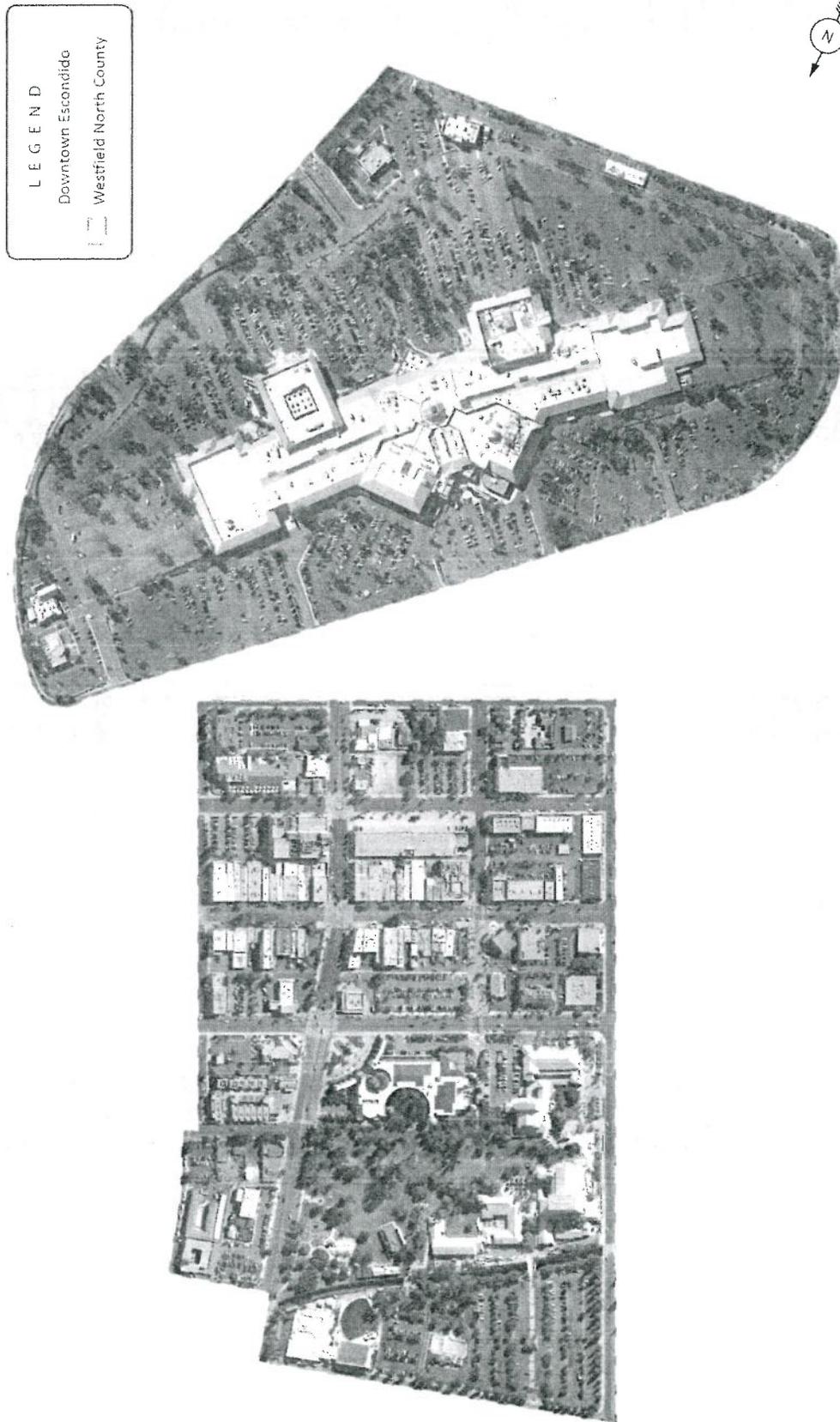
Between 8 AM and 4 PM, more vehicles were parked for four hours or longer than for less than four hours.

In Walker’s experience, public off street lots such as Lot #1 more effectively serve local retail and restaurants when the spaces turn over approximately four times a day. In Walker’s view, the current patterns of use significantly degrade the ability of Lot #1 to serve area business and restaurants effectively.

SCALE COMPARISON OF COMMERCIAL DISTRICTS AND SUBURBAN SHOPPING CENTERS

Concerns are often expressed regarding the scale of walking distances in commercial downtowns. Yet, the scale of downtown commercial districts are typically similar or sometimes smaller than a suburban commercial centers, as demonstrated in Figure 4 on the following page. The figure also demonstrates the clustering of parking demand in specific locations. Indeed, like a commercial district, many well-managed shopping centers will require longer-term parkers to park away from main entrances, so as to ensure more parking availability for customers.

Figure 4: Downtown and Shopping Center Area Comparison



Source: Google Earth, 2018

CONCLUSION AND SUMMARY OF FINDINGS

Walkability is the key to the proper functioning of the transportation and parking system in every downtown because every parking trip begins and ends with a pedestrian trip. Based on the following findings, we find that Downtown Escondido not only has more than enough public parking available to reallocate some long-term parkers from Parking Lot 1, but the district would in fact benefit from the use of these currently empty spaces. Doing so would be consistent with the objectives and goals of the City's Downtown Specific Plan.

1. Peak demand for Lot 1's spaces occurred on weekdays between 10AM and 2PM. However, during the peak between 45% and 56% of the vehicles parked in Lot 1 were parked for over four hours, indicating that roughly half of parkers were more likely to be employees of local government or businesses than customers or visitors.
2. Lot 1's parking spaces are not being used as intended, or effectively given their location. During the period of weekday, lunchtime peak demand, the lot was effectively full but roughly half of Lot 1's parking spaces were unavailable to customers due to spaces occupied by employees and other long-term parkers. Policies to encourage short-term parkers (typically customers) and decrease employee parkers would increase the lot's total daily capacity (number of cars parked over the course of a day), through the turnover of spaces that could serve four or more customer vehicles (at 2 hours per customer) rather than one employee car all day (8± hours) under current conditions.
3. Walker determined that the study area has a total parking supply of 2,750± spaces. Of that total, 1,650± are publicly available spaces available for general use by drivers coming to the area.
4. Peak demand for the study area was found to occur on weekdays between 10AM and 1PM, which Walker has found is typical of parking demand for a small city's downtown, when the parking demand generated by public and private sector office workers during the business day overlaps with lunch time visitors. During this time in the Downtown Escondido study area, we identified a total parking surplus of 1,190± spaces, including a surplus of 700-850 public spaces, the equivalent of 3.5 to over 4.0 acres of empty asphalt that rarely if ever serve the public and discourage Downtown Escondido as a destination.
5. Allocating the demand for parking across the hundreds of available spaces in the area, a common goal and practice in municipal parking management, would increase the availability of parking by easing parking congestion and encourage pedestrian activity and walkability,
6. Parking demand for drivers parking four hours or longer for destinations such as the City's municipal buildings on North Broadway, and office and other commercial establishments should be encouraged to park in other locations throughout the area through the adjustment and enforcement of time limits.
7. The proposed inventory of 76 public spaces is projected to be adequate to serve the public demand for visitor parking at Lot 1 for typical busy days. At peak periods for parking in the downtown, Walker projects that the actual high turnover public demand for Lot 1 is 64± spaces.
8. Motorists parking for four hours or longer for the City's municipal buildings on North Broadway and for local restaurant, retail, and commercial establishments should be encouraged to use nearby public lots, which

would have the added benefit of reducing concentrated areas of parking impact in the downtown and encouraging pedestrian behavior and walkability in the area.

| Class 32 CEQA Exemption

Aspire Project

August 2019

Prepared for:



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City of Escondido Planning Division

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Section 1 Project Description

1.1 Project Summary

1. **Project Title:** Aspire

2. **Lead Agency Name and Address:**
City of Escondido
Planning Division
201 North Broadway
Escondido, California 92025

3. **Contact Person and Phone Number:**
Peggy Chapin
(760) 717-1300

4. **Project Location:**
137 West Valley Parkway
Escondido, California 92025
Assessor's Parcel Number 229-421-26

5. **Project Sponsor's Name and Address:**
Touchstone Communities
9909 Mira Mesa Boulevard, Suite 150
San Diego, California 92131

6. **Existing General Plan Designations:**
S-P-9

7. **Existing Zoning:**
S-P-9

8. **Requested Permits:** The applicant seeks approval of a Planned Development (Master and Precise Development Plans) application.

1.2 Existing Setting and Neighboring Land Uses

The 1.04-acre site of the Aspire project (project) is a rectangular-shaped site that is located south of West Valley Parkway, between South Maple Street and North Broadway, in the City of Escondido, California. (Figure 1, Regional Location, and Figure 2, Project Site).

Topographically, the project site is generally flat-lying with a rough elevation of 652 feet above

mean seal level (AMSL). The site is currently an asphalt public surface parking lot with some landscaped planters and lighting.

The project site is located in the developed and urban area of downtown Escondido. According to the Downtown Specific Plan, the project site lies within the Historic Downtown District. Immediately surrounding land uses to the project site consist of primarily commercial and retail uses. Directly north of the project site lies West Valley Parkway, a major arterial road that serves the City, with City Hall and the California Center for the Arts on the north side of the road. A bank with surface parking lot borders the project site to the east and a one-way alley that services commercial businesses fronting Grand Avenue borders the site to the south. These commercial uses include restaurants, a salon, and bridal shop. Maple Street Plaza, a pedestrian plaza with a fountain, landscaping, lighting, benching, and trellises, borders the site to the west.

1.3 Description of Project

The project proposes to construct a 6-story mixed-use building that includes 131 residential units for rent, including 9 units reserved for Very Low Income Households, 4,289 square feet (sf) of commercial space, underground parking, an outdoor common area with pool, and other amenities on a 1.04-acre site bounded by West Valley Parkway on the north, a bank building on the east, Maple Street Plaza to the west and an alley to the south (Figure 3, Site Plan). The project would construct a single 6-story building totaling 179,530 sf, containing a mix of residential and commercial uses and underground parking. The proposed building would be 67 feet in height. The building would be constructed per the requirements of the California Building Code (CBC) that is in effect at the time building plans are submitted for permit approvals (including CALGreen requirements).

The Density Bonus Law (found in California Government Code, Sections 65915–65918) encourages the development of affordable and senior housing, by affording applicants/developers with up to a 35 percent increase in project densities, depending on the amount of affordable housing provided. The amount of the density bonus is based upon the percentage of affordable units provided at each income level. The maximum allowable gross density as of the date of application is 75 dwelling units per acre, or 79 total units. The project would reserve approximately 11 percent of the 79 base units, a total of 9 units, for Very Low Income Households. Providing this amount of affordable housing units would qualify the project for a density bonus of 35 percent over the maximum allowable gross density, or 28 additional units. An additional 24 units would be requested under the City’s Density Transfer Program for a total of 131 dwelling units.

The Density Bonus Law allows for the waiver or reduction of development standards where these standards would physically preclude the construction of a density-bonus-qualifying project.

There is no limit on the number of development standard waivers or reductions that may be requested or granted for a project.

The project requests a waiver or reduction of certain development standards identified in Chapter III, Section B, of the Downtown Specific Plan. The project requests a waiver of the maximum building height and story development standard of 60 feet and 4 stories to allow for an average building height of 67 feet and 6 stories. The project also requests a reduction of the minimum usable open space development standard of 300 sf per unit to allow 212 sf of open space per unit.

The identified development standards fall squarely under the definition of “development standards” in California Government Code, Section 65915(o)(1). With the waiver of building height and reduction of open space development standards, the provisions are no longer applicable to the project (*Wollmer v. City of Berkeley* [2011] 193 Cal.App.4th 1329, 1347–1350.) Therefore, the project is consistent with applicable provisions of the Downtown Specific Plan.

In addition, since the project includes the maximum percentage of Very Low Income Households and is located within 0.5 mile of a major transit stop, as identified in the San Diego Association of Government’s (SANDAG’s) 2050 Regional Transportation Plan, the project requests that the City not impose a vehicular parking ratio that exceeds 0.5 space per bedroom, inclusive of handicapped and guest parking, pursuant to California Government Code, Section 65915(p)(2). Additionally, pursuant to California Government Code, Section 65915(p)(4), the project may provide on-site parking through tandem parking or uncovered parking. The project contains 186 bedrooms, resulting in a maximum parking requirement of 93 spaces. However, the project proposes 229 on-site parking spaces.

Project Components

Proposed Residential Units. The project would construct a six-story mixed use building that includes 131 residential units for rent, for a total of 109,900 square feet of residential space. The residential unit mix would include 30 studios, 46 one-bedroom units and 55 two-bedroom units. The residential component would include 9 units reserved for Very Low Income Households. A private balcony space would be provided with each unit. All units would provide heat and air conditioning. The heating, ventilation, and air conditioning (HVAC) units would be located on the roof. The first floor would consist of a 1,776 sf lobby that includes a resident’s entry, mailroom, leasing office, parcel room, and a 474 sf resident common room or flex space. Hearths or wood-burning stoves would not be included in the proposed residential units.

Proposed Commercial Use. The project proposes two separate commercial spaces of 2,304 sf and 1,985 sf for a combined total of 4,289 sf of commercial space. The retail space would front Maple Street Plaza. Two outdoor seating patios enclosed by low metal decorative railings would be constructed fronting the project’s retail spaces along Maple Street Plaza. Two outdoor cafes

with removable railing and gates would be constructed outside of the retail areas fronting Maple Street Plaza. Certain equipment and furniture within Maple Street Plaza would be removed and/or replaced to accommodate the project.

Proposed Architectural Design. The proposed building materials would incorporate sand finish stucco with thinset brick veneer and hardieplank wood slats. The main body colors of the building materials would be white, charcoal, blue, light gray, and burnt orange, with khaki brown siding and light gray brick veneer. Dark gray brick veneer would cover the ground floor of the proposed building. Other architectural features include aluminum framed roll up garage doors, operable glazing, horizontal metal railing, wood corner trellis, and aluminum overhang (Figures 4a, 4b, 4c, and 4d).

Resident Open Space Common Areas and Private Areas. The project would provide various common open space areas for project residents totaling 16,117 sf. The largest area would be a 9,797 sf outdoor space that would include a community pool and spa; lounge area with gas fire pits; artificial turf game space; barbeque grills; patio decking; and pool furniture (Figure 5a, Landscape Conceptual Plan – Ground Floor, and Figure 5b, Landscape Conceptual Plan – 2nd Floor). In addition to the outdoor amenities, the common open space area would also include a 3,010 sf indoor private recreation room, a 474 sf resident common room or flex space, and ground floor outdoor areas. In addition to the common open space areas, the project would include private balconies for each residential unit with an average size of approximately 88 sf for a total of 11,571 sf of private open space. In total, the project would provide approximately 27,688 sf of open space or 212 sf per residential dwelling unit.

Vehicular Access and Parking. The project would provide a total of 229 on-site parking spaces on 2 parking levels. The first floor street level would include 85 parking spaces, 76 of which would be allocated for shared use by the public and guests of the project during the daytime and resident parking overnight.

The below-grade basement level would serve project residents only and provide 144 parking spaces, 38 of which would be tandem spaces.

