

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7:00 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** [10/08/19](#)

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. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 19-0017:**

REQUEST: A modification to a previously approved Conditional Use Permit for New Life Presbyterian Church to convert an existing single-family residence into a family counseling center/multi-purpose building to support church-related activities and become part of the church campus. Access to the site would be provided from Alexander Drive and the northern driveway would be closed. Primary pedestrian and disabled access would be provided from the existing church property on the west. New front yard fencing would be provided along with a gate to restrict access to the southern driveway, which would remain. The upper story of the split-level structures is proposed to be used for meeting/multi-purpose rooms, office space, lounge area, kitchen and bathrooms. The lower floor is proposed to be used for multi-purpose uses. Exterior modifications to the structure and landscape/fencing improvements also are proposed. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 0.42-acre property (18,480 SF) is located on the western side of Alexander Drive, south of Citracado Parkway, addressed as 2117 Alexander Drive, (APN 238-110-06).

ENVIRONMENTAL STATUS: Exempt pursuant to a CEQA Section 15303, Class 3 'New Construction or Conversion of Small Structures'.

APPLICANT: New Life Presbyterian Church

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

**2. TENTATIVE SUBDIVISION MAP, GENERAL PLAN AMENDMENT, REZONE, MASTER AND PRECISE DEVELOPMENT PLAN, SPECIFIC ALIGNMENT PLAN, AND GRADING EXEMPTION - SUB 18-0005 / ENV 18-0005:**

REQUEST: The proposed project is a General Plan Amendment and Rezone for a 7.45-acre site straddling North Nutmeg Street, between North Centre City Parkway and Interstate 15. The General Plan Amendment would change the designation of the site from Office (O) to Urban III (U3), and the Rezone would change the zoning classification from Residential Estates (RE-20) to Planned Development-Residential (PD-R-18). The proposed project consists of a proposal to develop the northern portion of this site (i.e., the area north of Nutmeg Street) with 37 townhome units, ranging in size from 1,104 SF to 1,339 SF. To accommodate the development request, the applicant requests approvals of a Tentative Subdivision Map (TSM), a Master and Precise Development Plan (to establish site-specific development standards), a Specific Alignment Plan (SAP) for both Nutmeg Street and Centre City Parkway (for a roadway design that varies from City standards), and a Grading Exemption (for one cut slope exceeding 20 feet-in-height in the northwest corner of the site). Separate approvals would be required to develop the southern portion of the site. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The project site, subject to the General Plan Amendment and Rezone straddles North Nutmeg Street, between North Centre City Parkway and Interstate 15. The northern portion, subject to the TSM, Master and Precise Development Plan, and Grading Exemption permit requests, is currently 2.33 acres in size. The project proposes 0.17 acre in right-of-way reversions and 0.08 acre in right-of-way dedications to bring the final size of the northern portion to 2.42 acres (gross and net). The southern portion is currently 4.37 acres, but proposes 0.81 acre in right-of-way reversions and 0.15 acre in right-of-way dedications to accommodate the SAP and future development potential, to bring the final size of the southern portion to 5.03 acres.

ENVIRONMENTAL STATUS: The Draft Environmental Impact Report (City Log No. ENV 18-0005) was issued for a 45-day public review on May 10, 2019. Responses to comments received on the Draft EIR have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation.

APPLICANT:

STAFF RECOMMENDATION: Approval to Council

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**

**October 8, 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; James Spann, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

**Commissioners absent:** None.

**Staff present:** Bill Martin, Director of Community Development; Mike Strong, Assistant Planning Director; Owen Tunnell, Assistant City Engineer; Adam Phillips, Senior Deputy City Attorney; and Kirsten Peraino, Minutes Clerk; Kristin Blackson, Project Consultant.

**MINUTES:**

Moved by Commissioner Weiler, seconded by Commissioner Watson to approve the Action Minutes of the September 24, 2019 meeting. Motion carried unanimously; Vice Chair Romo arrived at 7:04 p.m. and missed the vote (6-0-0).

**WRITTEN COMMUNICATIONS:** – Received.

**FUTURE NEIGHBORHOOD MEETINGS:** – Received information regarding a Community Advisory Group meeting on October 14, 2019 to discuss environmental issues.

**ORAL COMMUNICATIONS:** – None.

**PUBLIC HEARINGS:** None.

**CURRENT BUSINESS:**

**1. DESIGN REVIEW – SUB 18-0011:**

REQUEST: The City is processing an application to redevelop the former Palomar Hospital Downtown Campus. The intent of this agenda item is to solicit Planning Commissioner and public input on the design of the proposed project to provide early guidance to the project applicant. The general direction does not have a legally binding effect on any possible future discretionary action.

The proposed project consists of a request for a Specific Plan Amendment, General Plan Amendment (Circulation Element), Master and Precise Development Plan, Tentative Subdivision Map, and Development Agreement for a mixed-use commercial/residential project. The applicant has proposed to demolish all existing buildings on the project site and construct 510 residential dwelling units (258 for-rent apartments, 90 for-rent senior apartments, and 162 for-sale row-homes and villas) and up to 12,000 square feet of commercial/office space.

PROPERTY SIZE AND LOCATION: The proposed project would be located on approximately 13.8 acres of land at the eastern end of the Downtown Specific Plan, on both sides of Valley Boulevard, and generally bounded by E. Valley Parkway to the north and E. Grand Avenue to the south.

ENVIRONMENTAL STATUS: Exempt pursuant to a CEQA Section 15306, Class 6 – Information Collection. This action involves only ongoing study related to the processing of the project. Commissioner and public input received will be utilized in preparing an Environmental Impact Report for the project.

**PUBLIC SPEAKERS:**

**Doug Hicks**, spoke in opposition to the project.

**Patricia Borchmann**, spoke in opposition to the project.

**COMMISSIONER DISCUSSION AND QUESTIONS:**

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: **Information provided only – NO action taken.**

**ADJOURNMENT:**

Chairman Spann adjourned the meeting at 8:21 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, October 22, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

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Mike Strong, Secretary to the  
Escondido Planning Commission

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Kirsten Peraino, Minutes Clerk

DRAFT

**PROJECT NUMBER / NAME: PHG 19-0017 “New Life Presbyterian Church”**

**REQUEST:** A modification to a previously approved Conditional Use Permit for New Life Presbyterian Church to convert an existing single-family residence into a family counseling center/multi-purpose building to support church-related activities and become part of the church campus. Access to the site would be provided from Alexander Drive and the northern driveway would be closed. Primary pedestrian and disabled access would be provided from the existing church property on the west. Exterior modifications to the structure and landscape/fencing improvements also are proposed. The project also includes a request to adopt a Class 3 Exemption in accordance with the California Environmental Quality Act (CEQA).

**LOCATION:** 2117 Alexander Drive and 615 Citracado Parkway

**APPLICANT:** New Life Presbyterian Church

**APN / APNS:** 238-110-06 and 238-110-37

**PRIMARY REPRESENTATIVE:** Joseph Marca, Marca.Tects

**GENERAL PLAN / ZONING:** Suburban (S) / RE-20 (Residential Estate, 20,000 SF min. lot size). Church Property Planned Office (PO) General Plan land-use designation and RE-20 zoning

**DISCRETIONARY ACTIONS REQUESTED:** Conditional Use Permit Modification

**PREVIOUS ACTIONS:** None

**PROJECT PLANNER:** Jay Paul, Senior Planner, [jpaul@escondido.org](mailto:jpaul@escondido.org)

**CEQA RECOMMENDATION:** Exemption - 15303, Class 3 ‘New Construction or Conversion of Small Structures’

**STAFF RECOMMENDATION:** Approve, as conditioned

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2019-24

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

- Bill Martin, Community Development Director
- Mike Strong, Assistant Planning Director

**A. BACKGROUND:**

New Life Presbyterian Church has been in operation at its current location since 1984 and has made several modifications to the approximately 4.3-acre campus over the past 34+ years to include the main sanctuary/multi-purpose building, youth center building, and various parking areas to accommodate the needs of the congregation.

Within the past year, the Church purchased an adjacent, split-level, single-family home immediately adjacent to the east of their campus along Alexander Drive and through the application process proposes to convert the residence into a family counseling center/multi-purpose building (referred to as New Life Commons) to support church-related activities and become part of the church campus. Over the years, the home and property had fallen into disrepair and abused by squatters. Since acquiring the site, the Church has cleaned up the property and replaced the septic system. A component of the request involves exterior improvements to the home to upgrade the look of the structure and property from Alexander Drive, as well as the rear elevation, and provide more usable outdoor space in the rear and side yard of the property. Access to the site would continue to be provided from Alexander Drive, but the northern driveway would be closed and replaced with landscaping. The southern driveway would remain and would provide access for a disabled parking space and deliveries. New decorative front yard fencing would be provided along with a gate to restrict access to the southern driveway. Primary pedestrian and disabled access would be provided from the existing church property on the west. The upper story of the split-level structures is proposed to be used for meeting/multi-purpose rooms, office space, lounge area, kitchen and bathrooms. The lower floor is proposed to be used for multi-purpose uses and storage. Project plans are attached to draft Planning Commission Resolution No. 2019-24 as Exhibit "D."

**B. PROJECT ANALYSIS**

**1. General Plan / Zoning:**

The General Plan land-use designation for the residential parcel is Suburban (S) which is a single-family residential designation. The underlying zoning is RE-20, (Residential Estate, 20,000 SF min. lot size). The proposed CUP is consistent with the goals and policies of the General Plan and RE-20 zone because churches and religious activities are conditionally permitted within residential zones.

**2. Project Description:**

New Life Presbyterian Church intends to convert the adjacent 2,183 SF, split-level home to accommodate a variety of church related uses, with the primary use to support a counseling center (primarily marriage counseling) for members of the church. The center would be staffed by ministry leaders and interns and would not be staffed by medical/social service professionals that would offer professional services to the general public. The services only are available to

church members. The various spaces would be used for offices, family conference space, lounge, multi-purpose spaces (such as group meetings, bible study, youth activities, etc.), kitchen and larger open area (great room) and bathrooms. The garage that is located on the lower floor would be converted into multi-use space and storage. The facade of the structure would be upgraded with new stone cladding, paint, and windows to be compatible with the exterior details of the main sanctuary building, but also so it retains the look and feel of a single-family residence. A new covered walkway/patio type structure and enhance entry would be provided along the rear/eastern elevation that would face the existing church campus. The rear/western elevation would be the primary access for the church as the eastern side of the home typically would be used for deliveries and provide a disabled parking space. A new pedestrian and disabled access would be provided between the subject site and church property, which is situated at a lower elevation. The landscaping within the front yard would be upgraded and include a low decorative tube metal fence and gate to provide security. The existing northern driveway would be removed and the area landscaped. The rear yard landscaped areas would include a fire pit and seating for various low intensity fellowship type activities and smaller group meetings in an outdoor setting.

**Public Input** - A neighborhood meeting was conducted at the church site on May 21, 2019 and approximately ten (10) neighbors from the surrounding area attended the meeting. Residents expressed concerns with a commercial type use operating within a residential neighborhood, additional traffic along Alexander Drive, and appropriate controls on the intensity of uses and future expansion of the site to ensure compatibility with their residential neighborhood. The applicant explained the counseling and other related activities would not be a commercial type operation as they only are available for church members, and that intensity of use/hours of operation can be controlled through the use permit. The property owner adjacent to the north expressed concern with a proposed new driveway and parking spaces that would take access from the church site, and need for fencing along the joint property boundary. Based on this input, the applicant redesigned the project to eliminate the proposed driveway and parking spaces along the northern property boundary, and would construct a new six- (6) foot-high wooden fence along the property boundary to provide a physical buffer between the two properties. Additional landscaping also would be provided. Since the neighborhood meeting, staff received two (2) phone calls from neighbors either requesting clarification regarding the project or indicating opposition to the request because of the encroachment of more intensive church related activities into a residential neighborhood.

### **C. SUPPLEMENTAL DETAILS OF REQUEST**

#### 1. Property Size:

2117 Alexander Drive:	0.42 acres (18,479 SF)
615 Citracado Parkway:	<u>3.94 acres (171,626 SF)</u>
	4.36 acre total combined area

2. Building Summary

2117 Alexander Drive: 2,183 SF existing structure (split level)  
271 SF proposed addition  
2,454 SF total

615 Citracado Pkwy: 18,859 SF existing sanctuary building/multi-purpose bldg.  
(two story)  
2,316 SF existing youth center bldg. (one story)

3. Building Height: Approx. 24'-3" to new roofline (split-level structure)  
Up to 35 maximum height and two (2) stories in RE-20 zone

4. Lot Coverage: Proposed 13.28%  
Allowed: 40%

5. Parking Space Provided:

2117 Alexander Drive: 1 space (disabled)

615 Citracado Parkway: 191 spaces (includes 6 disabled spaces)  
100 additional spaces available from existing agreement  
with adjacent commercial development to the west  
291 available

Required Spaces: 163 total required (per previously approved 2005-13-CUP)

Main Sanctuary: 571 fixed seats	1 space per 5 seats (114 required)
Other Assembly: 1,334 SF	1 space per 100 SF (13.34 required)
Classroom/Nursery: 8 rooms	1 per room (8 required)
Office: 1,307 SF	1 space per 300 SF (4.3 required)
Youth Center: 2,316 SF	1 space per 100 SF (23.16 required)

There are 28 additional on-site spaces to serve the Main Campus and New Life Commons

6. Materials/Colors: Tan/Cream stucco exterior, composition shingle roof (match exiting brown), new stacked stone wall and column cladding, new covered entry walkway along the wester/rear elevation, wooden cladding along western/front elevation, replace windows, remove garage door and replace with glass doors. Colors/materials to compliment/match materials/colors used for the main sanctuary building.

7. Operations Typical: The church employs five (5) full-time pastors, one (1) part-time pastor, five (5) full-time and seven (7) part-time administrative personnel. Staffing for the new counseling center would be one (1) full-time, one (1) half-time and two (2) part-time personnel.

Approximately 100 children and youth participate in various activities at the church. Note: Church activities are typical but may vary as necessary to meet the needs of the congregation.

<b>Activities</b>	<b>Days</b>	<b>Hours</b>
Worship Services Main Sanctuary	Sunday	9:30 a.m. – 2:30 p.m.
	Wednesday	6:00 p.m. – 8:30 p.m.
Youth Center, meetings and other related activities  Adult Groups	Sunday Sat., Sun., Thurs. Fri. Evenings	8:00 a.m. – 12:30 p.m. 6:30 p.m. begins 7:00 p.m. begins
	Mon., Wed., Thurs.	6:30 a.m. up to 9:30 p.m.
Weddings and other social activities	Saturday – typ.	9:00 a.m. – 11:00 p.m.
Office Hours	Mon. – Fri.	9:00 a.m. – 5:00 p.m.
<b>Counseling Center Building/Site</b>		
Office Hours (typ. 3 to 4 staff)	Mon. – Fri.	9:00 a.m. – 5:00 p.m.
Counseling Services (typ. 2 to 4 staff) (Marriage and general)	Mon. – Fri.	9:00 am. – 5:00 p.m. 6:00 p.m. – 9:00 p.m.
Bible Study (typ. 15 – 30)	Sun.	9:30 a.m. – 2:00 p.m.
	Wed.	9:00 a.m. – 11:30 a.m.
	Wed.	6:00 p.m. – 9:00 p.m.

12. Grading: Minor grading proposed to include low retaining walls to support various walkways around the site and ADA pedestrian pathway from the site to the church complex. Existing northern driveway to be removed and area re-contoured to provide appropriate drainage.

13. Landscaping: New ornamental landscaping and irrigation, retaining walls to be provided. Proposed community garden within northeastern corner of the site. New combination wooden fencing (up to six (6) feet in height) and open tube metal fencing (42-inch high) along the northern property line and lower (42-inch high) metal tube fencing and gate along the Alexander Drive frontage. Picnic tables installed in front yard, and fire pit and seating in rear yard.

**D. ENVIRONMENTAL STATUS:**

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15303, Class 3 “New Construction or Conversion of Small Structures.” In staff’s opinion, the project would not have any significant impact to the environment. The Notice of Exemption that was prepared for the project is attached as Attachment 2 to the report.

**E. CONCLUSIONS:**

The Planning Commission is authorized to take discretionary action related to Conditional Use Permits. The Planning Commission is being asked to consider this modification to the Conditional Use Permit for New Life Presbyterian Church to allow an existing residence to be converted for use as a counseling center for the church members, and also as a multi-purposed space to serve various church-related activities. No other discretionary permits are requested or required for the proposed scope of work. City staff recommends that the Planning Commission adopt draft Planning Commission Resolution No. 2019-24, approving Planning Case No. PHG 19-0017, based upon the findings of fact and conditions contained attached to the draft resolution as Exhibits “B” and “C,” respectively.

**ATTACHMENTS:**

1. Location and General Plan Map
2. CEQA Exemption
3. Resolution 2019-24 with Exhibits “A” through “D”

**ATTACHMENT 1**

**RE-20**

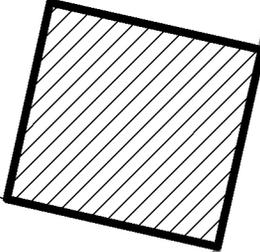
**R-1-10**

**CITRACADO PKY**

**RE-20**

**ALEXANDER DR**

**RE-20**



**PD-C**

**COUNTY**

**COUNTY**

**INTERSTATE 15**

**COUNTY**

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**PROPOSED PROJECT  
PHG 19-0017**



ZONING

ATTACHMENT 1

PO

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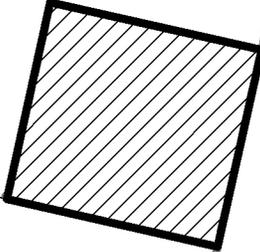
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CITRACADO PKY

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**PROPOSED PROJECT  
PHG 19-0017**



GENERAL PLAN



**ATTACHMENT 2**  
**CITY OF ESCONDIDO**  
**PLANNING DIVISION**  
**201 NORTH BROADWAY**  
**ESCONDIDO, CA 92025-2798**  
**(760) 839-4671**

**Notice of Exemption**

**To:** San Diego Assessor/Recorder/County Clerk  
 Attn: Fish and Wildlife Notices  
 1600 Pacific Highway, Room 260  
 San Diego, CA 92101 (MS A-33)

**From:** City of Escondido  
 201 North Broadway  
 Escondido, CA 92025

**Project Title/Case No.:** PHG 19-0017 (New Life Presbyterian Church Counseling Center)

**Project Location - Specific:** 2117 Alexander Drive & 615 Citracado Parkway (APNs 238-110-06 and 238-110-37)

**Project Location - City:** Escondido, **Project Location - County:** San Diego

**Description of Project:** A modification to a previously approved Conditional Use Permit for New Life Presbyterian Church to convert an existing single-family residence into a family counseling center/multi-purpose building to support church-related activities and become part of the church campus. Access to the site would be provided from Alexander Drive and the northern driveway would be closed. Primary pedestrian and disabled access would be provided from the existing church property on the west. Exterior modifications to the structure and landscape/fencing improvements also are proposed.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Peter Sara (Representing New Life Presbyterian Church) Telephone: (760-489-5714)

Address: 615 W. Citracado Parkway, Escondido, CA 92025

Private entity     School district     Local public agency     State agency     Other special district

**Exempt Status:** Categorical Exemption. CEQA Section 15303, Class 3 "New Construction or Conversion of Small Structures"

**Reasons why project is exempt:**

1. The project involves the conversion of an existing, approximately 2,183 SF residential structure to another use to support church related functions. A small, approximately 271 SF addition to the structures also is proposed. This is a minor modification to the existing structure.
2. The project site has no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. Existing landscaping would be replaced in accordance with the City's Grading and Landscape Ordinances.
3. In staff's opinion, the proposed project would not have the potential to cause a direct or cumulative significant impact on the environment. The project is not located along a scenic highway; on a site designated as a hazardous waste site; or contains any historic resources. Therefore, the activity is not subject to further CEQA review.