Vehicular access into and out of the project building would be from two 24-foot-wide driveways off of West Valley Parkway. The eastern access driveway would lead directly to the basement level parking area that is strictly reserved for residents. Residents would be provided key cards for access. The western access driveway would lead to the first floor street level parking area. The existing one-way eastbound alley would serve the 17 parking spaces provided on first floor street level behind the building along the south side. The current sidewalk along the project frontage on West Valley Parkway would be removed and reconstructed.

Bike Facility and Storage. The project would provide an 878 sf bike storage and repair room on the first floor street level along West Valley Parkway. Residential storage lockers (7) and wall-mounted storage spaces (50) totaling 10,575 cubic feet would be allotted for residential use on the basement parking level.

Stormwater Features. Raised planter boxes would be constructed in the outdoor courtyard and street level for treatment of stormwater runoff. The raised planter would be approximately 4.25 feet in height. In addition, roadside swales would be constructed on West Valley Parkway along the project's frontage. The stormwater features have been designed to meet the pollutant control standards required by the City's Storm Water Design Manual (City of Escondido 2016). Runoff from the site discharges directly into concrete-lined Escondido Creek which has obtained exemption from Hydromodification Management Requirements in the Carlsbad Watershed Management Area Analysis (CWMAA) (Rick Engineering 2014).

Landscaping. The proposed on-site landscape plan would consist of trees, shrubs, and groundcovers with moderate to low water requirements (Figure 5a and Figure 5b). The raised biofiltration planters described under the Stormwater Features section would be planted with various shrubs and groundcovers. Planters with various shrubs, interior accent trees, and palms would be planted on the second level in the community pool and spa area. All plantings and irrigation equipment would conform to the City's Article 62 Landscape Standards as well as the water budget requirements. The proposed trees, shrubs, and groundcovers selected have moderate to low water requirement.

The project would also include the installation of six trees along the proposed sidewalk fronting the project site on West Valley Parkway.

Utilities. The project's sewer and water laterals would connect to the City's public water and sewer pipelines. The project proposes the installation of single water and sewer service lateral that would connect to the existing water and sewer mains under the alley. The project would provide a fire service connection to the existing 10-inch water main under the alley. In addition, the project would install four fire hydrants, two at the project's frontage on West Valley Parkway and two at the adjacent alley. Two separate utility rooms totaling 1,041 sf and a 130 sf riser room would be on the first floor street level. Three separate utility rooms totaling 931 sf would be on the basement level.

Recycling and Trash Enclosures. One 655 sf trash and recycling enclosure would be provided on the first floor at the south side of the building and would be accessed from the adjacent alley. Floor drains and a water source hose bib would be included in the trash enclosure for maintenance. The concrete would be sloped, and the floor drains would be tied to the sewer system to avoid pollutant runoff.

Heating and Ventilation Systems. Heating, ventilation, and air conditioning (HVAC) units would be installed on the building roof on raised mechanical pads and outfitted with visual and acoustical enclosures such that noise generated would not exceed 50 dBA at the nearest receptor. Enclosures around the HVAC units would be designed to complement the building color, textures, and materials.

Project Design Features

The following design features have been incorporated into the project that would minimize the potential for impacts associated with these issues.

Endangered, Threatened, and Rare Species

PDF-BIO-1. Tree removal shall occur outside the bird-breeding season (February 1 through September 15). If the trees cannot be removed outside the bird breeding season, a qualified biologist shall conduct a nest survey within three days of the tree removal.

Traffic

PDF-TRA -1. The proposed parking garage would be equipped with a modern parking detection and management system with a display showing parking availability. This system would be located on the street and at the public parking entrance gate.

PDF-TRA-2. The project would contribute a fair share toward a Citywide parking management system with real-time parking availability signage for public parking lots.

Noise

PDF-NOI-1. The construction contractor shall provide construction vibration notification to minimize the potential nuisance of vibration by allowing surrounding uses time to prepare for construction activities. The construction contractor shall provide written notification to all commercial land uses within 175 feet of the property boundary at least three weeks prior to the start of construction activities informing them of the estimated start date and duration of daytime vibration-generating construction activities. This notification shall include information warning about the potential for impacts related to vibration-sensitive equipment.

PDF-NOI-2. Prior to issuance of a building permit, as a condition of project approval, the applicant shall prepare an additional exterior-to-interior noise report completed by a qualified acoustical consultant for the proposed on-site residential units that would face West Valley Parkway. This report would be submitted with the building plans. The information in this report would include wall heights and lengths, room volumes, and window and door tables typical for a building plan, as well as information on any other openings in the building shell. The report shall also assume a “windows-closed” condition and that vehicles on West Valley Parkway are traveling at 35 miles per hour. With this specific building plan information, which is not

currently available, the report would determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report would identify architectural materials or techniques that could be included in project design plans to reduce noise levels to 45 CNEL in habitable rooms. Standard measures such as glazing with Sound Transmission Class (STC) ratings from a STC 22 to STC 60, as well as walls with appropriate STC ratings (34 to 60), shall be considered. The report shall be submitted and approved by the City prior to the issuance of a building permit.

PDF-NOI-3. The HVAC units on the project rooftop would be installed within enclosures such that noise from HVAC operation does not exceed 55 dBA at the nearest off-site receptor. Although the exact specifications of the project HVAC units and selected enclosures are unknown at this time, enclosures providing at least a 12 dBA noise reduction would be required. Installation of HVAC units inside enclosures providing at least a 12 dBA noise reduction would reduce noise levels at the nearest commercial uses to 55 dBA or below. Enclosures around the HVAC units would be designed to complement the building color, textures, and materials.

PDF-NOI-4. Trash collection at the project site would be limited to between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Cultural Resources

As a result of consultation under Assembly Bill (AB) 52, the San Luis Rey Band of Mission Indians has requested monitoring during construction. Therefore, to comply with AB 52, the following project design features would be made a condition of project approval, which is typical for projects in the City:

PDF-CR-1. The City recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (Tribal Consolidation Area [TCA] Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the applicant/owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

PDF-CR-2. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe has been retained to implement the monitoring program. The archaeologist shall be

responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist confirming that the selected Native American monitor is associated with a TCA Tribe. Prior to any pre-construction meeting, the City shall approve all persons involved in the monitoring program.

PDF-CR-3. The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program, in addition to reviewing the grading plan to assist in determining the necessity of the Luiseño Native American monitor and archaeological monitor's presence.

PDF-CR-4. During the initial grubbing, site grading, excavation (including post-demolition activities to assess the condition of the subsurface stratigraphy), or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site where deemed appropriate and necessary by the archaeologist and Luiseño Native American monitor. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, then those fill materials shall be absent of any tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in PRC Section 21074.

PDF-CR-5. In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operations in the area of discovery to allow for evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so that the monitored grading can proceed.

PDF-CR-6. If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe, and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for treatment and disposition of the tribal cultural resource shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor, and shall be submitted to the City for review and approval.

PDF-CR-7. The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated under CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The qualified archaeologist, in consultation with the Native American monitor, shall determine the amount of

material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

PDF-CR-8. In accordance with CEQA, all tribal cultural resources shall be treated with culturally appropriate dignity. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during the collection and cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the tribe's cultural and spiritual traditions. It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe, as such preference would be the most culturally sensitive, appropriate and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

Or,

Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

PDF-CR-9. Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner, to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

Project Construction

Construction of the project is anticipated to take approximately 20 months to complete. Grading and site preparation would be accomplished first; construction of the buildings, including architectural coating, would occur subsequently. Standard equipment expected to be used on the site would include a bulldozer, front-end loader, backhoe, grader, forklift, air compressor, welders, and generator. The project would involve 19,000 cubic yards (cy) of cut associated with demolition of the existing paved parking lot and construction of the proposed below-grade parking level. The cut materials would be exported from the project site and disposed of at a permitted facility.

It is anticipated that construction traffic, especially heavy trucks and material deliveries, would use the nearest arterial road—the one-way couplet of West Valley Parkway and West 2nd Avenue—to gain access to and from the project site. Construction workers would be required to park at the City-owned Woodward Avenue parking lot or other off-site location convenient to the project until the project's garage can be used. In addition, as part of the Conditions of Project Approval, the Owner and/or Contractor would be required to prepare and implement a Construction Traffic Control Plan to the satisfaction of the City Traffic Engineer to avoid construction-related impacts to nearby streets and intersections, especially during peak-hour times.

Section 2 **Categorical Exemption Criteria**

Article 19 of the California Environmental Quality Act (CEQA Guidelines, Sections 15300–15333), includes a list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt from review under CEQA. The analysis contained in this document provides substantial evidence that the project qualifies for an exemption pursuant to CEQA Guidelines, Section 15332, as a Class 32 in-fill development project, and would not have a significant effect on the environment.

In summary, this document demonstrates that the project qualifies for an exemption under CEQA Guidelines, Section 15332, as an infill development project as it: (1) is consistent with the General Plan designation and policies and zoning regulations; (2) is located within the City limits, surrounded by urban uses and is less than 5 acres in size; (3) has no value for endangered, rare or threatened species; (4) would not result in any significant effects related to traffic, noise, air quality or water quality; and (5) can be adequately served by all required utilities and public services.

Additionally, this document demonstrates that the project or its circumstances would not result in any exceptions identified in CEQA Guidelines, Section 15300.2, and that the project qualifies for a CEQA Exemption as a Class 32 in-fill development project.

2.1 Class 32 (In-Fill Development)

Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines, Section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

The analysis presented in the following section provides substantial evidence that the project properly qualifies for an exemption under CEQA Guidelines, Section 15332, as a Class 32 in-fill development, and would not have a significant effect on the environment.

2.2 Exceptions

Even if a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines, Section 15300.2, provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances, effectively nullifying a CEQA categorical exemption:

- **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.
- **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances.
- **Scenic Highways.** A categorical exemption shall not be used for a project that 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. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR.
- **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the California Government Code.
- **Historic Resources.** A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historic resource.

The following analysis presents substantial evidence that there are no exceptions that apply to the project or its site, that the project would not have a significant effect on the environment, and that the Class 32 exemption is applicable.

Section 3 CEQA Exemption Checklist

3.1 Criterion Section 15332(a): General Plan and Zoning Consistency

Yes No

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The current project site land use designation is Specific Plan Area (SPA) #9 and site zoning is Specific Plan Area (SPA) #9, which indicates the project site lies within the boundaries of the Escondido Downtown Specific Plan and is subject to the policies and regulations of the Downtown Specific Plan. The General Plan and the Downtown Specific Plan contain guidelines and regulations to promote higher density urban residential growth in the Downtown Specific Plan. The project site lies within the Downtown Specific Plan Historic Downtown District, which is “a successful specialty retail shopping and office employment area that is comfortable, attractive, and safe for pedestrians and employees. Grand Avenue, Escondido’s Civic Center, and Grape Day Park are the focus and heart of Downtown. New development, higher densities, residential opportunities and pedestrian places and courtyards are encouraged to provide an optimal setting for urban living in close proximity to entertainment, retail and professional offices” (City of Escondido 2013a).

The project proposes to construct 131 stacked residential units on the 1.04-acre project site. Under the Downtown Specific Plan, the maximum allowable gross density as of the date of application is 75 du/ac or a total of 79 units. The project would reserve 11 percent of the 79 base units, a total of 9 units, for Very Low Income Households. Providing this amount of affordable housing units would qualify the project for a density bonus of 35 percent over the maximum allowable gross density, or 28 additional units. An additional 24 units would be requested under the City’s Density Transfer Program for a total of 131 dwelling units. The City’s Density Transfer Program is an amendment to the Downtown Specific Plan to help facilitate a density credit pool, which is an assembly of available, unused density units from undeveloped, developed, or developing properties that can be used to increase the density of a developing parcel without increasing the total number of dwelling units allowed in the Downtown Specific Plan Area.

The identified development standards fall squarely under the definition of “development standards” in California Government Code, Section 65915(o)(1). With the waiver of building height and reduction of open space development standards, the provisions are no longer applicable to the project (Wollmer v. City of Berkeley [2011] 193 Cal.App.4th 1329, 1347–1350.) Therefore, the project is consistent with applicable provisions of the Downtown Specific Plan.

Overall, the project would conform to the development and design regulations outlined in the Downtown Specific Plan. The project would be consistent with the following relevant guidelines under the Downtown Specific Plan and Zoning Regulations that were adopted for the purpose of avoiding or mitigating an environmental effect, as noted in Tables 1 and 2.

Table 1. Consistency with Applicable Downtown Specific Plan Guidelines

Land Use Guidelines	Consistency Evaluation
<p>A1. Smart Growth Policies, Standards and Guidelines Guideline 2) a) Proposed projects should preserve, respect and promote the existing character, scale, architecture and the patterns of the historically significant downtown.</p>	<p>Consistent. The project would enhance the visual quality of the project site by introducing an aesthetically cohesive development with associated landscaping. The proposed building materials would incorporate sand finish stucco with thinset brick veneer and hardieplank wood slats. The main body colors of the building materials would be white, charcoal, blue, light gray, and burnt orange, with khaki brown siding and light gray brick veneer. The architectural features of the building would be consistent with the architectural styles within the Downtown Historic District.</p> <p>The proposed building averages 67 feet in height and would be 6-stories high. The Downtown Specific Plan has a maximum height limit of 60 feet and 4 stories. In order for the project to provide affordable housing units pursuant to the Density Bonus Law (Section 65915(b)), the project is requesting a waiver to the building height and stories requirements. The existing development standards of 60 feet and 4 stories would physically preclude the construction of the project as designed. The project site is 1.04 acres; therefore, the project building height must be increased by 7 feet and number of stories must be increased by two stories to fit all of the project components including the affordable housing units.</p>
<p>A2.Complete Street Policies, Guidelines, and Standards Guideline a. 2) e) Bicycling in the downtown areas should be promoted as a common mode of transportation and recreation to help reduce traffic congestion and improve public health.</p>	<p>Consistent. The project would provide secure bicycle storage for residents, which would promote the use of bicycles as a common mode of transportation.</p>
<p>A2.Complete Street Policies, Guidelines, and Standards Guideline a. 2) g) Noise and other impacts of truck traffic and deliveries in residential and mixed-use neighborhoods should be minimized by limiting when these can occur.</p>	<p>Consistent. The project proposes a central trash collection room located within the first floor of the building and adjacent to the alley. The enclosure would be accessed from the alley on the southern boundary of the project site. Trash service would be provided by Escondido Disposal. The schedule for waste collection has not yet been established; however, trash collection is anticipated be required several times per week for solid waste and recyclable materials. The existing commercial uses surrounding the project site currently require waste disposal services. The existing commercial uses currently use dumpsters and have disposal requirements similar to what would be required for the project. The dumpsters for adjacent commercial uses are located in the same alley that would be accessed for project waste pickup. Section 17-232 of the City's Noise Ordinance limits trash collection to the hours between 6:00 a.m. and 10:00 p.m. However, as a project feature, trash collection at the project site would be limited to between 8:00 a.m. and 5:00 p.m., Monday through Friday (PDF-NOI-4).</p>