**Lead Agency Contact Person:** Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature: *J Paul*  
 Jay Paul, Senior Planner

October 17, 2019  
 Date

Signed by Lead Agency

Date received for filing at OPR: N/A

Signed by Applicant

## ATTACHMENT 3

Planning Commission

Hearing Date: October 22, 2019

Effective Date: November 2, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO A CONDITIONAL USE PERMIT TO CONVERT A SINGLE-FAMILY RESIDENCE INTO A CONSELING CENTER/MULTI-PURPOSE BUILDING FOR NEW LIFE PRESBYTERIAN CHURCH WITHIN THE RE-20 ZONE

APPLICANT: NEW LIFE PRESBYTERIAN CHURCH

CASE NO: PHG 19-0017

WHEREAS, New Life Presbyterian Church (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 19-0017) constituting a request for a modification to a previously approved conditional use permit to convert an existing single-family residence into a family counseling center/multi-purpose building to support church-related activities and become part of the church campus as depicted in project exhibits attached as Exhibit "D" hereto and on-file in the Planning Division. Exterior modifications to the structure and landscape/fencing improvements also are proposed. The approximately 0.42-acre property generally is located on the western side of Alexander Drive, south of Citracado Parkway, addressed at 2117 Alexander Drive (APN 238-110-06), in the RE-20 zone (Single-Family Residential, 20,000 SF min. lot size); and

WHEREAS, the subject property is all that real property described in Exhibit "C," 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, religious and support facilities are permitted uses or conditionally permitted uses within the RE-20 Zone, subject to the approval of a Conditional Use Permit, in accordance with Section 33-94 and Article 61, Division 1 of the Escondido Zoning Code; 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 October 22, 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 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. Public Resources Code Section 21084 requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from the provisions of CEQA (Section 15300 et. seq. of the CEQA Guidelines). The Planning Commission, in its independent judgment, has determined the project to be exempt from environmental review. Pursuant to CEQA, the Project is exempt from further environmental review because it can be seen with certainty that there is no possibility that it will have a

significant effect on the environment in conformance with CEQA Section 15303, Class 3 “New Construction or Conversion of Small Structures,” as described in the October 22, 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 “A,” 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 application to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit “B” is hereby approved by the Planning Commission. This Planning Commission expressly declares that it would not have approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

6. Said 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. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, [www.escondido.org](http://www.escondido.org), and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of 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 22<sup>nd</sup> day of October, 2019, by the following vote, to wit:

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

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

ATTEST:

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

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

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

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

**EXHIBIT “A”**  
**FINDINGS OF FACT**  
**PHG 19-0017**

**Environmental Determination(s):**

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations Section 15000 et. seq., the City of Escondido is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Class 3 CEQA Exemption prepared for the Project, dated October 17, 2019.

**Conditional Use Permit:**

1. The location, design, and use of the subject site to support the proposed expansion of the New Life Presbyterian Church complex for office, counseling services and multi-purpose spaces is consistent with the goals and policies of the Escondido General Plan and Escondido Zoning Code because religions activities are conditionally permitted uses within residential zones. Community Land-Use Goal 3: (page 1-17) states that neighborhoods should provide a mix of uses and services that support resident needs. The conversion of the residence to support religious activities would provide requested services to support the community, while still preserving the residential look and scale of the home/property and compatibility with the surrounding residential neighborhood.
2. Granting the Conditional Use Permit is based on sound principles of land use because adequate parking, access, on-site circulation, utilities, landscaping and open space would be provided (as detailed in the staff report). The proposed development would be well integrated into its surroundings, because the existing structure would incorporate compatible and integrated architecture, materials and colors, and the project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. The proposed use is in response to services required by the community because the proposed counseling center and multi-purpose spaces would provide a range of uses for the congregation. The proposed project would not diminish the quality of life standards of the General Plan because the project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided on site. The site is suitable for the proposed church related activities and is compatible with similar development throughout the surrounding community. The

physical and design characteristics of the project are compatible with the existing community character and would result in less than significant aesthetic or land use effects on the environment.

3. The proposed conversion of the residence to support church related uses would not cause a deterioration of bordering land uses or create special problems in the area. The site plan has been designed to limited vehicle activities along Alexander Drive and direct primary access to the site from the adjacent church property. The proposed improvements to the structure and property is not out of character with the nearby residential development patterns, and adequate parking, setbacks, access and landscaping are provided.
4. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood and it has been determined to be compatible with the surrounding properties and General Plan policies because the use would not create any excessive noise, traffic, or other adverse impacts.

## **EXHIBIT “B”**

### **CONDITIONS OF APPROVAL PHG 19-0017**

This project is conditionally approved as set forth on the application and project drawings, all designated as recommended for approval by the Planning Commission on October 22, 2019, and shall not be altered without the express authorization by the Planning Division. Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions. The project shall be subject to all relevant previously approved conditions of approval for the New Life Presbyterian Church (City File Nos. 84-13-CUP, 99-56-CUP, 2005-13-CUP) unless specifically modified by this Modification to the Conditional Use Permit as described below:

#### **General**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, Engineering Services Department, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
2. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
3. Access for use of heavy fire- fighting equipment as required by the Fire Chief shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshal.
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. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule

in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development.

6. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). A copy of the lighting plan shall be included as part of the building plans, to the satisfaction of the Planning Division.
7. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
8. As proposed, the buildings, architecture, color and materials, shall be in accordance with the staff report, exhibits, project Details of Request and conditions of approval, to the satisfaction of the Planning Division.
9. No signage is proposed or approved for this project. A separate sign permit would be required for any building signage in conformance with the City's Sign Ordinance. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66) for non-residential properties in residential zones.
10. All roof mounted, ground-mounted or wall mounted mechanical equipment and devices must be screened from public views utilizing materials and colors that match the building in conformance with Zoning Code Section 33-1085, to the satisfaction of the Director of Community Development. The final building plans shall clearly indicate that all mechanical equipment and devices are properly screened.
11. All retaining walls shall be constructed of decorative materials or incorporate a decorative finish, and matching cap. The final material and colors shall be indicated on the building and landscape plans. The location and design of any walls and fencing shall be noted on the building plans and the final landscape plans. A decorative tube steel type fence shall be used along the Alexander Drive frontage, and shall be located outside of any right-of-way and private road/access easements.
12. The proposed on-site disabled parking space shall be striped and dimensioned per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with chapter 2-71, Part 2 of Title 24 of the State 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.
13. All grading shall be in substantial conformance with the concept grading design and detail of request.

14. All new utilities shall be underground.
15. The existing trash enclosure on the main church complex site shall be upgraded to include a solid cover, in conformance with the City's storm water requirements.
16. Prior to issuance of grading and building permits for the subject site, a Lot Tie Agreement shall be recorded between APN 238-110-06 (2117 Alexander Drive) and the main church complex APN 238-110-37 (615 Citracado Parkway).
17. This Conditional Use Permit shall become null and void unless utilized within twelve (12) months of the effective date of the CUP.
18. At any time after project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
19. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

### **Landscaping**

1. Detailed landscape and irrigation plan(s) shall be submitted to the Engineering Services Department in conjunction with the submittal of the Grading and Improvement Plans. A plan check fee of will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.

2. The landscaping plan shall include specimen sized evergreen trees, to the satisfaction of the Planning Division. Any mature trees removed shall be replaced with specimen-sized trees (min. 24" box). Root barriers shall be provided in accordance with the Landscape Ordinance, where necessary.
3. Landscaping within the northwestern and southwestern portions of the side and rear yards shall include a mix of tall growing shrubs and trees to provide a visual buffer between the outdoor uses and adjacent residential property to the north. Medium to taller shrubs should be planted along the northern property boundary (adjacent to the low metal fence) to provide an additional landscape buffer between the front-yard uses and property to the north.
4. The parkway frontage shall include landscaping and irrigation, and be maintained by the property owner. Tree trees shall be included.
5. A solid wooden fence (up to six feet in height) shall be installed along the northern property boundary to provide a visual buffer between the rear and side-yard uses of the site and the property on the north. The fence shall match the design and materials of the existing perimeter church fence.
6. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
7. All manufactured slopes, or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
8. Prior to occupancy, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
9. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

**ENGINEERING CONDITIONS OF APPROVAL**  
**PHG19-0017**  
**2117 ALEXANDER DRIVE**

**STREET IMPROVEMENTS AND TRAFFIC**

1. All unused driveways shall be removed and replaced with landscaping to the satisfaction of the Planning Director and City Engineer.
2. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
3. The owner will be required to provide a detailed detour and traffic control plan for all construction within the existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. The traffic control plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
4. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

*An engineered improvement plan is required for all public improvements (unless only driveway removal and/or streetlights are required). The owner shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.*

5. A fair share cash contribution for street resurfacing improvements for Alexander Drive in the amount of an equivalent value of public improvements of Alexander Drive to the City's residential street standard shall be posted with the City.

*When a fair share cash contribution is required, the owner, through their engineer, shall submit an engineer's estimate of cost for City approval of the contribution amount.*

**GRADING AND DRAINAGE**

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

2. The site grading and erosion control plan shall comply with Escondido Standard Drawing No. M-2-E and include grading and drainage for the proposed ADA access ramp to 615 Citracado Parkway.
3. Erosion control, including riprap, interim sloping planting, gravel bags, or other erosion control measures shall be provided to control sediment and silt from the project. The owner shall be responsible for maintaining all erosion control facilities throughout the development of the project.
4. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the owner.
5. All gated entrances shall be designed and improved to the satisfaction of the City Engineer and the Fire Marshal.
6. After the approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the owner shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections.
7. All blasting operations performed in connection with the improvements of the project shall comply with the City of Escondido Blasting Operations Ordinance.
8. The owner shall be responsible for the recycling all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other locations approved by the Director of Engineering Services.
9. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts of the building shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.

*All site grading and erosion control plans shall be prepared by a Registered Civil Engineer.*

## **UTILITIES (WATER SUPPLY / SEWER)**

1. A copy of the County Health Department approval is required for any site within the City of Escondido developing with an existing or proposed private septic system. The

County approved septic layout shall be shown on the grading plan. It shall be the responsibility of the owner to pay all plan check and inspection fees required by the San Diego County Health Department.

2. In the event that the County Health Department does not approve the existing nor proposed septic system, the development shall be required to connect to public sewer. In order to do so, public sewer is required to be extended from the intersection of W. Citracado Parkway and Alexander Drive to across the development's property frontage. The public sewer shall be designed and constructed in accordance with the City of Escondido's Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
3. Trees or deep rooted plants shall not be planted within 10 feet of any water service, nor 15 feet of any sewer mains.
4. Increased cut slope setbacks may be required along the project boundary to avoid disrupting any existing septic systems in the adjoining residential areas and may be required to avoid encountering ground water problems. Actual setbacks to be used will be based on recommendations of the soils engineer. The requirements of the San Diego County Health Department should be consulted in this regard. In lieu of these requirements, or if the County Health Department requirements cannot be met, the owner must arrange to connect adjoining existing dwelling units, now on private septic systems, to the public sewer system. In this regard, the owner will be required to make necessary arrangements for all main extensions, easements and payment of all connection and permit fees. Any dwellings in the unincorporated areas must have special approval of the City Council before being connected to the City sewer system.

## **LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the first submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees.

## **EASEMENTS AND DEDICATIONS**

1. The owner shall dedicate (irrevocably offer to dedicate) eight (8) feet of right-of -way along Alexander Drive to the City of Escondido to bring the roadway to a Residential classification as indicated on the City's Circulation Plan.
2. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
3. The owner shall make arrangements to remove from title all existing easements which conflict with the proposed grading and improvements on the site.

*Materials 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), traverse closure tapes, and Real Property easement fee.*

## **REPAYMENTS AND FEES / CASH SECURITY AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive of abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
2. The owner will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

## **MISCELLANEOUS REQUIREMENTS / SURVEYING AND MONUMENTATION**

1. A current preliminary title report shall be submitted with the grading plans.

**EXHIBIT "C"**  
**Property Description**  
**PHG 19-0017**

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

Parcel A:

The southerly 132 feet of the easterly 140 feet of the northerly 447 feet of Lot 2, Block 25 of Homeland Acres addition to Escondido No. 2 according to Map thereof No. 1241, City of Escondido, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, March 11, 1910.

APN: 238-110-06

Parcel B:

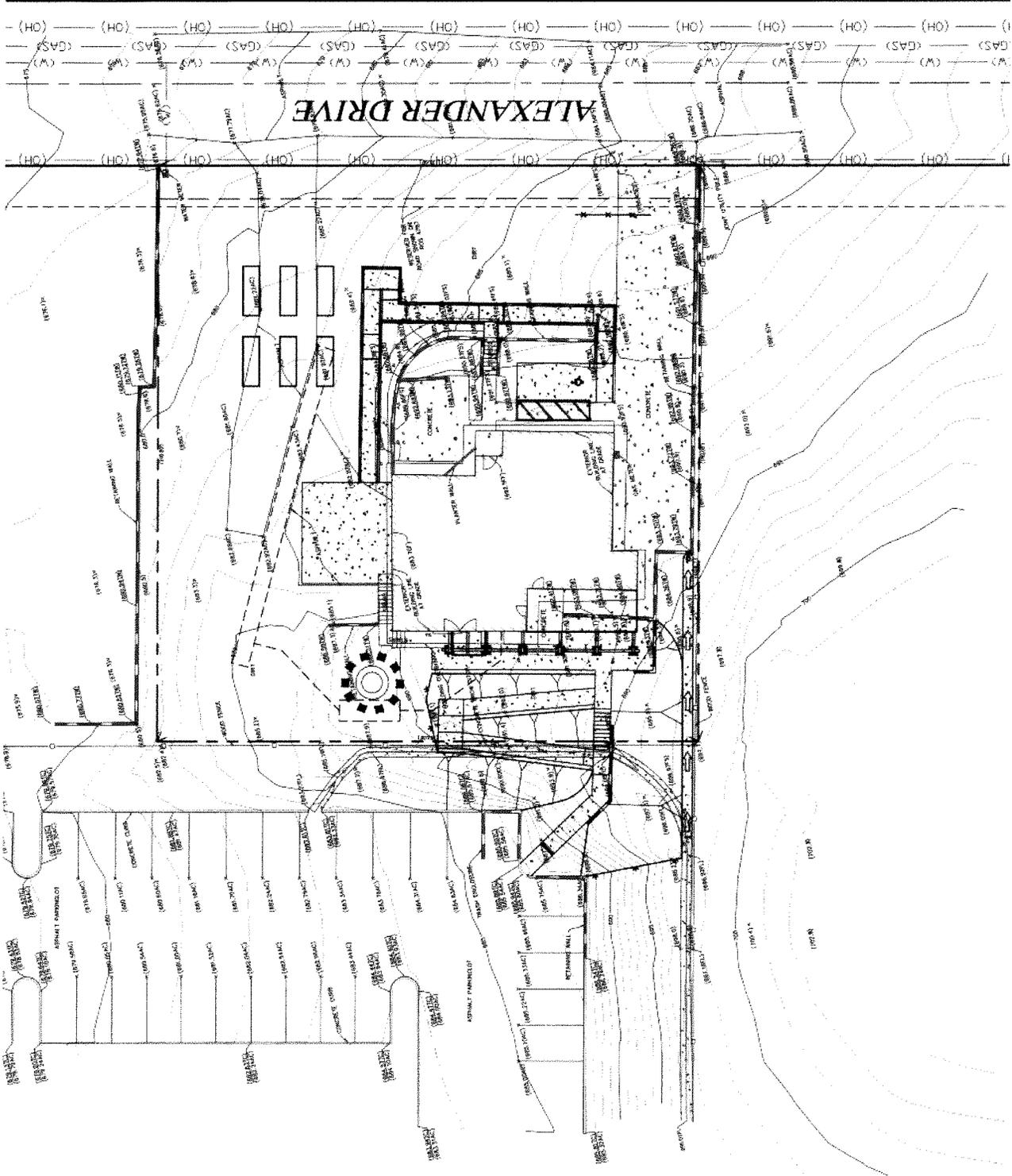
The northerly 604.00 (excepting the easterly 140.00 feet thereof) of Lot 2 in Block 25 of Homeland Acres addition to Escondido No. 2, in the County of San Diego, State of California, according to Map thereof No. 1241, filed in the office of the County Recorder of San Diego County, March 11, 1910.

Also accepting therefrom that portion thereof lying within the southerly 157.00 feet of the northerly 604.00 feet of the easterly 277.50 feet of said Lot 2.