Table 1. Consistency with Applicable Downtown Specific Plan Guidelines

Land Use Guidelines	Consistency Evaluation
	<p>Given the short duration and relative infrequency of individual collection events, scheduling collection during prime activity hours, and the existing waste collection service in the adjacent alley, the addition of one additional waste collection customer in the project site would have little impact on the operation of surrounding land uses and would not be noticeably different than existing conditions.</p> <p>In addition, construction of the project would utilize a variety of trucks for hauling excavated soil and for worker and material delivery trips. However, the project is located in the commercial area of Downtown Escondido and surrounded by retail and commercial uses. Therefore, the project would minimize construction noise between 7:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday.</p>
<p>A2.Complete Street Policies, Guidelines, and Standards Guideline a. 2) h) Development that supports the use of electric vehicles (i.e., battery charging stations, preferred parking areas, etc.) are encouraged.</p>	<p>Consistent. The proposed parking garage would encourage electric vehicle (EV) use by designating four EV charging parking spaces.</p>
<p>A2.Complete Street Policies, Guidelines, and Standards Guideline c. 2) a) Projects should include narrow turning radiuses and corner “bulb-outs” where appropriate to slow vehicular traffic and enhance pedestrian safety.</p>	<p>Consistent. The project proposes to remove and reconstruct the project frontage sidewalk along West Valley Parkway which would improve pedestrian safety.</p>
<p>A2.Complete Street Policies, Guidelines, and Standards Guideline d. 2) b) The safety and efficiency of accessing the public street network from private properties should be considered by controlling driveway access locations, installing medians and access controls, maintaining minimum distances from intersections, consolidating driveway access, and encouraging interconnected parking lots.</p>	<p>Consistent. Vehicular access into and out of the project would be from two 24-foot-wide driveways off of West Valley Parkway. The easterly driveway would lead directly to the basement level parking area provided strictly for residents. A second westerly driveway would lead to the first floor parking structure where the public, residents, and guests would park. Secondary and minor access would be provided via the existing one-way eastbound alley to the south of the project site, which would provide 17 parking spaces adjacent to the alley.</p>
<p>B. Development Standards Guideline B. 1. Parking. On-site parking shall be provided according to Article 39 of the Escondido Zoning Code, in conjunction with the provisions stipulated in the Downtown Specific Plan.</p>	<p>Consistent. The project proposes 131 multi-family residential units consisting of 30 studios, 46 one-bedroom units, and 55 two-bedroom units. Based on the requirement of Article 39 of the Escondido Zoning Code, the project is required to provide 196 resident parking spaces and 33 guest spaces for a total of 229 parking spaces. The project would provide a total of 229 on-site parking spaces.</p> <p>The project includes 9 units reserved for Very Low Income Households. In addition, the project is located within 0.5 mile of a major transit stop, the Escondido Transit Center. A major transit stop, as identified in the SANDAG 2050 Regional Transportation Plan, is a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The multi-modal</p>

Table 1. Consistency with Applicable Downtown Specific Plan Guidelines

Land Use Guidelines	Consistency Evaluation
	<p>Escondido Transit Center is located approximately 0.5 mile to the southwest of the project site at 700 West Valley Parkway.</p> <p>Therefore, pursuant to Section 65915, subdivision (p)(2), of the California Government Code, the City shall not impose a parking ratio that exceeds 0.5 space per bedroom (186 total bedrooms), or 93 on-site spaces total, inclusive of handicapped and guest parking. The project includes 153 residential on-site spaces, which exceeds the required 93 spaces by 60 spaces. In addition, the project also provides 76 parking spaces on the first floor street level and along the alley that may be used by the public, residents, and guests of the project.</p>
<p>B1. Parking Guideline b) 1) At least one parking space for each residential unit shall be covered, or enclosed, except for guest parking.</p>	<p>Consistent. The project would meet this guideline because it would include a two floors of parking within the proposed building that would provide 153 enclosed spaces reserved for the 131 residential units.</p>
<p>B1. Parking Guideline b) 3) Tandem parking proposed for residential development shall be processed through the Planned Development application.</p>	<p>Consistent. The project proposes to process a Planned Development application to permit 19 tandem parking stalls for 38 tandem spaces on the below-grade basement level of the proposed parking garage. Pursuant to Section 65915, subdivision (p)(4), of the California Government Code, a development may provide on-site parking through tandem parking.</p>
<p>B1. Parking Guideline b) 5) A maximum 25 percent of residential units may be provided with tandem spaces.</p>	<p>Consistent. The project would include 38 tandem parking spaces in the garage for residents. This represents 29 percent of the total residential units, which is above the maximum 25 percent allowed. However, pursuant to Section 65915, subdivision (p)(4), of the California Government Code, a development may provide on-site parking through tandem parking.</p>
<p>Guideline B 4. Refuse Areas. Trash and storage enclosures shall be of a size, type, and quantity approved by the City. All enclosures shall be attractive in design and integrated into the main building's architecture. They shall be shielded from view within a building or within an area enclosed by a solid wall not less than six feet in height and constructed with a roof structure that screens the enclosure from higher elevations. Said storage areas shall be located so that they are oriented away from public streets, and residential areas, secured from unauthorized entry, and easily accessible to collection vehicles as well as meet all National Pollution Discharge and Elimination System (NPDES) requirements.</p>	<p>Consistent. The project proposes a central trash collection room enclosed within the parking garage. The enclosure would be accessed from the alley on the southern boundary of the project site.</p>
<p>Guideline B. 5. Landscaping. Landscaping shall conform to Article 62 of the Escondido Zoning Code. Deviations from the code may be approved on a case-by-case basis through the Planned Development process, providing justification is documented to support the request to the satisfaction of the City.</p>	<p>Consistent. The project would cover 84 percent of the lot. Due to the limited space the project would include minimal landscaping and would consist of trees, shrubs and groundcovers with moderate to low water requirements. As stated on the landscape concept plan, (Figures 5a and 5b) all planting and irrigation would conform to the City's Article 62 Landscape Standards as well as the water budget requirements.</p>

Table 1. Consistency with Applicable Downtown Specific Plan Guidelines

Land Use Guidelines	Consistency Evaluation
<p>B6. Usable Open Space Guideline 6 b). A minimum of 300 square feet of usable open space shall be provided per residential unit. Required open space may be reduced up to 50% subject to Planned Development and Development Agreement approval in exchange for alternative open space benefitting the public.</p>	<p>Consistent. The project would provide various common open space areas totaling 16,117 sf. The largest area would include a 9,797 sf outdoor space that would include a community pool and spa; lounge area; gas fire pits; artificial turf game space; barbeque grills; patio decking; and pool furniture. The common open space area would also include a 3,010 sf indoor private recreation room, a 474-resident common room or flex space, and ground floor outdoor areas. In addition to the common open space areas, the project would include private balconies for each residential unit with an average square feet of approximately 88 sf for a total of 11,571 sf of private balcony space. The project would provide a total of 27,688 sf of open space or 212 sf per residential dwelling unit.</p> <p>The project proposes less than the required 300 square feet per residential unit. In order for the project to provide affordable housing units pursuant to the Density Bonus Law, the project is requesting a waiver to the usable open space standard of 300 square feet per residential unit. The existing development standards would physically preclude the construction of the permitted density under the Density Bonus Law. The project site is 1.04 acres; therefore, the project's open space requirement would need to be decreased to provide all of the project components including the affordable housing units. The project site does not have the physical area to meet the required amount of open space. Therefore, with approval of the waiver, the usable open space standard would not apply and the project would be consistent.</p>

Table 2. Consistency with Applicable Zoning Regulations

Zoning Guidelines	Consistency Evaluation
Article 18 Specific Plan	Consistent. See Table 1 for the project's consistency with applicable Downtown Specific Plan Guidelines.
Article 35. Outdoor Lighting	Consistent. Outdoor lighting would be utilized as needed for parking areas, sidewalks, roof top deck, and security within the project site. All outdoor lighting would be required to comply with Chapter 33, Article 35, Outdoor Lighting, of the Escondido Municipal Code, which provides regulations to minimize glare, light trespass, and artificial sky glow.
Article 40. Historical Resources.	Consistent. The project site is located in the highly developed and urban area of downtown Escondido. The project site is currently a City public parking lot, with no structures and limited landscaping. A records search was conducted at the South Coastal Information Center (SCIC) at San Diego State University by Richard L. Carrico on April 20, 2018, for the project site. The records search did not identify any historic resources on the project site.
Article 47 Environmental Quality	Consistent. The project's Categorical Exemption is being prepared pursuant to CEQA Guidelines, Section 15332, as a Class 32 in-fill development project.
Article 55 Grading and Erosion Control	Consistent. Construction of the project would require grading and excavation of 19,000 cy of materials, which would loosen sediment and could result in erosion or siltation. However, construction of the project requires City approval of a grading and erosion control plan. The grading and erosion control plan and Stormwater Pollution Prevention Program are required for plan check and approval by the Land Development Engineer, as well as the Planning Division, prior to provision of permits for the project, and would include construction best management practices (BMP) to reduce erosion or siltation.
Article 62 Water Efficient Landscape Regulations	Consistent. The on-site landscaping for the project would consist of trees, shrubs, and groundcover with moderate to low water requirements (Figure 5a and Figure 5b). The biofiltration basins described under the Stormwater Features discussion in Section 1.3, Description of Project, would be planted with shrubs and groundcover. Plants have been selected with consideration for varying soil conditions. An automatic irrigation system shall be installed to provide coverage for all planting areas. Low precipitation equipment shall provide sufficient water for plant growth with minimum water loss due to water run-off.

The design of the project meets the criteria of CEQA Guidelines, Section 15332(a), as being consistent with the General Plan and applicable zoning regulations for the project site.

3.2 Criterion Section 15332(b): Project Location, Size, and Context

Yes No

- The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses

The approximately 1.04-acre project site is located in the highly developed and urban area of downtown Escondido. The project site is surrounded by parcels developed with urban land uses and/or paved public streets. CEQA Section 21072 defines a qualified urban use as “any residential, commercial, public institutional, transit, or transportation passenger facility, or retail use, or any combination of those uses.” The project is on a site within City limits that is no more than 5 acres and substantially surrounded by urban uses.

3.3 Criterion Section 15332(c): Endangered, Rare, or Threatened Species

Yes No

- The project site has no value as habitat for endangered, rare or threatened species.

The project site is located in the highly developed and urban Downtown Specific Plan Area of the City. The project site is currently a City public parking lot, with no structures and limited landscaping. The project site does not contain habitat suitable for candidate, sensitive, or special status species. In addition, no riparian habitat, other sensitive natural community, or potential jurisdictional features are located within the project site or within a 100-foot boundary from the project site. The project requires the removal of mature trees associated with the parking lot landscaping. As project design feature, tree removal would occur outside the bird-breeding season (February 1 through September 15). If the trees cannot be removed outside the bird breeding season, a qualified biologist would conduct a nest survey within three days of the tree removal (PDF-BIO-1). The project site has no value as a habitat or special-status species and, therefore, adheres to the criteria of CEQA Guidelines, Section 15332(c).

3.4 Criterion Section 15332(d): Traffic

Yes No

- Approval of the project would not result in any significant effects relating to traffic.

The project would not result in any significant traffic or transportation-related impacts, as discussed below. There is no exception to the Class 32 exemption related to traffic or transportation criteria. A Traffic Impact Analysis for the project was prepared by Linscott, Law and Greenspan, Engineers (LLG 2019) as provided in Appendix A and is summarized below.

Existing Conditions

The project site is located at 137 West Valley Parkway, bound by West Valley Parkway to the north. West Valley Parkway is an east–west roadway that is currently built as a three-lane roadway with one-way westbound travel and on-street parking provided on both sides of the roadway near the project site.

The project traffic study area includes the following two existing street segments and eight intersections. These locations were selected using the methodology published in the City’s Impact Study Guidelines (2013b).

Street Segments

- West Valley Parkway between North Escondido Boulevard to North Broadway
- West Valley Parkway between North Orange Street to North Escondido Boulevard
- West Grand Avenue between North Escondido Boulevard to North Broadway
- South Broadway between Valley Parkway to Grand Avenue
- South Broadway between Grand Avenue to 2nd Avenue
- West 2nd Avenue between North Escondido Boulevard to North Broadway

Intersections

- West Valley Parkway/North Escondido Boulevard
- West Valley Parkway/Maple Street
- Valley Parkway/North Broadway
- West Grand Avenue/South Escondido Boulevard
- West Grand Avenue/South Maple Street
- West Grand Avenue/South Broadway
- North Escondido Boulevard/Alley
- North Broadway/Alley

Project-Generated Traffic

Operation

The project traffic generation calculations were conducted using the trip generation rates published in SANDAG’s “Not so Brief Guide of Vehicular Traffic Generation Rates for San Diego Region” (April 2002). Based on the type and density of homes proposed by the project, SANDAG specifies a residential trip rate of 6 ADT/du. This SANDAG “Apartment” rate applies to any multi-family housing in excess of 20 du/acre, which corresponds to the project’s proposed 131 DU on the 1.04-acre site.

The “Restaurant (sit down, high turnover)” rate was used for the project’s proposed ground floor retail. This space may include a mix of retail and food service. To be conservative, the higher restaurant rate was applied to 100 percent of the commercial square footage. Based on City staff

guidance, the 5 percent transit reduction and a 2 percent mixed reduction were applied to the project's gross trip generation, taking into account the project's on-site retail and its proximity to other commercial development within the downtown core and the Escondido Transit Center.

An additional 8 percent trip generation reduction was applied to the project's gross trip generation for the following project design features, which would be implemented as a condition of project approval:

PDF-TRA -1. The proposed parking garage would be equipped with a modern parking detection and management system with a display showing parking availability. This system would be located on the street and at the public parking entrance gate.

PDF-TRA-2. The project would contribute a fair share toward a Citywide parking management system with real-time parking availability signage for public parking lots.

Table 3 shows a summary of the traffic generated by the project. The project would generate 1,181 daily trips with 95 total AM peak-hour trips (32 inbound/63 outbound) and 97 total PM peak-hour trips (64 inbound/33 outbound).

Table 3. Project Trip Generation

Land Use	Size	Daily Trip Ends (ADT)		AM Peak Hour					PM Peak Hour				
		Rate ¹	Volume	% of ADT	In:Out Split	Volume			% of ADT	In:Out Split	Volume		
						In	Out	Total			In	Out	Total
Apartment	131 du	6/du ²	786	8	20:80	13	50	63	9	70:30	50	21	71
Restaurant (sit-down, high turnover)	4,289 sf	160/sf	686	8	50:50	27	28	55	8	50:50	33	22	55
Pass-By	—	—	(82)	—	—	(3)	(3)	(6)	—	—	(7)	(4)	(11)
Primary Trips Subtotal	—	—	1,390	—	—	37	75	112	—	—	76	39	115
Transit Reduction (5%)	—	—	(70)	—	—	(2)	(4)	(6)	—	—	(4)	(2)	(6)
Mixed Use (2%)	—	—	(28)	—	—	(1)	(2)	(3)	—	—	(2)	(1)	(3)
Parking Management (8%)	—	—	(111)	—	—	(3)	(6)	(9)	—	—	(6)	(3)	(9)
Net Trip Generation	—	—	1,181	—	—	32	63	95	—	—	64	33	97

Source: LLG 2019.

Notes:

¹ Rate is based on SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (April 2002).