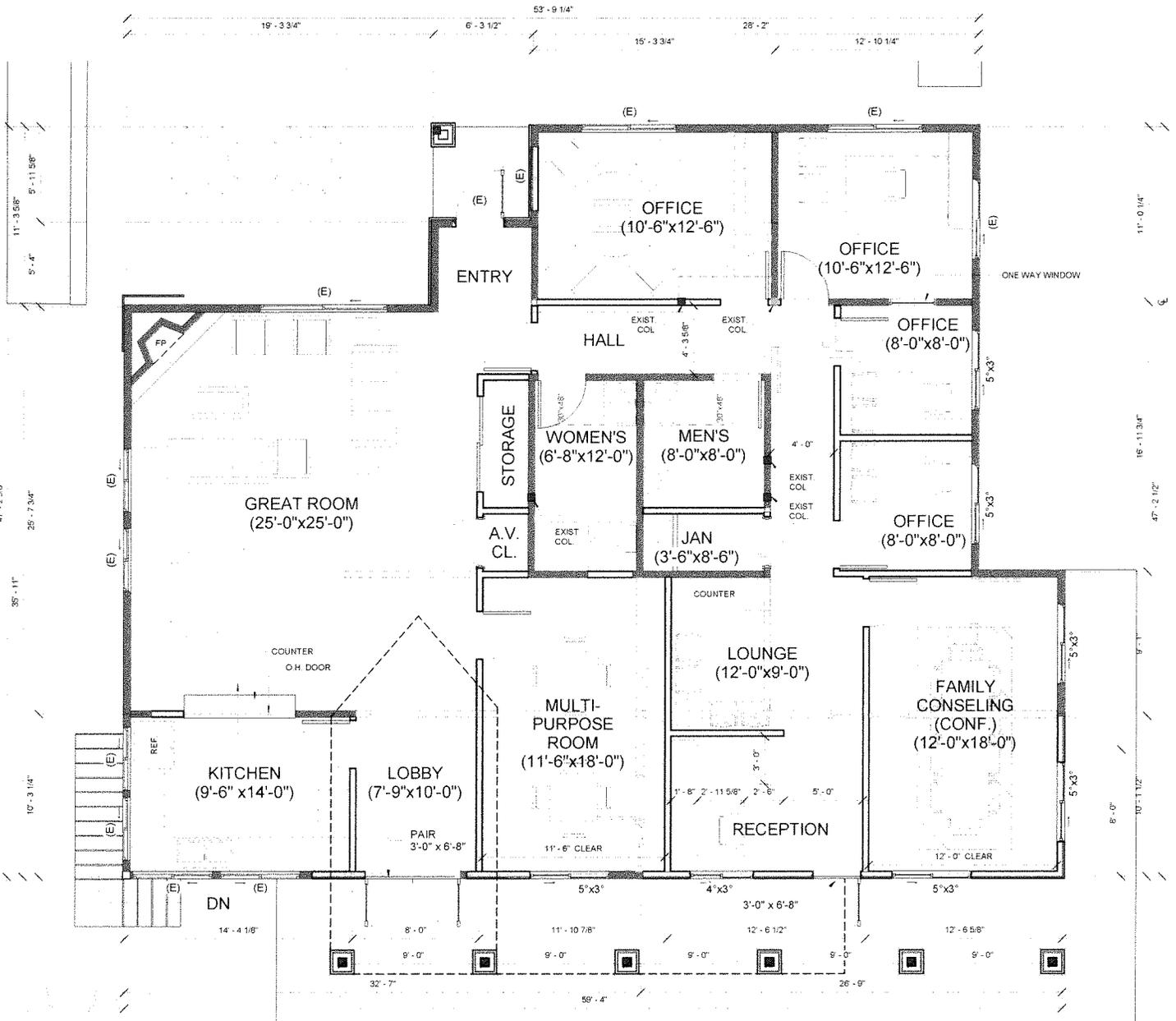
APN 238-110-37







**PROPOSED PROJECT: PHG 19-0017**  
**PRELIMINARY GRADING & DRAINAGE PLAN**

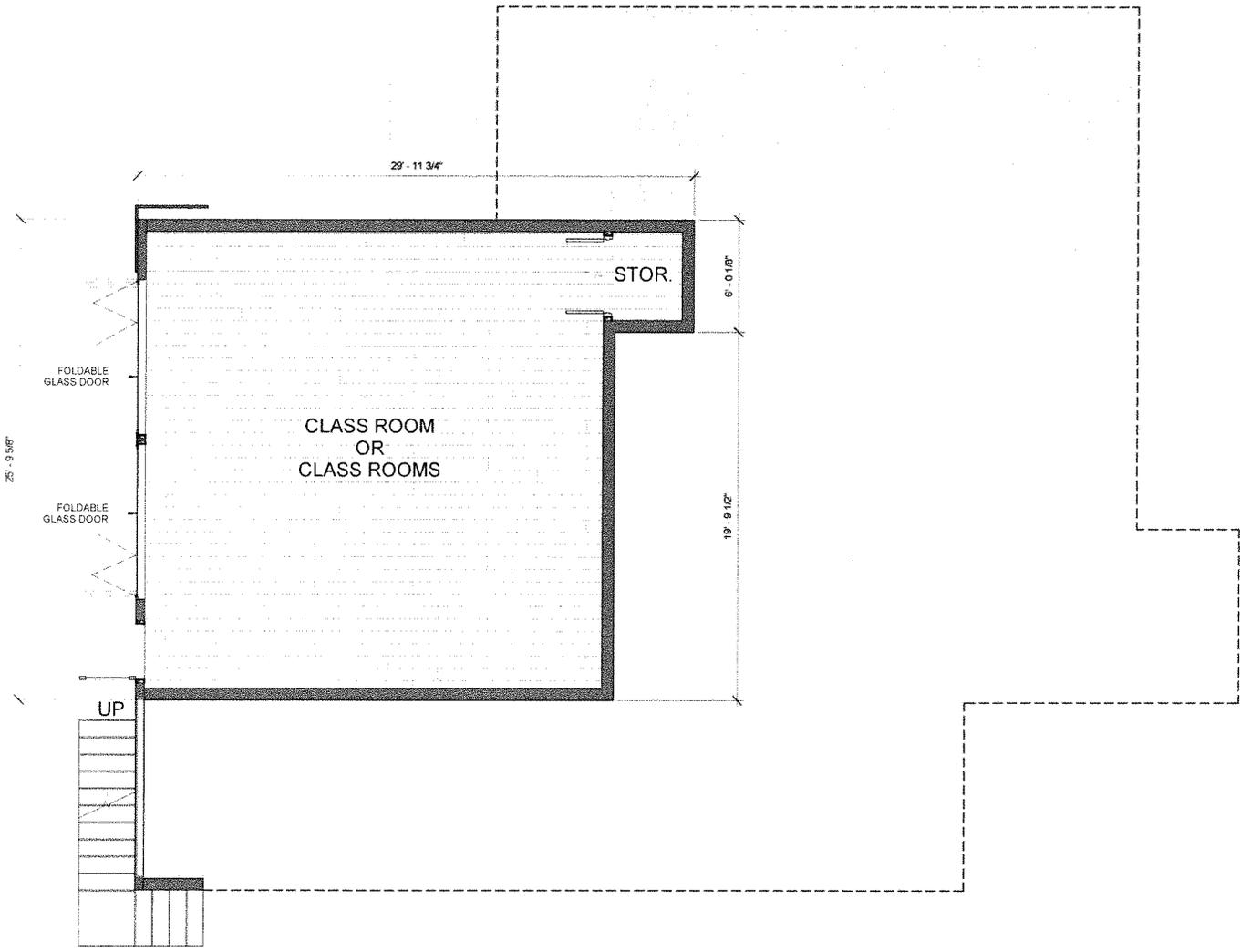


**LEGEND**

- STEEL STUD WALL
- STEEL STUDS WITH 5/8" GYP BD. FINISH, EACH SIDE AT INTERIOR WALLS (U.O.N.)
- 6" x 8" STEEL STUDS AT ALL EXTERIOR AND PLUMBING WALLS
- PROVIDE R-13 BATT INSULATION AT ALL INTERIOR WALLS
- PROVIDE MIN R-19 AT ALL EXTERIOR WALLS
- GYPSUM BOARD FINISHES TO BE LEVEL SAT ALL CUSTOMER AREAS AND OFFICES, LEVEL 6 ALL OTHER SPACES (U.O.N.)
- FRONT LOADED ALUMINUM STOREFRONT SYSTEM SEE WINDOW SCHEDULE FOR SIZE
- CENTER LOADED ALUMINUM STOREFRONT SYSTEM 4" MIN. WIDTH U.O.N.
- EXISTING WALL
- TILT UP WALL
- CMU WALL
- SEE TYP. JAMB DETAILS ON SHEET A-601 FOR DOOR JAMB DISTANCE FROM ADJACENT WALL
- ALL WALL DIMENSIONS TO FACE OF STUD U.O.N.

- FLOOR PLAN LEGEND**
- DOOR NUMBER SEE SHEET A9.1 FOR SCHEDULE
  - WINDOW NUMBER SEE SHEET A9.1 FOR SCHEDULE
  - WALL TAG SEE SHEET A12.1 FOR DETAILS (1" = PARTIAL HEIGHT WALL)
  - ROOM NUMBER SEE A11.1 FOR SCHEDULE
  - SQUARE FOOTAGE
  - OCCUPANCY LOAD
  - OCCUPANCY TYPE
  - DRAWING REFERENCE
  - SHEET NUMBER
  - DRAWING NUMBER
  - EXTERIOR ELEVATION REFERENCE
  - SHEET NUMBER
  - DRAWING NUMBER
  - INTERIOR ELEVATION REFERENCE
  - SHEET NUMBER
  - DRAWING NUMBER
- WALL LEGEND

**PROPOSED PROJECT: PHG 19-0017**  
**FIRST LEVEL FLOOR PLAN**



**LEGEND**

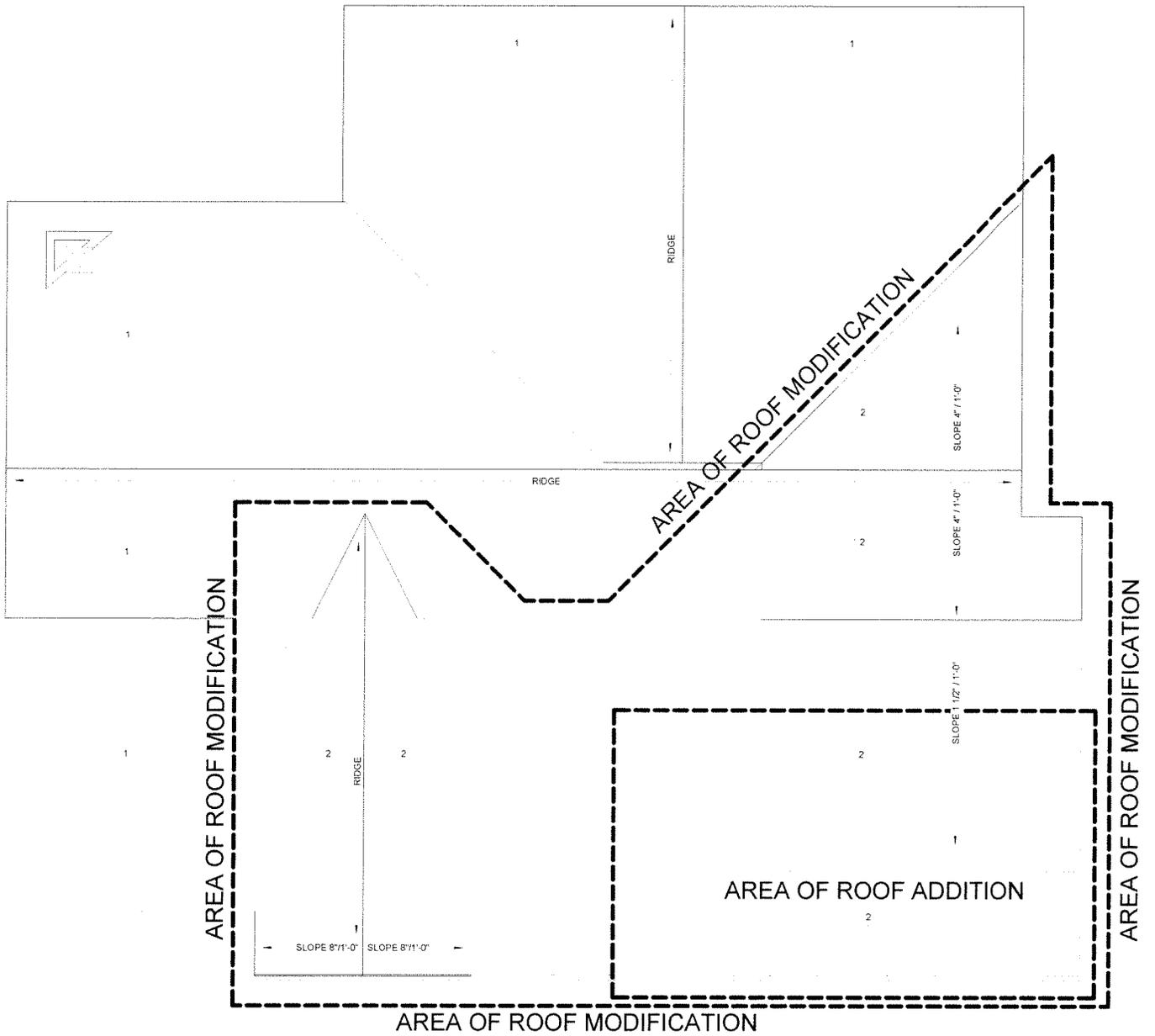
- ===== STEEL STUD WALL
- STEEL STUDS WITH 5/8" GYP BD FINISH, EACH SIDE AT INTERIOR WALLS (U.O.N.)
- 6" & 8" STEEL STUDS AT ALL EXTERIOR AND PLUMBING WALLS
- PROVIDE R-13 BATT INSULATION AT ALL INTERIOR WALLS
- PROVIDE MIN. R-19 AT ALL EXTERIOR WALLS
- GYPSUM BOARD FINISHES TO BE LEVEL 5 AT ALL CUSTOMER AREAS AND OFFICES, LEVEL 6 ALL OTHER SPACES (U.O.N.)
- ===== FRONT LOADED ALUMINUM STOREFRONT SYSTEM. SEE WINDOW SCHEDULE FOR SIZE
- ===== CENTER LOADED ALUMINUM STOREFRONT SYSTEM. 4" MIN. WIDTH U.O.N.
- ===== EXISTING WALL
- ===== TILTUP WALL
- ===== CMU WALL
- SEE TYP. JAMB DETAILS ON SHEET A-601 FOR DOOR JAMB DISTANCE FROM ADJACENT WALL
- ALL WALL DIMENSIONS TO FACE OF STUD U.O.N.

**FLOOR PLAN LEGEND**

- ⊙ DOOR NUMBER SEE SHEET A9.1 FOR SCHEDULE
- ⊙ WINDOW NUMBER SEE SHEET A9.1 FOR SCHEDULE
- WALL TAG SEE SHEET A12.1 FOR DETAILS (\* = PARTIAL HEIGHT WALL)
- ROOM NUMBER SEE A11.1 FOR SCHEDULE
- SQUARE FOOTAGE
- OCCUPANCY LOAD
- OCCUPANCY TYPE
- ⊙ DRAWING REFERENCE SHEET NUMBER DRAWING NUMBER
- ⊙ EXTERIOR ELEVATION REFERENCE SHEET NUMBER DRAWING NUMBER
- ⊙ INTERIOR ELEVATION REFERENCE SHEET NUMBER DRAWING NUMBER

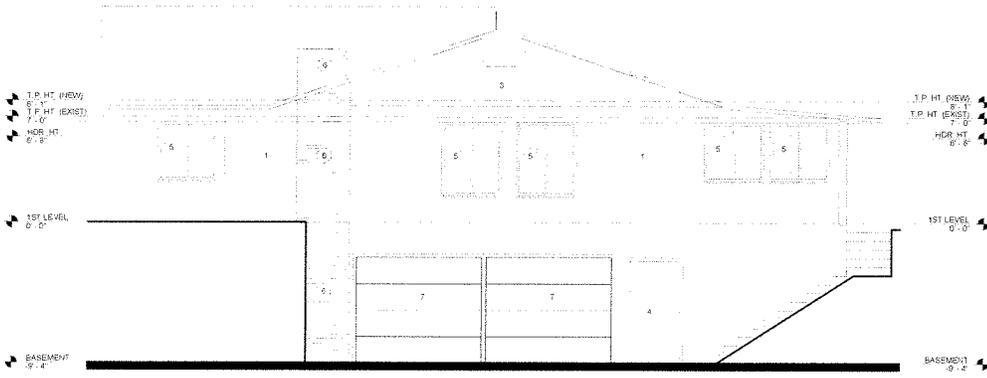
**WALL LEGEND**

**PROPOSED PROJECT: PHG 19-0017  
LOWER PLAN**

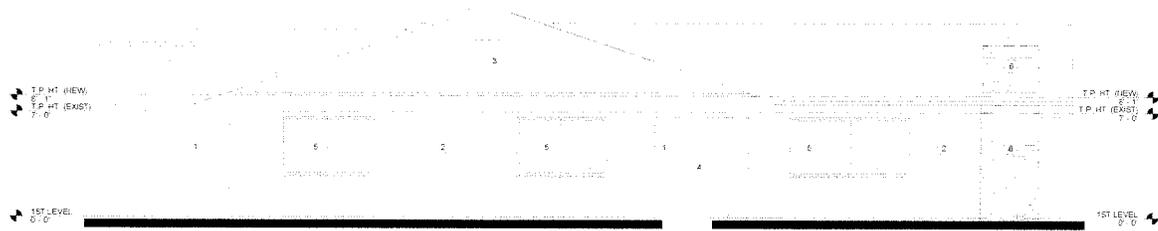


1 ROOF PLAN  
1/4" = 1'-0"

PROPOSED PROJECT: PHG 19-0017  
ROOF PLAN



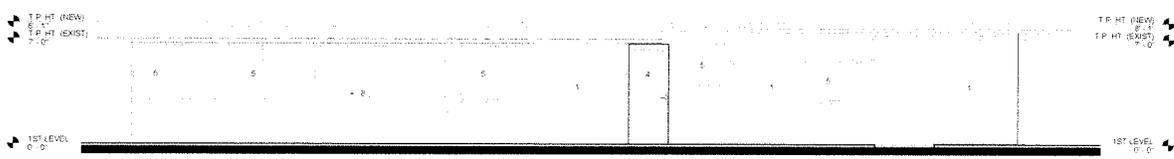
1 EXISTING ELEVATION - NORTH  
1/4" = 1'-0"



2 EXISTING ELEVATION - EAST  
1/8" = 1'-0"



3 EXISTING ELEVATION - SOUTH  
1/8" = 1'-0"



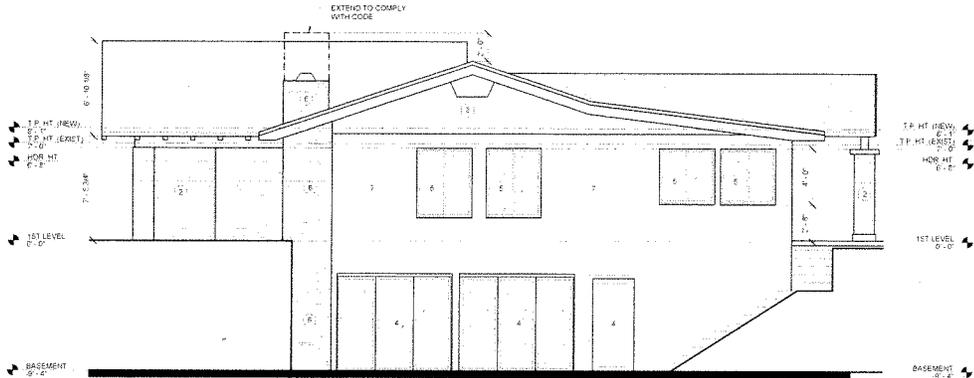
4 EXISTING ELEVATION - WEST  
1/8" = 1'-0"

ELEVATION KEYNOTES

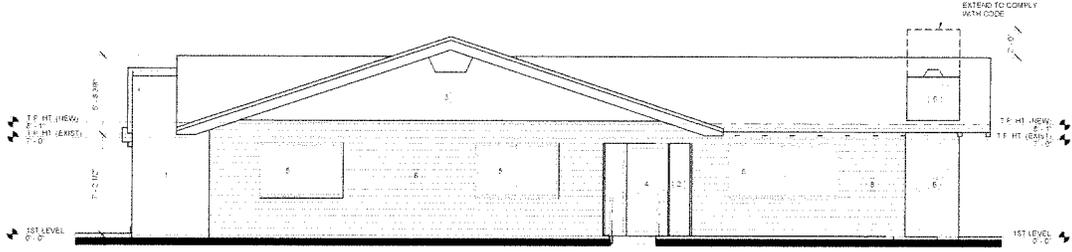
KEY NOTES

- 1 EXISTING STUCCO
- 2 EXISTING Siding
- 3 EXISTING BOARD AND BATT INSIDING
- 4 EXISTING MAIN DOOR
- 5 EXISTING WINDOWS
- 6 EXISTING CHIMNEY BRICK, NO CHARGE
- 7 EXISTING ROLL UP DOORS
- 8 EXISTING SLIDING GLASS DOOR