² DU = Dwelling Unit

Street Level of Service

The majority of the project traffic is anticipated to access the project site via the proposed driveways on West Valley Parkway, which serves the parking garage. Secondary and minor access would be provided via the existing one-way eastbound alley, which would provide 17 on street parking spaces. The majority of the alley-related traffic is anticipated to enter the alley via Maple Street and Grand Avenue. As shown in Table 4, the study segments are currently operating at acceptable LOS C or better. With the addition of project traffic, all the study segments would continue to operate at acceptable LOS C or better as shown in Table 4. Therefore, under the Existing Plus Project condition, project-related street segment impacts would be less than significant.

Table 4. Existing Plus Project Street Segment LOS Summary

Street Segment	Capacity ¹	Existing			Existing Plus Project				Impact?
		ADT ²	LOS ³	V/C ⁴	ADT	LOS	V/C	Δ ⁵	
West Valley Parkway North Escondido Boulevard to North Broadway	30,000	18,026	C	0.601	18,581	C	0.619	0.018	No
West Valley Parkway North Orange Street to North Escondido Boulevard	43,500	16,996	B	0.391	17,226	B	0.396	0.005	No
West Grand Avenue North Escondido Boulevard to North Broadway	20,000	8,843	B	0.442	8,973	B	0.449	0.007	No
North Broadway Valley Parkway to Grand Avenue	20,000	7,319	B	0.366	7,667	B	0.383	0.017	No
North Broadway Grand Avenue to 2nd Avenue	10,000	5,590	C	0.559	5,838	C	0.584	0.025	No
West 2nd Avenue North Escondido Boulevard to North Broadway	30,000	15,206	B	0.507	15,454	B	0.515	0.008	No

Source: LLG 2019.

Notes:

- ¹ Capacities based on the City's Roadway Classification
- ² Average Daily Traffic
- ³ Level of Service
- ⁴ Volume to Capacity ratio
- ⁵ Project Attributable increase in V/C.

Intersection Level of Service

As shown in Table 5, all existing study area intersections operate at LOC C or better. With the addition of project traffic, all study area intersections would continue to operate at acceptable LOS C or better. Therefore, under the Existing Plus Project condition, project-related intersection impacts would be less than significant.

Table 5. Existing Plus Project Intersection LOS Summary

Intersection	Control Type	Peak Hour	Existing		Existing Plus Project			Impact?
			Delay ¹	LOS ²	Delay	LOS	Δ^3	
West Valley Parkway/North Escondido Boulevard	Signal	AM	26.1	C	26.4	C	0.3	No
		PM	28.8	C	28.9	C	0.1	
West Valley Parkway/Maple Street	Signal	AM	2.6	A	2.6	A	0.0	No
		PM	3.9	A	3.9	A	0.0	
Valley Parkway/North Broadway	Signal	AM	12.7	B	13.0	B	0.3	No
		PM	17.1	B	17.7	B	0.6	
West Grand Avenue/South Escondido Boulevard	Signal	AM	14.3	B	14.3	B	0.0	No
		PM	15.0	B	15.0	B	0.0	
West Grand Avenue/South Maple Street	AWSC ⁴	AM	8.4	A	8.4	A	0.0	No
		PM	9.9	A	10.0	A	0.1	
West Grand Avenue/South Broadway	Signal	AM	14.8	B	14.8	B	0.0	No
		PM	19.3	B	19.3	B	0.0	
North Escondido Boulevard/Alley	MSSC ⁵	AM	9.3	A	9.4	A	0.1	No
		PM	17.1	C	17.3	C	0.2	
North Broadway/Alley	MSSC	AM	10.2	B	10.2	B	0.0	No
		PM	10.5	B	10.5	B	0.0	

Source: LLG 2019.

Notes:

- ¹ Average delay expressed in seconds per vehicle.
- ² Level of Service.
- ³ Δ denotes an increase in delay due to project.
- ⁴ AWSC: All Way Stop Controlled intersection.
- ⁵ MSSC: Minor street Stop Controlled intersection. Minor street left turn delay is reported.

Construction

Construction activities would include demolition, excavation, grading, concrete pours, and building of the structures. The project's construction trip generation is based on the grading phase, which is estimated to last 2 months and would require 32 truck trips per day. The grading phase would generate the highest number of truck trips for the overall construction period. Table 6 shows a summary of the traffic generated by the project for the duration of construction. The project construction would generate 96 daily trips, with 12 total AM peak-hour trips (6 inbound and 6 outbound) and 12 total PM peak-hour trips (6 inbound and 6 outbound).

Table 6. Project Trip Generation during Construction

Construction Trips	Vehicles	Daily Trip Rate	PCE ¹	ADT ²	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Trucks ³	32	2	1.5	96	6	6	12	6	6	12

Source: LLG 2019.

Notes:

- ¹ Passenger Car Equivalents. Based on the Highway Capacity Manual's Exhibit 11-10, a Passenger Car Equivalent (PCE) factor of 1.5 for level terrain was applied.
- ² Average Daily Trips.
- ³ Given that heavy vehicle traffic will occur throughout a 9-hour workday, four trucks were conservatively assumed to access the site during both the AM and PM peak hours (six with PCE factor of 1.5/vehicle).

Traffic generated by project construction would be less than the project’s trip generation on both an ADT and peak-hour basis. Neither scenario would result in significant impacts (refer to Tables 4 and 5). It is anticipated that construction traffic, especially heavy trucks and materials deliveries, would use the nearest arterial road—the one-way couplet of West Valley Parkway and West 2nd Avenue—to gain access to and from the project site. Therefore, construction-related traffic impacts would be less than significant.

Pedestrian, Bicycle, and Vehicle Safety

The project would remove and reconstruct a 14-foot sidewalk along the project frontage on West Valley Parkway to improve pedestrian safety in the area. The project would provide a private secure bicycle parking facility for residents on the first floor of the project. The existing and proposed pedestrian and bicycle facilities would provide safe non-vehicular access and circulation to public transit to include direct access via West Valley Parkway to the Escondido Transit Center located approximately 0.5 mile to the southwest. The existing and proposed facilities would also provide safe non-vehicular access to the retail commercial uses that are located to the north and east of the project site in the Downtown Specific Plan.

Vehicular access into and out of the project parking structure would be from two 24-foot-wide driveways off of West Valley Parkway. The first driveway located at the northeast side of the proposed building would lead directly to the basement level parking area provided strictly for residents. A second driveway to the northwest of the building would lead to the first floor parking structure where both residents and guests would park. Secondary and minor access would be provided via the existing one-way eastbound alley, which would provide 17 on-street parking spaces.

Transit Service

The project site is served by light rail, standard bus and bus rapid transit options. The Escondido Transit Center is located approximately 0.5 mile southwest of the project site and provides access to the NCTD’s SPRINTER light rail line and BREEZE bus rapid transit lines. The NCTD BREEZE bus line provides stops within 0.25 mile of the project site that service Route 217 (San

Jacinto-Hemet-Temecula-Escondido), 350 (Escondido to Del Lago), 354 (Orange Grove High School), 358/359 (North Broadway/Country Club/El Norte Parkway, 371 (Flex), 351/352 (Escondido Circulator), Route 355/357 (El Norte Parkway and Valley Parkway) and Route 388 (Escondido to Pala).

Changes in Air Traffic Patterns

The nearest airports to the project site are McClellan-Palomar Airport, located 13 miles to the west, and Ramona Airport, located 20 miles to the southeast. Project traffic would not cause an increase in air traffic levels, or create a physical impediment that would necessitate an alteration of flight patterns. The project would not result in any changes in air traffic patterns.

3.5 Criterion Section 15332(d): Noise

Yes No

Approval of the project would not result in any significant effects relating to noise.

The project would not result in any significant effects relating to noise, as discussed below. There is no exception to the Class 32 exemption related to noise criteria. A Noise Technical Memorandum for the project was prepared by Harris and Associates (Harris 2019a) as provided in Appendix B and is summarized below.

General Information on Noise

The California Department of Transportation defines noise as sound that is loud, unpleasant, unexpected, or undesired. Sound pressure levels are quantified using a logarithmic ratio of actual sound pressures to a reference pressure squared, called “bels.” A bel is typically divided into tenths, or decibels (dB). Sound pressure alone is not a reliable indicator of loudness because frequency (or pitch) also affects how receptors respond to the sound. To account for the pitch of sounds and the corresponding sensitivity of human hearing to them, the raw sound pressure level is adjusted with a frequency-dependent A-weighting scale that is stated in units of decibels (dBA) (Caltrans 2013).

A receptor’s response to a given noise may vary depending on the sound level, duration of exposure, character of the noise sources, the time of day during which the noise is experienced, and the activity affected by the noise. Activities most affected by noise include rest, relaxation, recreation, study, and communications. In consideration of these factors, different measures of noise exposure have been developed to quantify the extent of the effects from a variety of noise levels. The community noise equivalent level (CNEL) is the average equivalent A-weighted sound level over a 24-hour period. This measurement applies weights to noise levels during evening and nighttime hours to compensate for the increased disturbance response of people at those times. CNEL is the equivalent sound level for a 24-hour period with a +5 dBA weighting

applied to sound occurring between 7:00 p.m. and 10:00 p.m. and a +10 dBA weighting applied to sound occurring between 10:00 p.m. and 7:00 a.m. (City of Escondido 2012a).

The dB level of a sound decreases (or attenuates) as the distance from the source of that sound increases. For a single point source, such as a piece of mechanical equipment, the sound level typically decreases by approximately 6 dBA for each doubling of distance from the source. Sound that originates from a linear, or “line” source, such as vehicular traffic, attenuates by approximately 3 dBA per doubling of distance. Other contributing factors that affect sound reception include ground absorption, natural topography that provides a natural barrier, meteorological conditions, and the presence of human-made obstacles such as buildings and sound barriers (Caltrans 2013).

General Information on Vibration

The Federal Transit Administration (FTA) describes groundborne vibration as vibration that can cause buildings to shake and rumbling sounds to be heard. In contrast to airborne noise, groundborne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Common sources of groundborne vibration are trains; buses on rough roads; and construction activities such as blasting, pile driving, and operation of heavy earth-moving equipment. The effects of groundborne vibration include feel-able movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In extreme cases, the vibration can cause damage to buildings. Building damage is typically only a factor in the case of blasting and pile driving during construction. Groundborne vibration related to potential building damage effects is generally related to the peak particle velocity (PPV) in inches per second (FTA 2018).

Ambient Noise Levels

Noise-sensitive land uses include noise receptors (receivers) where an excessive amount of noise would interfere with normal activities. The City’s General Plan Community Protection Element lists residential development, care facilities, schools, churches, transient lodging, hospitals, healthcare facilities, libraries, museums, cultural facilities, golf courses, and passive recreational sites as sensitive receptors. Community noise sources defined as common indoor and outdoor noise sources are also identified in the Community Protection Element. Commercial, general office, and industrial land uses are not considered noise-sensitive land uses. Specific community noise sources of note include the City’s roadway network (including Interstate 15 and State Highway 78), the NCTD Sprinter commuter rail service, two firing ranges, and flight operations to and from McClellan-Palomar Airport and helicopter travels to and from Palomar-Pomerado Hospital (City of Escondido 2012a).

Vehicle noise is the main source of ambient noise in the vicinity of the project site. No project-specific noise measurements were conducted for the project because noise contours for vehicular traffic in the Downtown Specific Plan Area were calculated under existing and horizon year conditions for the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Final Environmental Impact Report (EIR) (City of Escondido 2012b). These noise contours are considered adequate and conservative to represent noise conditions on the project site because the Future 2030 Noise Contour scenario assumes buildout conditions on the project site. Therefore, these contours assume a higher traffic volume than existing conditions and demonstrate higher associated traffic noise. According to the General Plan EIR, the northern portion of the project site is within the existing 65 dBA CNEL and 60 dBA CNEL noise contours for West Valley Parkway (Figure 4.12-1, City of Escondido 2012b). Under the Future 2030 Noise Contour scenario, the northern portion of the project site is within the 70, 65, and 60 dBA CNEL contours for West Valley Parkway and the western portion of the site is within the 60 dBA CNEL contour for West Grand Avenue. The anticipated primary project operational noise sources include vehicular traffic; heating, ventilation, and air conditioning (HVAC) systems; trash and recycling removal; and nuisance noise.

Thresholds of Significance

The project would result in a significant impact if it violates the Escondido Municipal Code (City of Escondido 2018), which restricts the times of day when construction may occur (7:00 a.m. to 6:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m. on Saturday; and not at all on Sunday or public holidays). The City also has a maximum 1-hour average construction noise limit of 75 dB at noise-sensitive land uses unless a variance has been obtained from the City Manager in advance.

Based on the City General Plan Community Protection Element standards (City of Escondido 2012a), a significant impact would occur if project construction activities would expose vibration-sensitive uses to vibration levels that exceed 65 vibration decibels (VdB), residences and buildings where people normally sleep to 80 VdB, or institutional land uses with primarily daytime uses to 83 VdB. The FTA damage thresholds indicate that, for buildings not extremely sensitive to vibration, a damage threshold of between 0.2 inches per second to 0.5 inches per second would apply depending on the type of building.

As stated in the City's General Plan Community Protection Element (City of Escondido 2012a), the noise level goal for multi-family residential uses is 65 dBA CNEL at the exterior use areas. In addition, General Plan Noise Policy 5.4 establishes an interior noise standard of 45 dBA CNEL. A significant impact would occur if operation of the project would cause noise levels in excess of the established standards.

A significant direct impact would occur from project-generated traffic if buildings where people normally sleep and institutional land uses with primarily daytime and evening uses are exposed

to noise level increases in excess of the incremental noise standards on Figure VI-14 of the General Plan Community Protection Element (City of Escondido 2012a) (Table 7).

Table 7. Exterior Incremental Noise Impact Standards for Noise-Sensitive Uses (dBA)

Residences and Buildings Where People Normally Sleep ¹		Institutional Land Uses with Primarily Daytime and Evening Uses ²	
Existing L _{dn}	Allowable Noise Increment	Existing Peak Hour L _{eq}	Allowable Noise Increment
45	8	45	12
50	5	50	9
55	3	55	6
60	2	60	5
65	1	65	3
70	1	70	3
75	0	75	1
80	0	80	0

Source: City of Escondido 2012a.

Notes: dBA = A-weighted decibel; L_{dn} = day-night average sound level; L_{eq} = equivalent continuous sound level

Noise levels are measured at the property line of the noise sensitive land use.

¹ This category includes homes, hospitals, and hotels where a nighttime sensitivity to noise is assumed to be of utmost importance.

² This category includes schools, libraries, theaters, and churches where it is important to avoid interference with activities such as speech, meditation, and concentration on reading material.

Project Construction Noise

Construction would result in a temporary noise increase on and around the project site.

Construction of the project would take place within the hours specified in Section 17-234 of the Escondido Municipal Code. No special construction techniques (i.e., pile driving or blasting) are anticipated to be necessary for construction of the project. Noise levels from the anticipated construction activities were modeled using the Federal Highway Administration Roadway Construction Noise Model to estimate the worst-case project construction noise level at a distance of 50 feet from the project site. Equipment used during site preparation and grading would include an excavator, concrete saw, graders, rubber tired dozers, and tractors, loaders, or backhoes. In addition, a dump truck may be used for hauling excavated soil off site. During building construction, equipment would include welders, a generator set, a forklift, a crane, an air compressor, and a tractor, loader or backhoe. In addition, construction would involve the use of light-duty and heavy-duty trucks for worker and material delivery trips.