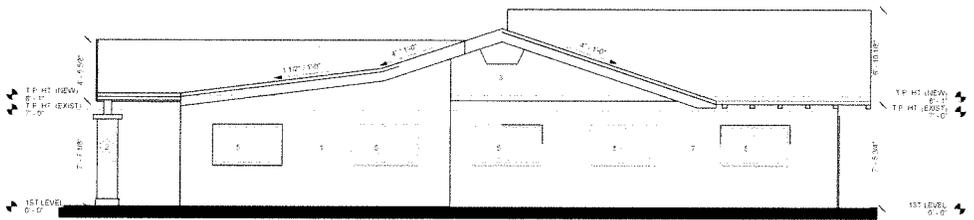
PROPOSED PROJECT: PHG 19-0017  
EXISTING EXTERIOR ELEVATIONS



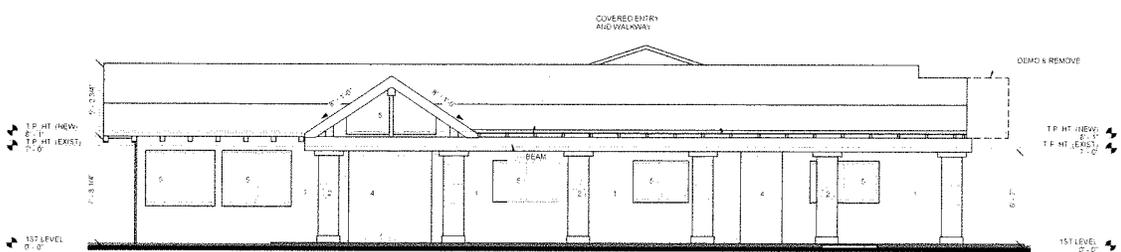
1 ELEVATION - NORTH



2 ELEVATION - EAST



3 ELEVATION - SOUTH



4 ELEVATION - WEST

ELEVATION KEYNOTES

KEY NOTES

- 1 NEW STUCCO TO MATCH EXISTING CHURCH BUILDING
- 2 NEW STONE CLADDING TO MATCH EXISTING CHURCH BUILDING
- 3 EXISTING BOARD AND BATTEN SIDING, PAINTED TO MATCH EXISTING CHURCH BUILDING
- 4 NEW MAIN DOOR TO MATCH EXISTING CHURCH BUILDING
- 5 NEW WINDOWS TO MATCH EXISTING CHURCH BUILDING
- 6 EXISTING CHIMNEY BRICK, NO CHANGE
- 7 EXISTING STUCCO PAINTED TO MATCH EXISTING CHURCH BUILDING
- 8 EXISTING WOOD SIDING PAINTED TO MATCH EXISTING CHURCH BUILDING

EXTERIOR FINISHES

SYMBOL	DESCRIPTION
[Symbol]	STUCCO FINISH
[Symbol]	STONE CLADDING
[Symbol]	WOOD CLADDING
[Symbol]	WOOD SIDING

**PROPOSED PROJECT: PHG 19-0017  
ELEVATIONS**



1 ELEVATION - NORTH COLOR  
1/4" = 1'-0"



2 ELEVATION - EAST COLOR  
3/16" = 1'-0"



3 ELEVATION - SOUTH COLOR  
3/16" = 1'-0"



4 ELEVATION - WEST COLOR  
1/4" = 1'-0"

PROPOSED PROJECT: PHG 19-0017  
COLOR ELEVATIONS

## PLANNING COMMISSION

Agenda Item No.: G.2  
Date: October 22, 2019

**PROJECT NUMBER / NAME:** SUB 18-0005 and ENV 18-0005 / Nutmeg Homes

**REQUEST:** A General Plan Amendment, Rezone, Tentative Subdivision Map, Master and Precise Development Plan, Specific Alignment Plan, and Grading Exemption, for a multi-family residential development known as Nutmeg Homes. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** Both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15

**APN / APNS:** 224-260-23, 224-260-46, and 224-260-47

**GENERAL PLAN / ZONING:** O (Office) / RE-20 (Residential Estates; 20,000 SF min. lot size)

**APPLICANT:** Consultants Collaborative

**PRIMARY**

**REPRESENTATIVE:** Jason Greminger

**DISCRETIONARY ACTIONS REQUESTED:** General Plan Amendment, Rezone, Tentative Subdivision Map, Master and Precise Development Plan, Specific Alignment Plan, and Grading Exemption.

**PREVIOUS ACTIONS:** City Council authorized the intake and processing of the application on January 24, 2018.

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

**CEQA RECOMMENDATION:** Recommend certification of the Final EIR

**STAFF RECOMMENDATION:** Recommend approval to City Council

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2019-23

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

- Bill Martin, Community Development Director
- Mike Strong, Assistant Planning Director

**BACKGROUND:**

Before any application for a General Plan Amendment may be submitted to the Planning Division, City Council must consider the applicant's initiation request, and vote to authorize Planning staff to accept and process the application. On December 1, 2017, the applicant requested initiation of a General Plan Amendment for a site straddling North Nutmeg Street between North Centre City Parkway and Interstate 15. The initiation request was placed on the consent agenda for the City Council hearing on January 24, 2018, and Council voted unanimously to authorize staff to accept a General Plan Amendment application for the project.

On June 15, 2018, the applicant submitted an application to develop the full project site as described above. In addition to the request for a General Plan Amendment, the application included requests for a Rezone, Tentative Subdivision Map, and Master Development Plan. Subsequent to the initial filing on June 15, 2018, requests for a Precise Development Plan, Grading Exemption, and Specific Alignment Plan were later added to the package. Three (3) separate lots under common ownership were involved in the request, including two (2) lots on the north side of Nutmeg Street (APNs 224-260-46 and 224-260-47), referred to in this report as the "north portion", and one (1) lot on the south side of Nutmeg Street (APN 224-260-23), referred to herein as the "south portion". The General Plan Amendment would change the land use designation of the site from Office (O) to Urban III (U3), to facilitate the development of up to 134 townhome units, as well as associated parking, landscaping, and recreational amenities.

As initially proposed, the project would have involved extensive grading within the Caltrans right-of-way directly adjacent to Interstate 15. It also would have included a connection to a Caltrans-owned stormwater drain, and the establishment and maintenance of landscaped fuel modification zones, within that Caltrans right-of-way. These activities would have required the issuance of an encroachment permit from Caltrans, as well as the establishment of a landscape maintenance agreement between Caltrans and the City of Escondido. The establishment of this landscape maintenance agreement would have made the City responsible for future maintenance of the area, or would have required the City to make a separate agreement with the project's homeowners' association, to ensure that they maintained it. (Caltrans does not enter into such agreements directly with private parties, only public agencies.) During the course of reviewing the application material, Planning staff consulted with Caltrans and provided opportunities for them to review the application materials and submit comments. During this time, Caltrans reviewed the project's traffic study, and stressed the need for an encroachment permit and landscape maintenance agreement (as described above), but did not indicate that an encroachment permit was infeasible. However, during the public review period for the Draft Environmental Impact Report (EIR), which ran from May 10 through June 24, 2019, Caltrans commented that they would not support issuance of an encroachment permit for this project, as doing so would provide no benefit to the State. In response to comments received during the public review process of the Draft EIR, including, but not limited to, comments made by responsible agencies, the proposed project needed to be modified from that proposed in the Draft EIR in order to reduce the total disturbed area of the project site including the grading within the Caltrans right-of-way. Implementation of the project would be impossible without the Caltrans

encroachment permit. In response to these Caltrans comments, the proposed project was modified in the Final EIR to eliminate grading within the Caltrans right-of-way and reduce the amount of site preparation and grading to accommodate the development project. These modifications would reduce the size of the project and lessen the amount of site work and potential environmental impacts.

The scope of the project has therefore been modified for the Planning Commission public hearing on October 22, 2019. At this time, the applicants are seeking the following approvals:

- Certification of the Final EIR for the full project site (north and south portions, with the analysis assuming that 135 units would be constructed, as a “worst case” scenario).
- A General Plan Amendment to change the designation of both the north and south portions from Office (O) to Urban III (U3), to allow a multi-family residential development with density of at least 12.6 units/acre and not more than 18 units/acre.
- A Rezone to change the zoning classification of both the north and south portions from Residential Estates (RE-20; minimum 20,000-SF lot size) to Planned Development-Residential (PD-R-18; maximum 18 units/acre).
- A Tentative Subdivision Map for only the north portion to accommodate 37 townhomes.
- A Master and Precise Development Plan for only the north portion; to allow open space, parking, and building height standards that deviate from those required for the Medium Multiple Residential zone (or R-3, the zoning classification generally associated with the U3 General Plan designation).
- A Grading Exemption for one cut slope plus soil nail retaining wall, exceeding the 20' height limit described in the City of Escondido Grading Ordinance (affected slope is located near the northwest corner of the north portion, just inside a proposed fire wall discussed later in this report).
- A Specific Alignment Plan for Nutmeg Street and Centre City Parkway, for street design that deviates from typical City standards.

At some point after the above components are approved, the applicant intends to seek separate approvals for the south portion, as follows:

- A Tentative Subdivision Map for the south portion only.
- A Master Development Plan and Precise Development Plan to incorporate the south portion of the site into the overall project

The Final EIR that has been prepared for the project identifies the reasonably foreseeable environmental impacts of the whole action (i.e. full build-out of the north and south portions) and recommends mitigation measures and alternatives which can avoid or reduce those impacts associated with the full project. This approach follows the principle that the EIR process should be combined with the project approvals to examine all phases of the project, rather than piecemealing individual parts viewed and analyzed separately. Although the Final EIR, General Plan Amendment, and Rezone covers the full project site (i.e. north and south portions), a site design for the south portion of the project site is not provided for Planning Commission review. Full plans for the south portion, including details on unit placement, building design, floor plans, open space and recreational amenities, parking, landscaping, grading, fencing, and stormwater facilities, among others, will be prepared separately and submitted to the City when an application for a new Tentative Map and Modification to the Master/Precise Development Plan is submitted. When these plans are submitted, staff will review them for conformity to all applicable codes and regulations, and for compatibility with the development on the north portion, before taking them before the Planning Commission and then City Council for final approval.