According to the noise modeling results, which assumes simultaneous operation of the three noisiest pieces of equipment (dozer, concrete saw, and grader), the worst-case construction noise would be approximately 86 A-weighted decibels (dBA) sound level equivalent (L_{eq}) at a distance of 50 feet. The results of the RCNM model are included in Attachment A.

Construction of the project would have the potential to exceed 74 dBA up to approximately 175 feet from the project site. The project is located in the commercial area of Downtown

Escondido and surrounded by retail and commercial uses. There are no residences or sensitive receptors located within 175 feet of the project site. The nearest sensitive receptor to the project site is the Escondido Public Library located approximately 700 feet southeast of the project site. Therefore, construction noise levels at the nearest noise-sensitive land use would not exceed the City’s maximum 1-hour construction noise limit of 75 dB. Impacts during construction would be less than significant.

Groundborne Vibration

Construction and operation of the project could result in groundborne vibration.

Construction Vibration. The FTA Transit Noise and Vibration Impact Assessment Manual (FTA 2018) describes equipment typically used in transportation construction projects; however, the information can be used to understand possible vibration impacts from other types of construction projects as well. The FTA damage thresholds indicate that, for buildings not extremely sensitive to vibration, a damage threshold of between 0.2 inches per second to 0.5 inches per second would apply depending on the type of building. As stated previously, the nearest receptors (commercial) are located approximately 20 feet south of the project site, across the alley serving the project site. There are no known vibration-sensitive uses within 100 feet of the project site.

Table 8 identifies various vibration velocity levels for typical construction equipment. As shown in Table 8, construction equipment has the potential to disturb receptors when they are in close proximity to construction activities (i.e., as close as 25 feet away).

Table 8. Vibration Source Levels for Construction Equipment

Construction Equipment	At 25 Feet		At 60 Feet		At 100 Feet	
	Approximate VdB	PPV (in/sec)	Approximate VdB ¹	PPV (in/sec) ²	Approximate VdB ¹	PPV (in/sec) ²
Large Bulldozer	87	0.089	76	0.024	69	0.011
Loaded Trucks	86	0.076	75	0.020	68	0.010
Jackhammer	79	0.035	68	0.009	61	0.004
Small Bulldozer	58	0.003	47	0.001	40	0
Caisson Drilling	87	0.089	76	0.024	69	0.011
Roller	94	0.210	83	0.056	76	0.026
Pile Driver (impact, upper range)	112	1.518	101	0.408	94	0.190
Pile Driver (sonic, upper range)	105	0.734	94	0.197	87	0.011

Source: City of Escondido 2012b.

Notes: in/sec = inches per second; PPV = peak particle velocity; VdB = vibration decibel

¹ Based on the formula $PPV_{equip} = PPV_{ref} \times (25/d)^{1.5}$ provided by the FTA (2018), where d is the distance from the source of vibration to the receptor.

² Based on the formula $VdB = VdB(25\text{ feet}) - 30\log(d/25)$ provided by the FTA (2018), where d is the distance from the source of vibration to the receptor.

Equipment used during site preparation and grading would include an excavator, concrete saw, graders, small rubber tired dozers, and tractors, loaders, or backhoes. In addition, a dump truck may be used for hauling excavated soil off site. During building construction, equipment would include welders, a generator set, a forklift, a crane, an air compressor, and a tractor, loader or backhoe. In addition, construction would involve the use of light-duty and heavy-duty trucks for worker and material delivery trips. Based on the information presented in Table 8, vibration levels from project construction activities would not have the potential to exceed the primarily daytime uses threshold of 83 VdB or 0.2 PPV at distances of more than 35 feet from construction equipment. The closest receptors to the proposed building would be the commercial and retail buildings directly south of the project site on West Grand Avenue, located as close as approximately 20 feet from the proposed building. Vibration from the project would not exceed the building damage threshold as described previously, but would have the potential to result in nuisance vibration at adjacent commercial uses. The portions of the adjacent commercial uses within 35 feet of the site generally encompass rear alley entrance areas. Beyond the approximately 20-foot alley, approximately 15 feet of the building areas adjacent to the alley would potentially be exposed to vibration, and only when equipment is operating adjacent to the southeast project site boundary. As such, it is unlikely that vibration would interfere with daily operation at the adjacent businesses.

In order to comply with the City's General Plan Construction Vibration Thresholds the following project design feature would be implemented as a condition of project approval:

PDF-NOI-1. The construction contractor shall provide construction vibration notification to minimize the potential nuisance of vibration by allowing surrounding uses time to prepare for construction activities. The construction contractor shall provide written notification to all commercial land uses within 175 feet of the property boundary at least three weeks prior to the start of construction activities informing them of the estimated start date and duration of daytime vibration-generating construction activities. This notification shall include information warning about the potential for impacts related to vibration-sensitive equipment.

Operational Vibration. No permanent noise sources that would expose persons to excessive groundborne vibration or noise levels would be located within the project site. In addition, long-term operational activities associated with the project would not involve the use of any equipment or processes that would result in potentially significant levels of ground vibration.

Operational Noise

The following sections describe the project's long-term noise impacts from traffic and stationary noise sources.

Transportation Noise Affecting the Project Site

This analysis of operational on-site transportation noise used the traffic volumes from the Traffic Impact Analysis (LLG 2019) under the Existing Plus Project scenario and standard noise modeling equations adapted from the FHWA noise prediction model (FHWA 2008) to conservatively estimate on-site exterior noise levels from traffic. Four street segments were evaluated for Existing and Existing Plus Project noise levels, as shown in Table 9. The resulting noise levels on West Valley Parkway from North Escondido Boulevard to North Broadway are estimated to be 68 dBA CNEL, which would exceed the City’s standard of 65 dBA CNEL by 3 dBA CNEL with and without project traffic. The 68 dBA CNEL noise level is consistent with the City’s General Plan EIR, Future 2030 Noise Contour scenario, which shows the northern portion of the project site would be within the 70 dBA CNEL contour for West Valley Parkway. The project’s contribution would be 1 dBA CNEL and would result in a negligible increase in the existing ambient noise level without the project due to the traffic noise on South Broadway from West Valley Parkway to West Grand Avenue and West Grand Avenue to West 2nd Avenue. The existing ambient noise level is above the noise goal for multi-family residential uses identified in the City’s General Plan Community Protection Element. However, the outdoor community use area would be shielded from surrounding roadways by the proposed structure and existing commercial development along West Grand Avenue. Conservatively assuming a 5 dBA reduction in noise exposure due to the break the line of sight between the outdoor use area and surrounding roadways, exterior noise levels would be reduced to below 65 dBA (FTA 2018). Therefore, noise impacts on the project’s exterior use area associated with traffic noise would not result in a significant impact.

Table 9. Project Traffic Noise Levels – Existing and Existing Plus Project

Segment	Existing Noise Level (dBA CNEL)	Existing Plus Project Noise Level (dBA CNEL)	Change in Noise Level	Allowable Increase ¹	Significant Impact?
West Valley Parkway North Escondido Boulevard to North Broadway	68	68	0	+1	No
West Grand Avenue North Escondido Boulevard to North Broadway	65	65	0	+1	No
South Broadway Avenue Valley Parkway to Grand Avenue	64	65	+1	+1	No
South Broadway Avenue Grand Avenue to 2nd Avenue	60	61	+1	+2	No

Sources: Harris 2019a; LLG 2019.

Notes: CNEL = community noise equivalent level; dBA = A-weighted decibel

¹ Source: Figure VI-14, City of Escondido 2012a.

Traditional architectural materials are normally able to reduce exterior to interior noise by up to 15 dBA (City of Escondido 2012a). Thus, an exterior noise level of 60 dBA would be necessary in order to reach the interior noise standard of 45 dBA CNEL. According to the Future 2030 Noise Contours in the City's General Plan EIR, portions of the project site would fall within the 65 or 70 dBA noise contours. Furthermore, as shown in Table 9, existing exterior noise levels currently exceed 60 CNEL along the West Valley Parkway project frontage. Traditional architectural materials with a noise reduction of 15 dBA would not be expected to attenuate interior noise of the proposed residential units facing West Valley Parkway to a level of 45 CNEL. In order to comply with the City's General Plan Community Protection Element interior noise standard, the following project design feature would be included as a condition of project approval:

PDF-NOI-2. Prior to issuance of a building permit the applicant would prepare an additional exterior-to-interior noise report completed by a qualified acoustical consultant for the proposed on-site residences that would face West Valley Parkway. This report would be submitted with the building plans. The information in this report would include wall heights and lengths, room volumes, and window and door tables typical for a building plan, as well as information on any other openings in the building shell. The report shall also assume a "windows-closed" condition and that vehicles on West Valley Parkway are traveling at 35 miles per hour. With this specific building plan information, which is not currently available, the report would determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report would identify architectural materials or techniques that could be included in project design plans to reduce noise levels to 45 CNEL in habitable rooms. Standard measures such as glazing with Sound Transmission Class (STC) ratings from a STC 22 to STC 60, as well as walls with appropriate STC ratings (34 to 60), should be considered. The report would be submitted and approved by the City prior to the issuance of a building permit.

Note that this would be considered a condition of project approval because this issue concerns the impact of the existing ambient noise environment on the project, not the project's impact on the environment. CEQA is intended to protect the existing environment from impacts that would result from the project. Generally, CEQA does not consider impacts of the existing environment on a proposed land use to be significant (*South Orange County Wastewater Authority v. City of Dana Point* 2011). However, in cases where a project may exacerbate existing conditions, such as noise exposure, the CEQA analysis must consider the impact of future residents or users of a project (*California Building Industry Association v. Bay Area Air Quality Management District* 2015).

Off-Site Transportation Noise

Traffic noise is the primary source of ambient noise in the project site. Increases in traffic volumes as a result of cumulative projects in the study area and the project would have the potential to increase traffic noise levels in the project site. A comparison of future noise levels with cumulative development, with and without the project, are provided in Table 10. Based on

data from the traffic impact analysis (LLG 2019) and standard equations from the Federal Highway Administration, there would be no change in noise level on study area segments from existing conditions with the addition of vehicle trips from the project and cumulative projects.” Therefore, impacts from off-site transportation noise would be less than significant.

Table 10. Project Traffic Noise Levels – Existing Plus Cumulative With and Without Project

Segment	Existing Plus Cumulative Noise Level (dBA CNEL)	Existing Plus Cumulative Plus Project Noise Level (dBA CNEL)	Change in Noise Level	Allowable Increase ¹	Significant Impact?
West Valley Parkway North Escondido Boulevard to North Broadway	68	68	0	+1	No
West Grand Avenue North Escondido Boulevard to North Broadway	65	65	0	+1	No
South Broadway Avenue Valley Parkway to Grand Avenue	65	65	0	+1	No
South Broadway Avenue Grand Avenue to 2nd Avenue	61	61	0	+2	No

Sources: Harris 2019a; LLG 2019.

Notes: CNEL = community noise equivalent level; dBA = A-weighted decibel

¹ Source: Figure VI-14, City of Escondido 2012a.

On-Site Heating, Ventilation, and Air Conditioning Systems

Stationary operational noise sources are regulated by the limits within City Municipal Code, Section 17-229, which states that noise in commercial zones shall not exceed 60 dBA LEQ from 7:00 a.m. to 10:00 p.m. or 55 dBA LEQ from 10:00 p.m. to 7:00 a.m. The HVAC units for the project would be installed in four clusters with 24 to 35 units in each cluster, for approximately 131 units. Clusters would be set back from the edge of the rooftop by 20 feet or more at all locations. The specifications and locations of the HVAC systems that would be installed on the project rooftop are unknown at this time. Therefore, the specifications for the HVAC systems of a similar multi-family residential project are assumed (ABC Acoustics 2018). Individual HVAC units not installed within an enclosure would have the potential to generate a noise level of up to 79 dBA LEQ at the unit (approximately 3 feet). Combined noise levels from multiple units would be higher at the source. Combined noise level from 35 units simultaneously operating at 79 dBA LEQ would be approximately 94 dBA at 3 feet. This estimate is conservative because it assumes that noise would occur an equal distance from all units, and simultaneous operation of all 35 units. The closest receptors to the proposed building would be the commercial and retail buildings directly south of the project site on West Grand Avenue, located as close as approximately 20 feet from the

proposed building. With an additional 20-foot rooftop setback, unenclosed HVAC units would generate a noise level of approximately 72 dBA LEQ at the nearest commercial building.

The proposed residential building would be six stories tall. The surrounding commercial and residential uses are two stories tall. This difference in height would likely break the line of sight exposure between the HVAC units and receptors, so that the project itself would provide an approximately 5 dBA reduction in HVAC noise exposure (FTA 2018). Noise levels at the nearest commercial uses would be approximately 67 dBA without installation of noise-reducing features. In order to comply with the City's Municipal Code 17-229 the following project design feature would be implemented as a condition of project approval:

PDF-NOI-3. The HVAC units on the project rooftop would be installed within enclosures such that noise from HVAC operation does not exceed 55 dBA at the nearest off-site receptor. Although the exact specifications of the project HVAC units and selected enclosures are unknown at this time, enclosures providing at least a 12 dBA noise reduction would be required. Installation of HVAC units inside enclosures providing at least a 12 dBA noise reduction would reduce noise levels at the nearest commercial uses to 55 dBA or below.

Recycling and Trash Collection Noise

The project proposes a central trash collection room located adjacent to the first floor parking garage. The enclosure would be accessed from the alley on the southern boundary of the project site. Trash service would be provided by Escondido Disposal. The schedule for waste collection has not yet been established; however, trash collection is anticipated to be required several times per week for solid waste and recyclable materials. The existing commercial uses surrounding the project site currently require waste disposal services. The existing commercial uses currently use dumpsters and have disposal requirements similar to what would be required for the project. The dumpsters for adjacent commercial uses are also located in the alley that would be accessed for project waste pickup. Section 17-232 of the City's Noise Ordinance limits trash collection to the hours between 6:00 a.m. and 10:00 p.m. Given the short duration and relative infrequency of individual collection events, scheduling collection during prime activity hours, and the existing trash removal service occurring in the adjacent alley from neighboring commercial uses, the addition of one new waste collection customer in the project site would have little impact on the operation of surrounding land uses and would not be noticeably different than existing conditions.

In order to comply with the City's Noise Ordinance the following project design feature will be implemented as a condition of approval:

PDF-NOI-4. Trash collection at the project site would be limited to between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Landscape Equipment and Nuisance Noise

Noise from residential land uses is typically limited to nuisance noise, such as yelling or loud music. Additionally, the project would provide an outdoor open space area on the second floor that would increase human activity in the project site and be a potential source of nuisance noise. This area would include a community pool and spa, lounge area, gas fire pits, artificial turf area, bar with gas fire pit feature, barbeque grills, and pool furniture. The common area would primarily provide gathering spaces and noise would generally be limited to typical conversation levels that would not be audible at surrounding properties, with the exception of the pool. The pool would potentially result in louder conversational noise levels from more active use, such as children playing. As a project feature, lease agreements would include rules related to nuisance noise, including music, at the pool to limit noise exposure at nearby uses.

General residential noise sources such as landscape equipment and other intermittent or neighborhood noise such as yelling, amplified music, or barking dogs (often characterized as nuisance noise) are regulated by the limits within the Escondido Municipal Code, Sections 17-237 and 17-240, of the Noise Ordinance. Nuisance noise is difficult to control due to the variety of noise sources and intermittent nature of the impact. Additionally, the project site is located in a developed urban area that currently experiences ambient traffic noise and nuisance noise. It is unlikely that intermittent audible residential noise would be significantly different or excessive compared to existing conditions. Intermittent landscaping activities at the project site would be similar to the existing landscaping requirements for surrounding commercial properties and City Hall. Compliance with the City's Noise Ordinance would limit exposure to nuisance noise. Therefore, a significant impact would not occur.

3.6 Criterion Section 15332(d): Air Quality

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Approval of the project would not result in any significant effects relating to air quality.

The project would not result in any significant effects relating to air quality, as discussed below. There is no exception to the Class 32 exemption related to air quality. An Air Quality Technical Memorandum for the project was prepared by Harris and Associates (Harris 2019b) as provided in Appendix C1 and is summarized below. Additionally, a Greenhouse Gas Technical Memorandum (Harris 2019c) is included as Appendix C2.

General Information on Air Quality

The project site is located within the San Diego Air Basin (SDAB). The San Diego Air Pollution Control District (SDAPCD) manages air quality in the SDAB. The SDAPCD operates a network of ambient air monitoring stations throughout the SDAB. The purpose of the monitoring stations is to measure ambient concentrations of pollutants and determine whether ambient air quality

meets the California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS). The City operates the Escondido–East Valley Parkway Monitoring Station located on East Valley Parkway, which measures ozone (O₃), nitrogen dioxide (NO₂), particulate matter less than 10 microns (PM₁₀), and particulate matter less than 2.5 microns (PM_{2.5}) concentrations. No carbon monoxide (CO) data are available from monitoring sites in the SDAB after 2012, and no data are available for sulfur dioxide (SO₂) after 2013. However, with one exception for CO during the firestorms of October 2003, the SDAB has not violated the state or federal standards for CO or SO₂ in the last 20 years (SDAPCD 2017).

Concentrations of 1-hour O₃ exceeded CAAQS in 2017, and 8-hour O₃ CAAQS and NAAQS were exceeded in 2015, 2016, and 2017. The NAAQS and CAAQS for PM₁₀ were not exceeded in any of the 3 years. The monitored 24-hour PM_{2.5} values were not exceeded either. Likewise, the 1-hour and annual NAAQS and CAAQS for NO₂ were not exceeded.

The following sections describe the project’s construction- and operation-related air quality impacts and CO impacts.

Significance Thresholds

The thresholds listed in Table 11 represent screening-level thresholds that can be used to evaluate whether project-related emissions could cause a significant impact on air quality.

Table 11. Screening Level Criteria Thresholds for Air Quality Impacts

Pollutant	Emission Rate		
	(pounds/hour)	(pounds/day)	(tons/year)
PM ₁₀	—	100	15
PM _{2.5}	—	55	10
NO _x	25	250	40
SO _x	25	250	40
CO	100	550	100
Pb	—	3.2	0.6
VOC	—	75	13.7

Sources: County of San Diego 2007; SDAPCD 2018.

Notes: CO = carbon monoxide; NO_x = oxides of nitrogen; Pb = lead and lead compounds; PM₁₀ = particulate matter less than 10 microns; PM_{2.5} = particulate matter less than 2.5 microns; SO_x = oxides of sulfur; VOC = volatile organic compounds

Emissions below the screening-level thresholds would not cause a significant impact. For nonattainment pollutants (O₃, with O₃ precursors NO_x and VOCs, and PM₁₀), if emissions exceed the thresholds shown in Table 11, the project could result in a cumulatively considerable net increase in these pollutants and, thus, could have a significant impact on the ambient air quality.

Construction-Phase Criteria Pollutant Emissions

Construction of the project would result in temporary air pollutants associated with soil disturbance, dust emissions, employee and material delivery vehicle exhaust, off-gassing from paving and coating activities, and combustion pollutants from off-road construction equipment. Construction-related air pollution emissions can vary from day to day, depending on the level of activity, type of activity, and prevailing weather conditions. The primary air pollutants of concern from construction activities are particulate matter (including both PM₁₀ and PM_{2.5}), CO, and O₃ precursors (including VOCs) and oxides of nitrogen (NO_x).

The project is smaller than the air quality study criteria presented in Table 4.3-12 of the City’s General Plan EIR that would trigger the need for an air quality impact assessment (the level for apartment land uses with a density of 20 or more dwelling units per acre is 420 dwelling units) (City of Escondido 2012b). Nonetheless, anticipated air pollution emissions were quantified to further demonstrate consistency with the SDAPCD thresholds. The project’s criteria pollutant emissions were calculated using the California Emissions Estimator Model (CalEEMod), version 2016.3.2, based on information provided by Touchstone Communities. Table 12 shows the estimated maximum daily construction emissions associated with construction of the project.

Table 12. Estimated Maximum Daily Construction Emissions (pounds/day)

Construction Year	VOC	NO _x	CO	PM ₁₀	PM _{2.5}
2019	4.2	52.5	25.9	5.1	2.7
2020	46.2	33.6	27.3	3.1	1.7
2021	45.8	30.0	26.2	2.9	1.5
Maximum Daily Emissions	46.2	52.5	27.3	5.1	2.7
<i>Significance Threshold</i>	75	250	550	100	55
Level Exceeded?	No	No	No	No	No

Sources: Harris 2019b; County of San Diego 2007; SDAPCD 2018.

Notes: CO = carbon monoxide; NO_x = oxides of nitrogen; PM₁₀ = particulate matter less than 10 microns in diameter; PM_{2.5} = particulate matter less than 2.5 microns in diameter; VOC = volatile organic compound

Assumes watering of construction site would occur twice daily, use of low-VOC paints, and reduction of construction vehicle speed in compliance with Regulation 4, Rule 52, Particulate Matter; Rule 55, Fugitive Dust Rule; and Rule 67, Architectural Coatings, of the SDAPCD’s rules and regulations and the City’s General Plan EIR Mitigation Measure Air-1.

Construction of the project would be short term and temporary lasting approximately 20 months. As shown in Table 12, daily construction emissions would not exceed the significance thresholds for VOC, NO_x, CO, PM₁₀, or PM_{2.5}. This impact would be less than significant.

Operational-Phase Criteria Pollutant Emissions

After construction is completed, the project would be associated with ongoing air pollution associated with mobile vehicle sources; energy consumption; and “area” sources of emissions, which include landscaping, off-gassing from painting, and other consumer products.

The main operational emissions sources associated with the project would be from traffic. Project-specific estimates of daily vehicle trips were obtained from the Transportation Impact Analysis (LLG 2019). CalEEMod defaults were used for trip length, distribution, purpose, weekday/weekend ratios, vehicle mix, and vehicle emissions factors. Operational energy source emissions would result from on-site natural gas use. Emissions associated with area sources, such as consumer product use and landscaping, would also be generated. Based on the project plans (Summa 2019), it is assumed that the project would not include hearths or wood-burning stoves in the proposed residential units.

As with construction emissions, the project’s criteria pollutant emissions were calculated using CalEEMod, version 2016.3.2. Table 13 presents a summary of maximum daily operational emissions for the project at full buildout and compares these emissions with the SDAPCD air quality impact analysis significance thresholds.

Table 13. Estimated Maximum Daily Operational Emissions (pounds/day)

Source	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area	4.8	0.1	10.9	<0.1	<0.1	<0.1
Energy	<0.1	0.2	0.1	<0.1	<0.1	<0.1
Mobile	2.1	8.1	22.1	<0.1	6.14	1.7
Maximum Daily Emissions	6.9	8.46	33.0	<0.1	6.14	1.7
<i>Significance Threshold</i>	75	250	550	250	100	55
Level Exceeded?	No	No	No	No	No	No

Sources: Harris 2019b; County of San Diego 2007; SDAPCD 2018.

Notes: CO = carbon monoxide; NO_x = oxides of nitrogen; PM₁₀ = particulate matter less than 10 microns in diameter; PM_{2.5} = particulate matter less than 2.5 microns in diameter; SO_x = sulfur oxide; VOC = volatile organic compound

In compliance with Rule 67, Architectural Coatings, of the SDAPCD’s rules and regulations, assumes use of low-VOC paints. Assumes no hearths or wood-burning stoves, per the project plans (Summa 2019).

As shown in Table 13, operational emissions for the project would be substantially below the significance thresholds for criteria pollutants. This impact would be less than significant.

Consistency with Applicable Air Quality Plans

The SDAPCD manages air quality in the SDAB. Air quality plans applicable to the SDAB include the RAQS, addressing state requirements, and applicable portions of the California State Implementation Plan (SIP), addressing federal requirements. The RAQS and SIP outline the SDAPCD’s plans and control measures designed to attain state and federal air quality standards. The RAQS and SIP were most recently updated in 2016.

The RAQS and SIP rely on SANDAG’s growth projections, which are based in part on the City of Escondido and County of San Diego (County) General Plans. As such, projects that propose development consistent with the growth anticipated by the applicable general plans are consistent with the RAQS and applicable portions of the SIP. In the event that a project proposes

development that is less dense than anticipated within the General Plan, the project would be consistent. If a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project may conflict with the SIP and RAQS and may contribute to a potentially significant cumulative impact on air quality. Cumulative projects located in the SDAB would have the potential to result in a cumulative impact to air quality if, in combination, they would conflict with or obstruct implementation of the RAQS. Individual projects that are inconsistent with the regional planning documents upon which the RAQS is based would have the potential to result in cumulative operational impacts if they represent development and population increases beyond regional projections.

The SDAB has been designated as a federal nonattainment area for O₃ and a state nonattainment area for O₃, PM₁₀, and PM_{2.5}. Emissions of PM₁₀ and PM_{2.5} associated with construction generally result in short-term impacts. As discussed previously, the emissions of criteria pollutants from project construction would be below the significance levels. Construction would be short term and temporary in nature. Once construction is complete, construction-related emissions would cease. Long-term operation of the facility would include customers and employees of the commercial space; residents of 131 units living in the building; and associated services to serve and maintain the building, such as mail delivery, trash removal, and landscape and pool maintenance. Projected ongoing operational emissions generated by the project from area, mobile, and energy sources would not exceed the significance thresholds for criteria pollutants VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} as shown in Table 13. As such, the project would result in less than significant impacts related to criteria pollutant emissions from construction and operation.

Regarding long-term cumulative operational emissions in relation to consistency with local air quality plans, the applicable general plan for the City is the May 2012 General Plan (City of Escondido 2012a). The project proposes to construct housing at a density of 131 dwelling units per acre on a site with a land use designation that anticipates 79 dwelling units per acre. However, by relying on the State Density Bonus Law and the City's Density Transfer Program, the level of development proposed by the project would not conflict with the overall growth forecasted in the General Plan for the Downtown Specific Plan Area. Therefore, the project would be consistent with SANDAG and the City's General Plan growth projections and would not conflict with or obstruct implementation of the SIP or RAQS. Therefore, the project's contribution to cumulative air quality impacts would be less than significant.

Carbon Monoxide

A Carbon Monoxide (CO) hotspot is an area of localized CO pollution caused by high vehicle intensity, such as congested intersections and parking garages. If a project increases average delay at signalized intersections operating at level of service E or F or causes an intersection that

would operate at level of service D or better without the project to operate at level of service E or F with the project, a quantitative screening is required. The intersections relevant to the analysis of the project's potential for CO hotspots are those included in the study area for the Transportation Impact Analysis (LLG 2019), which are the intersections with the potential to accommodate the most project traffic. According to the Transportation Impact Analysis (LLG 2019), the study area intersections are forecasted to continue to operate at an acceptable level of service with the project. There would be no potential for a CO hotspot or exposure of sensitive receptors to substantial, project-generated, local CO emissions. Impacts related to CO hotspots would be less than significant.

Toxic Air Contaminants

According to the County Guidelines for Determining Significance – Air Quality (County of San Diego 2007), diesel particulate matter is the primary Toxic Air Contaminates (TAC) of concern for typical land use projects that do not propose stationary sources of emissions regulated by the SDAPCD. The dose to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer time period. Health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, are typically based on a 70-year exposure period; however, such assessments should be limited to the period or duration of activities associated with a project.

Project construction would result in short-term emissions of diesel particulate matter from the exhaust of off-road, heavy-duty diesel equipment. As presented in Table 12, maximum daily particulate emissions, which include diesel particulate matter, would be relatively low compared to the significance thresholds. Additionally, the construction period would be relatively short (20 months) compared to the typical 70-year analysis considered for potential health risk assessments. Combined with the dispersive properties of diesel particulate matter, construction-related emissions of TACs would not expose sensitive receptors to substantial emissions of TACs. Therefore, impacts would be less than significant.

As the project would involve the development of multi-family residential uses, project operation would not introduce any new stationary sources of TACs such as diesel-fueled backup generators that are more commonly associated with large commercial and industrial uses. In addition, the project is sited more than 1 mile from the nearest freeway (Interstate 15), which is well over the 500-foot threshold set by the CARB (CARB 2005) to avoid exposure of residents to TACs. The site is not within buffer distances included in the City's General Plan EIR that would require preparation of a health risk assessment (within 500 feet of a waste transfer facility or 1 mile of operating industrial land uses, medical facilities, or research and development facilities that

generate a substantial source of TACs). As discussed previously, the project would not have the potential to expose sensitive receptors to TACs from hotspots resulting from mobile sources to an extent that health risks could result, and associated impacts would be less than significant.

Odors

Typical odor sources are generally associated with municipal, industrial, or agricultural land uses, such as wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source, the wind speed and direction, and the sensitivity of receptors. The project would not involve land uses typically associated with odor complaints. Odors may be generated from vehicles and equipment exhaust emissions during construction of the project. Odors produced during construction would be attributable to emissions from tailpipes of construction equipment and architectural coatings. Such odors are temporary and generally occur at magnitudes that would not affect substantial numbers of people. Therefore, odor impacts resulting from project construction and operation would be less than significant.

Greenhouse Gas Emissions

The total amount of project-related Greenhouse Gas (GHG) emissions from construction and operation were estimated using the CalEEMod2 using the same inputs as the air quality analysis. CalEEMod quantifies direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, and water use.

Construction Impacts. Construction GHG emissions include emissions from site preparation, heavy construction equipment, and worker trips. The project includes GHG emissions from construction activities amortized over a 30-year project lifetime and added to operation emissions, as outlined in the City's Climate Action Plan (E-CAP), to determine the significance of project emissions (City of Escondido 2013c). As shown in Table 14, the total GHG emissions that are anticipated from construction of the project would be approximately 1,391.9 metric tons (MT) CO₂e or 46.4 MT CO₂e annually for 30 years.

Operational Impacts. During operation, area and indirect emissions sources associated with the project would primarily result from electricity and natural gas consumption, water and wastewater transport, and solid waste generation. GHG emissions from electricity consumed on site by the project would be generated off site by fuel combustion at the electricity provider. GHG emissions from water and wastewater transport are also indirect emissions resulting from the energy required to transport water from its source, and the energy required to treat wastewater and transport it to its treated discharge point. Residential uses at the project site would also generate mobile source

emissions from motor vehicle trips generated by residents and visitors. The various operational GHG emissions associated with the project are shown in Table 14. The total GHG emissions that are anticipated from operation of the project would be approximately 1,700.9 MT CO_{2e} per year. Overall, the project's total annual GHG emissions resulting from construction and operational activities would be 1,747.3 MT CO_{2e} per year and would not exceed the City's threshold of 2,500 MT CO_{2e} per year. Impacts would be less than significant.

Table 14. Estimated Project Related GHG Emissions

Emission Source	Emissions (MT CO _{2e})
Construction	
Construction Subtotal	1,391.9
Annual Construction Emissions (Total Emissions Amortized over 30 years)	46.4
Operations (Annual)	
Area	1.6
Electricity	365.8
Natural Gas	52.8
Mobile	1,171.2
Waste	32.6
Water	76.9
<i>Operational Subtotal</i>	1,700.9
Total Annual Project Emissions	1,747.3
<i>City Screening Threshold</i>	2,500
Significant Impact?	No

Sources: Harris 2019; CalEEMod, version 2016.3.2; City of Escondido 2013c.

Notes: According to project plans, assumes the residential units do not include hearths or woodstoves. Mobile sources based on the Traffic Impact Analysis prepared for the project by LLG 2019.

3.7 Criterion Section 15332(d): Water Quality

Yes No

 Approval of the project would not result in any significant effects relating to water quality.

The project would not result in any significant effects relating to water quality, as discussed below. There is no exception to the Class 32 exemption related to Water Quality criteria. A Storm Water Quality Management Plan (SWQMP) prepared for the project by Touchstone Development, Inc. (Touchstone Development, Inc. 2019) is provided in Appendix D and summarized below.

The project is located within the Escondido Hydrologic Sub-Area (HSA 904.62), which is part of the Escondido Creek Hydrologic Area (HA 904.60) and Carlsbad Hydrologic Unit (HU 904.00). The site is relatively flat and slopes gently to the north.

The project site is located within the jurisdiction of the San Diego Regional Water Quality Control Board (RWQCB). The San Diego RWQCB requires a permit for municipalities to discharge stormwater into local waterways. The City is subject to the requirements of the San Diego Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, Order No. No. R9-2013-0001 as amended by R9-2015-0001 and R9-2015- 0100 (San Diego MS4 Permit). City compliance with the San Diego MS4 Permit is required by state and federal law. Compliance with these existing stormwater regulations and the City's SCAs would ensure that the project would not result in significant effects relating to water quality, consistent with the requirement of the Class 32 exemption under CEQA Guidelines, Section 153332(d). Potential water quality concerns associated with the project are discussed below.

Groundwater Conservation

The project would connect to the existing municipal water system and would not use groundwater on the site. The project would result in a 3 percent change in amount of impervious groundcover on the project site. Thus, the site does not currently provide much groundwater recharge potential under the existing condition and would provide even less under the project condition. However, per the City's Urban Water Management Plan (UWMP), the City does not depend on groundwater sources in its water supplies (City of Escondido 2011). Therefore, the project would not substantially deplete or interfere with groundwater supplies and impacts would be less than significant.

Stormwater Runoff

Construction Impacts. Construction of the project would require grading and excavation of soils, which would loosen sediment, and then have the potential to mix with surface water runoff and degrade water quality. Additionally, construction would require the use of heavy equipment and construction-related chemicals, such as concrete, cement, asphalt, fuels, oils, antifreeze, transmission fluid, grease, solvents and paints. These potentially harmful materials could be accidentally spilled or improperly disposed of during construction and, if mixed with surface water runoff, could wash into and pollute receiving waters.

These types of water quality impacts during construction of the project would be prevented through implementation of a grading and erosion control plan that is required by the City's Grading and Erosion Control Ordinance (Article 55 of the Municipal Code) and the State General Permit to Discharge Stormwater Associated with Construction Activities (NPDES No. CAS000002), which requires preparation of a SWPPP by a Qualified SWPPP Developer. The grading and erosion control plan and SWPPP are required for plan check and approval by the Land Development Engineer, as well as the Planning Division, prior to provision of permits for the project, and would include construction BMPs such as:

- Silt Fence, Fiber Rolls, or Gravel Bag
- Street Sweeping and Vacuuming

- Sedimentation Basin
- Storm Drain Inlet Protection
- Stabilized Construction Entrance/Exit
- Vehicle and Equipment Maintenance, Cleaning, and Fueling
- Hydroseeding
- Material Washout
- Stockpile Management
- Spill Prevention and Control
- Solid Waste Management
- Concrete Waste Management

Adherence to applicable requirements and implementation of the appropriate BMPs would ensure that potential water quality degradation associated with construction activities would be minimized, and impacts would be less than significant.

Operational Impacts. The on-site runoff currently sheet flows northerly onto West Valley Parkway and then via street curb and gutter into the City's stormwater drainage system and ultimately into Escondido Creek. Post construction, runoff from the west portion of building roof and outdoor deck would be directed to raised planters located in the outdoor deck and street level for treatment prior to discharging to a curb inlet at the southeast intersection of West Valley Parkway and Maple Street. Runoff from the eastern portion of the roof and outdoor deck would discharge to a proposed curb inlet on West Valley Parkway that discharges into an existing 36-inch reinforced concrete pipe that flows west on West Valley Parkway. The pavement associated with the parking stalls in the alley and newly constructed sidewalk would be treated in roadside swales on West Valley Parkway. Runoff from the site and surrounding areas would discharge into the concrete-lined Escondido Creek located 0.2 mile north of the site.

The proposed raised planters and roadside swales would treat runoff before it leaves the project site to remove any coarse sediment before it enters the off-site drainage area. The project's landscaped areas would also minimize the erosion of surficial soils. With implementation of the operational treatment control biofiltration basin BMPs that would be required pursuant to the City's Storm Water Design Manual (City of Escondido 2016), potential pollutants would be reduced to the maximum extent feasible. Therefore, development of the project would not violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters. Impacts would be less than significant.

Section 4 Exceptions to Categorical Exemptions Checklist

In addition to investigating the applicability of CEQA Guidelines, Section 15332 (Class 32), this CEQA document also assesses whether any of the exceptions to qualifying for the Class 32 categorical exemption for an in-fill project are present. The following analysis compares the criteria of CEQA Guidelines, Section 15300.2 (Exceptions), to the project.

4.1 Criterion Section 15300.2(a): Location

Yes No

- Is there an exception to the Class 32 exemption for the project due to its location in a particularly sensitive environment, such that the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies?

This exception applies to CEQA exemptions under Classes 3, 4, 5, 6, and 11. The project qualifies as a Class 32 urban in-fill exemption, and therefore this criterion section is not applicable. The project site is located within a developed urban area and there are no environmental resources of hazardous or critical concern that are designated, precisely mapped, or officially adopted in the vicinity of the project site, or that could be adversely affected by the project. Therefore, the exception under CEQA Guidelines, Section 15300.2(d), does not apply to the project.

4.2 Criterion Section 15300.2(b): Cumulative Impact

Yes No

- Is there an exception to the Class 32 exemption for the project due to significant cumulative impacts of successive projects of the same type and in the same place, over time?

In general, the geographic context for cumulative impacts is the Downtown Specific Plan Area. Future growth and development projects within the Downtown Specific Plan Area have the potential to impact a variety of resources discussed in the CEQA Guidelines. It is anticipated that development of future cumulative projects would undergo CEQA review. Future development would be subject to federal, state, and local regulations and would be required to comply with the goals and policies in the City's Downtown Specific Plan. All resource topics associated with the project have been analyzed in accordance with CEQA and the CEQA Guidelines and were found to pose no impacts, less than significant impacts. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative impact. Therefore, the exception under CEQA Guidelines, Section 15300.2(d), does not apply to the project.

4.3 Criterion Section 15300.2(c): Significant Effect

Yes No

- Is there an exception to the Class 32 exemption for the project because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances?

There are no known unusual circumstances applicable to the project or project site that could result in a significant effect on the environment. The project site is currently used as a surface parking lot in a highly developed and urban area and no unusual circumstances are present. Therefore, the exception under CEQA Guidelines, Section 15300.2(c), does not apply to the project.

4.4 Criterion Section 15300.2(d): Scenic Highway

Yes No

- Is there an exception to the Class 32 exemption for the project because the project 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?

The project site is not located in the vicinity of any designated or eligible state scenic highway. The project site is not located within the Interstate 15 scenic corridor as defined in the City's General Plan Resource Conservation Element (City of Escondido 2012a). Additionally, the Resource Conservation Element does not identify any local scenic roadways (City of Escondido 2012a). Therefore, the exception under CEQA Guidelines, Section 15300.2(d), does not apply to the project.

4.5 Criterion Section 15300.2(e): Hazardous Waste Sites

Yes No

- Is there an exception to the Class 32 exemption for the project because the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code?

The project site is currently used as a City public parking lot, with no structures and limited landscaping. A Phase I ESA was conducted in 2018 and is provided in Appendix E. As part of the Phase I ESA (Christian Wheeler 2018), a computerized record search was performed by Environmental Data Resources, Inc. (EDR), in May 2018. The search included all documented environmental incidents and operating permits within a 0.25-mile to 1-mile radius of the subject property. Based on the results of this search, which were negative, it was confirmed that the project site is not located on a hazardous materials site pursuant to California Government Code, Section 65962.5. Therefore, the project would not result in a significant hazard to the public or the environment due to the presence of hazardous materials sites identified pursuant to California

Government Code, Section 65962.5. Therefore, the exception under CEQA Guidelines, Section 15300.2(e), does not apply to the project.

4.6 Criterion Section 15300.2(f): Historic Resources

Yes No

- Is there an exception to the Class 32 exemption for the project because the project may cause a substantial adverse change in the significance of a historic resource?

Historic Resources

The project site is within the urban area of the Historic Downtown District in the Escondido Downtown Specific Plan Area. The City's history began on the land that composed the Rancho Rincon del Diablo. In 1886, the ranch was purchased by the Escondido Land & Town Company (Escondido History Center 2019). Escondido was one of many Southern California towns that was established during the 1880s land boom, which included free land being offered to anyone who would build a church or school. Two years after the Escondido Land & Town Company was formed, the City was incorporated on October 8, 1888 (Escondido History Center 2019). The City grew slowly over time, first as an agricultural center for grapes and citrus and later for avocados before eventually becoming a commercial center serving North San Diego County.

The project site is currently a public parking lot, with no structures and limited landscaping. A Literature Search and Background Research Report was prepared by Recuerdos Research on April 20, 2018 (Recuerdos Research 2018), and is provided in Appendix F. As part of the report, a records search was conducted at the South Coastal Information Center (SCIC) at San Diego State University by Richard L. Carrico on March 22, 2018, for the project site. The record search did not identify any historic resources within the project site as defined by Section 15064.5 (Recuerdos Research 2018).

The adjacent buildings may be more than 45 years old and could meet the eligibility requirements for designation as historic resources. However, development of the project site would not impact any surrounding buildings and therefore would not necessitate the evaluation of off-site structures. The architectural features of the proposed building would be consistent with the architectural styles within the Downtown Historic District. The project would provide a benefit to the viability of the downtown district by providing social, cultural, economic, and residential focus to the area. The project would not result in a substantial adverse change to a historic resource. Therefore, the exception under CEQA Guidelines, Section 15300.2(f), does not apply to the project.

Archaeological Resources

A records search was conducted at the SCIC at San Diego State University by Richard L. Carrico of Recuerdos Research on March 22, 2018, for the project site. One archaeological site (SDI-5209) was identified during the records search that is located approximately 4,000 feet southeast of the project site on a slight rise above the Escondido Valley floor. Site SDI-5209 is recorded as a dense set of bedrock milling features containing more than 70 milling slicks and 1 shallow mortar (Recuerdos Research 2018). Due to the distance of this recorded site to the project site, the project would have no impact on this site.

The lack of recorded resources within or in proximity to the project site is consistent with the general settlement pattern for the Escondido Valley and with previous archaeological studies in the immediate area. Precontact native populations used the area extensively but the focus of their settlement was on the hills above the flat valley and near water sources (Recuerdos Research 2018). Therefore, it is unlikely that any evidence of pre-contact or historic-period archaeological cultural resources exists at the project site and no further testing or monitoring is required. However, the San Luis Rey Band of Mission Indians has requested monitoring during construction as a result of consultation under AB 52. Therefore, in order to comply with AB 52, the following project design features would be made a condition of project approval:

PDF-CR-1. The City Planning Division recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the applicant/owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

PDF-CR-2. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe has been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist confirming that the selected Native American monitor is associated with a TCA Tribe. Prior to any pre-construction meeting, the City shall approve all persons involved in the monitoring program.

PDF-CR-3. The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program, in addition to reviewing the grading plan to assist in determining the necessity of the Luiseño Native American monitor and archaeological monitor's presence.

PDF-CR-4. During the initial grubbing, site grading, excavation (including post-demolition activities to assess the condition of the subsurface stratigraphy), or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site where deemed appropriate and necessary by the archaeologist and Luiseño Native American monitor. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, then those fill materials shall be absent of any tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in PRC Section 21074.

PDF-CR-5. In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operations in the area of discovery to allow for evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so that the monitored grading can proceed.

PDF-CR-6. If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe, and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for treatment and disposition of the tribal cultural resource shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor, and shall be submitted to the City for review and approval.

PDF-CR-7. The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated under CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The qualified archaeologist, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

PDF-CR-8. In accordance with CEQA, all tribal cultural resources shall be treated with culturally appropriate dignity. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during the collection and cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the tribe's cultural and spiritual traditions. It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe, as such preference would be the most culturally sensitive, appropriate and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

Or,

Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

PDF-CR-9. Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner, to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

With implementation of the project design features, the exception under CEQA Guidelines, Section 15300.2(f), does not apply to the project.

Section 5 Report Preparation

Harris & Associates (Categorical Exemption Report, Air Quality, Greenhouse Gas Emissions and Noise Studies)

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Richard Carrico, Principal/Owner

Touchstone Development, Inc. (Drainage and Stormwater)

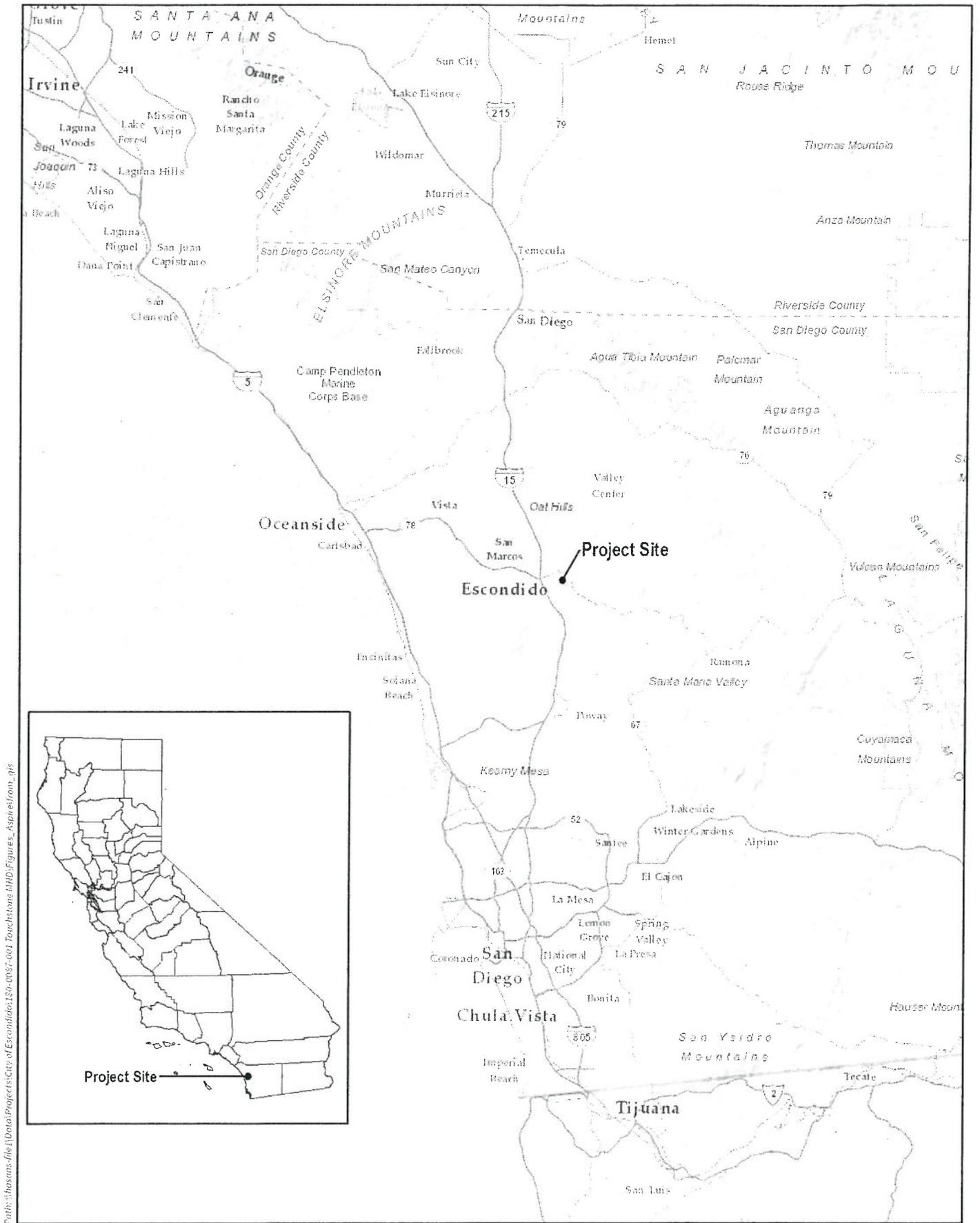
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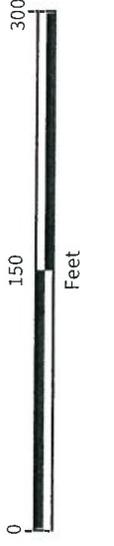
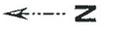
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Source: Google Earth 2018

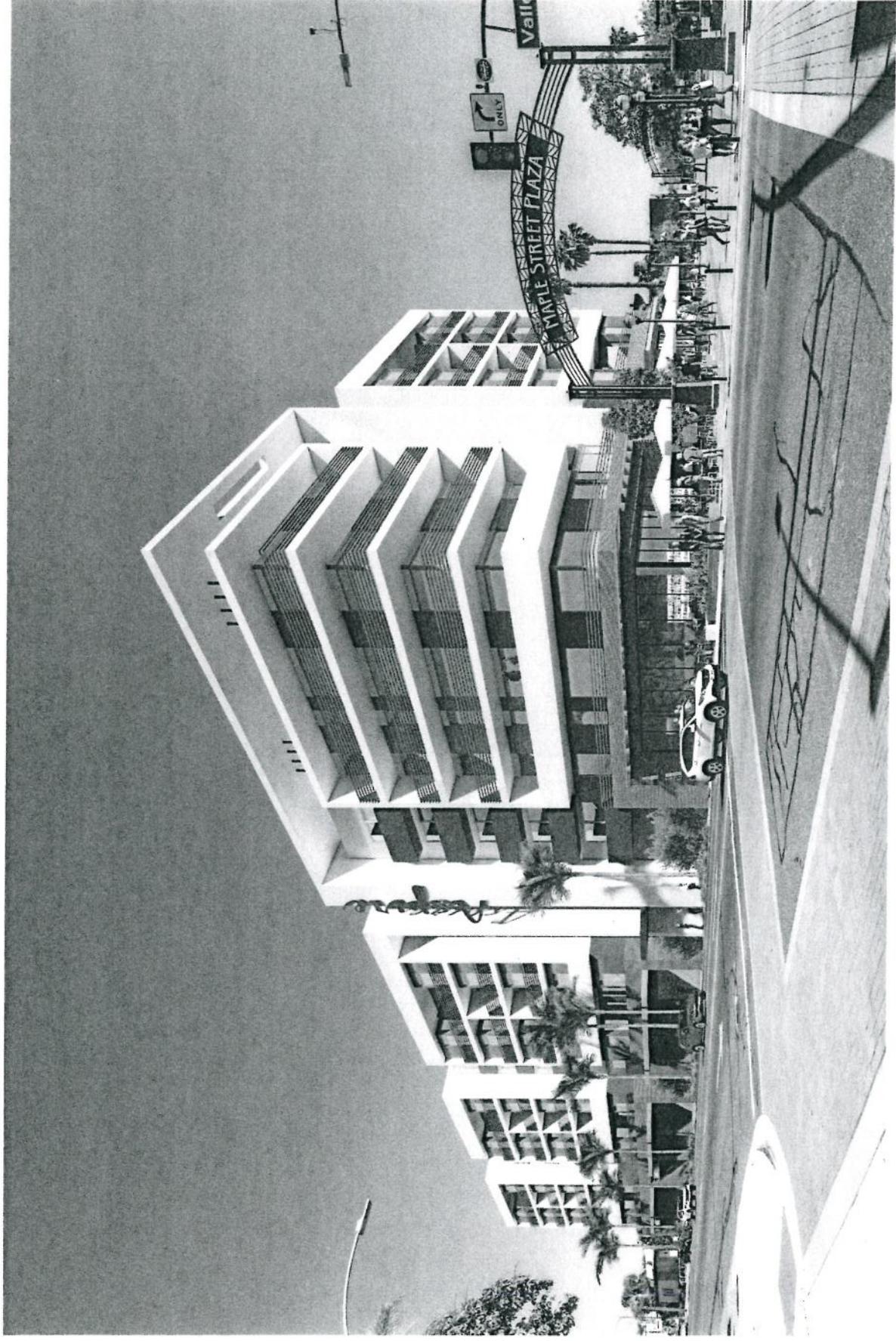
Figure 2
Project Site



LEGEND
Project Site

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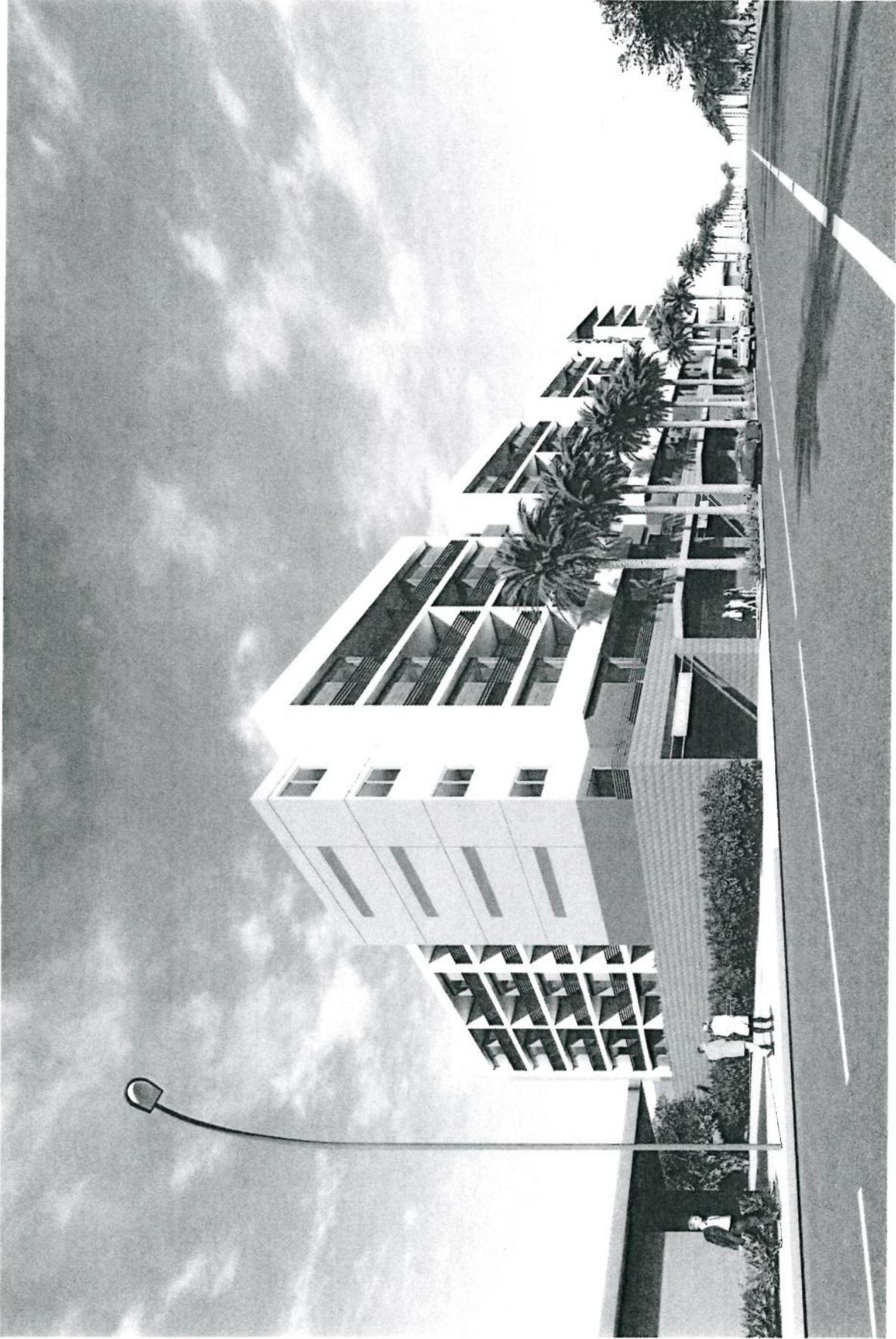
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Source: De Bartolo + Rimanic Design Studio 2018

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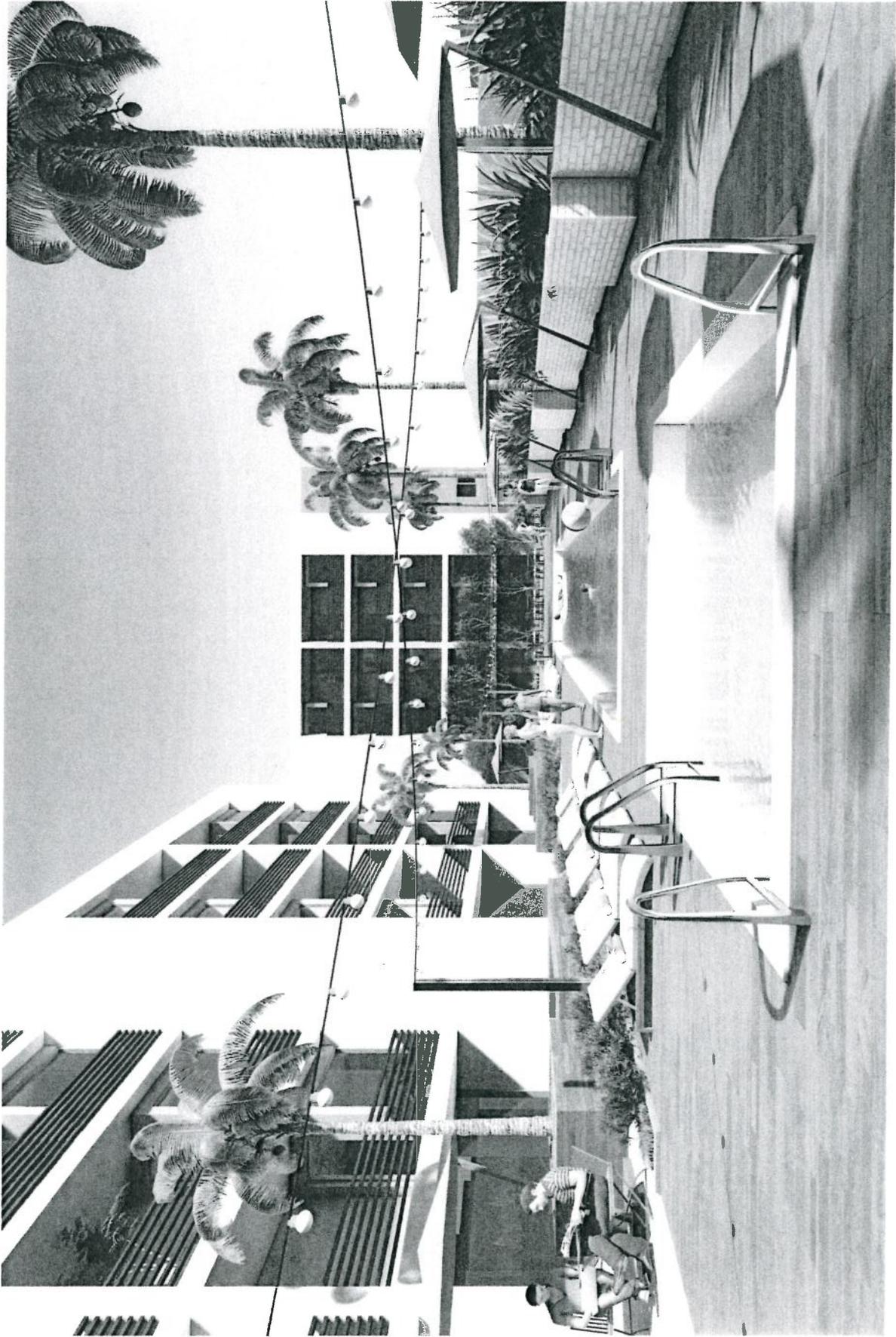
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Source: De Bartolo + Rimanic Design Studio 2018

Figure 4c
Project Perspective from West Valley Parkway Looking Southwest

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Appendix A. Traffic Impact Analysis

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Appendix B. Noise Technical Memorandum

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Appendix C1. Air Quality Technical Memorandum

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Appendix C2. Greenhouse Gas Technical Memorandum

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**Appendix D. Drainage Study and
Storm Water Quality Management Plan**

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Appendix E. Phase I ESA

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Appendix F. Literature Search and Background Research Report

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