## **PROJECT ANALYSIS:**

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

The General Plan land use designation for the subject property is Office (O) and the zoning classification is Residential Estates (RE-20; minimum 20,000-SF lot size). The Office land use designation is intended for a variety of administrative and professional businesses, and other commercial uses that support those businesses, such as restaurants. The Residential Estates zoning classification is intended for single-family residences on lots that are approximately one-half acre or larger. Because the General Plan designation and zoning classification are not compatible with each other in their objectives or intended uses, any development of the site would require a change to one or both. The project proposes to change the General Plan designation of the site to Urban III (U3), which would allow a multi-family development with a density between 12.6 and 18 dwelling units per acre. The project would also change the zoning classification of the site to Planned Development- Residential (PD-R-18, maximum 18 units/acre). While the north portion alone is expected to construct 37 units on 2.42 net acres, for a density of only 15.3 units/acre on that portion, separate development approvals for the south portion are anticipated to raise the total number of units across the entire site to as many as 134, for an overall density of 18 units/acre. Therefore, the PD-R-18 classification is necessary across both the north and south portions of the project site.

### **2. Development Standards**

The table below contains information on development standards for the R-3 Zone (Medium Multiple Residential), which is typically associated with the U3 land use designation of the General Plan (the land use designation proposed for this site), and which allows a density of up to 18 units per acre (the maximum density proposed for the project). The development standards proposed for the project are also presented for comparison.

Because the project does not meet the standards of the R-3 zone for open space and building height, approval of a Master and Precise Development Plan is requested as part of the application package. Additionally, while the project would provide 74 parking spaces for residents (within individual private garages) instead of the 71 that would be required for an R-3 Zone project of this size, it would provide only nine (9) guest parking spaces, instead of the ten (10) required for an R-3 Zone project. The surplus of three (3) resident spaces is due to the fact that two (2) bedroom units typically are required to provide 1.75 resident spaces per unit, while each two (2) bedroom unit within this development will provide two (2) resident spaces. Guests to the development cannot expect to take advantage of the 0.25-space surplus that each two (2) bedroom unit would provide within its private garage, nor can guests expect to park off-site, since street parking will not be available on either Centre City Parkway or Nutmeg Street. Therefore, a request for relief from the guest parking standard is also in this project's Master and Precise Development Plan request.

	<b>Zoning Code Development Standards for R-3 (Multifamily zone with density comparable to project)</b>	<b>Proposed Standards</b>
Setbacks	Front: 15' Side (interior): 5' for first two floors; 10' for third floor Side (street): 10' Rear: 10'	Front: 15' Side (interior/west): 23.4' Side (street/east): 30' Rear: 10'
Height Limit	35' and three stories maximum.  (General Plan limits heights to 2-4 stories for the U3 designation; no specific height limit or measurement noted.)	Buildings range from 34'11" to 39' at highest points.  All buildings will be three stories.
Floor Area Ratio	0.7	0.45
Parking	2-bedroom units: <ul style="list-style-type: none"> <li>• 1.75 spaces required per unit</li> <li>• 15.75 spaces required for 9 units; may be rounded down to 15 spaces</li> <li>• At least one space per unit must be covered</li> </ul> 3-bedroom units:	2-bedroom units: <ul style="list-style-type: none"> <li>• 2 spaces provided per unit (18 spaces for 9 units)</li> <li>• All spaces would be covered (private garages)</li> </ul>

	<ul style="list-style-type: none"> <li>• 2 spaces required per unit</li> <li>• 56 spaces required for 28 units</li> <li>• At least one space per unit must be covered</li> </ul> <p>Guest parking:</p> <ul style="list-style-type: none"> <li>• 1 space required per 4 units or fraction thereof</li> <li>• 10 guest spaces required for 37 units</li> <li>• May be covered or uncovered</li> </ul> <p>Total parking required: 81 total (71 resident spaces and 10 guest spaces)</p>	<p>3-bedroom units:</p> <ul style="list-style-type: none"> <li>• 2 spaces provided per unit (56 spaces for 28 units)</li> <li>• All spaces would be covered (private garages)</li> </ul> <p>Guest parking:</p> <ul style="list-style-type: none"> <li>• 9 spaces provided</li> <li>• All guest spaces would be uncovered</li> </ul> <p>Total parking provided: 83 (74 resident spaces and 9 guest spaces)</p>
Usable Open Space (per definition in Section 33-108 of Zoning Code)	<p>600 SF per 2-bedroom unit (5,400 SF for 9 units)</p> <p>800 SF per 3-bedroom unit (22,400 SF for 28 units)</p> <p>Total usable open space required: 27,800 SF</p>	Usable open space provided: 26,135 SF

### 3. Design Review

The project was taken to four (4) staff design review meetings between July 2018 and March 2019. Recommendations were made during those meetings in regards to building design, recreational amenities, guest parking, fencing, and landscaping. All recommendations were transmitted to the applicant, and were incorporated into the design of the project to the extent possible.

### 4. Residential Floor Plans

Two (2) "villa" floorplans are proposed for the development of the north portion: a 1,104-SF floorplan with two (2) bedrooms and 2.5 bathrooms (Plan 1), and a 1,339-SF floorplan with three bedrooms and 2.5 bathrooms (Plan 2). Of the 37 units proposed for the north portion of the project, nine (9) would utilize Plan 1 and the remaining 28 would utilize Plan 2. Both floorplans would include three (3) stories, with a two (2) car garage and foyer on the ground level; a kitchen,

great room, half-bath, and private deck on the second level; and two (2) or three (3) bedrooms, two (2) full bathrooms, and laundry on the third level.

## **5. Residential Exterior Building Design**

As shown on the site plan for the project, the proposed townhome units would be grouped in clusters of two (2), three (3), four (4), or six (6) units. These clusters have been assigned labels as follows:

- Building B - six (6) units per building in a rectangle configuration; one (1) building proposed
- Building C - four (4) units per building in a square configuration; two (2) buildings proposed
- Building E - three (3) units per building in a row configuration; seven (7) buildings proposed
- Building F - two (2) units per building; one (1) building proposed

There are no clusters labeled “Building A” or “Building D” in the north portion. These are configurations that were assigned solely to the south portion of the project, under the original application, but the current Master and Precise Development Plan request covers only the north portion.

The exterior design of the proposed townhomes would utilize a neutral color palette, with variation in materials for visual interest. Primary wall materials would be stucco or siding, in Toque White (off-white) and Versatile Gray (light gray) for stucco, and Keystone Gray (medium gray/tan) and Carriage Door (red/brown) for siding. Stone accent walls would be included at ground level for all buildings, primarily at the front doors of most units. Deck railings would be painted in Well-Bred Brown (dark brown), and some windows would include shutters, which would be painted in Oakmoss (olive green). Flat tile roofing in a dark brown shade would also be included. All proposed colors are by Sherwin-Williams, stone veneer is by Coronado Stone, and roofing is by Eagle Roofing. Colors and materials by other manufacturers may be approved by staff when construction plans are submitted, provided they are substantially similar to those proposed, as specified in proposed General Condition of Approval #2. Since the provided plans do not call out a color scheme for eaves, window frames, front doors, or garage doors, General Condition of Approval #2 also requires that these features be painted to match or coordinate with other parts of the building.

## **6. Fencing and Signage**

Fencing and walls on the north portion of the project would incorporate a variety of materials and designs, as follows:

- Tubular steel (six (6) feet maximum height): This fencing type would be installed along the Nutmeg Street and Centre City Parkway frontages. It would also wrap around the northeast corner of the site to fully enclose a bioretention basin in this area, and extend

westward for roughly 60 feet, before meeting up with the block retaining wall described next.

- Block retaining wall (varying height): This wall would be installed along the north property line, starting where the tubular steel fencing described above ends, and extending roughly 185 feet westward. It would also extend along the west sides of the bioretention basins at the northeast corner of the site, and between these basins. A fire wall would be installed along part of this retaining wall; see next item.
- Fire wall (eight (8) feet in height): A fire wall would be constructed along the majority of the north property line (on top of the block retaining wall, where necessary), and along much of the west property line. The fire wall would cut across the northwest corner of the site, following the edge of proposed grading activities.
- Soil nail retaining wall (varying height): This wall would be installed near the northwest corner of the site, as separation between a graded slope and building pads.
- Sound wall (eight (8) feet in height): This wall would be constructed along the south side of the open space area (where the park, seating, exercise station, and spa are located). At the time this sound wall was added to the design, the fire wall along the north and west property lines of the north portion of the project had not yet been proposed, and the sound wall was necessary to minimize interstate-related noise for residents using this open space (per the noise study prepared for the project). After the fire wall was added, the sound wall next to the open space area was not removed from the project, and the noise study was not updated to confirm whether the fire wall alone would reduce outdoor noise levels to acceptable levels per City standards.

## **7. Landscaping and Grading**

The applicant has provided a conceptual landscape plan listing a variety of trees, shrubs, vines, and groundcovers to be used in the north portion. Locations of trees are called out on the conceptual landscape plan, including street trees along the Nutmeg frontage. Specific locations of shrubs, vines, and groundcovers are not called out. As a condition of approval of the project, the applicant will be required to submit a full landscape package for review by Engineering and Planning, indicating specific locations of all plantings, as well as irrigation details and information confirming that the landscape design conforms to local and state water efficiency standards (as codified in Article 62 of the Zoning Code, and the State of California's 2015 Model Water Efficiency Landscape Ordinance).

Per the project's Fire Protection Plan, certain landscaped areas around the perimeter of the north portion will serve as irrigated fuel modification zones to reduce wildfire threats. The far northwest corner of the site (i.e., the area to be located behind the proposed fire wall) is also identified as a fuel modification zone in the Fire Protection Plan, but the vegetation in this area will be thinned instead of replaced with landscaping.

The proposed development of the north side of the project site would require grading in the approximate amounts of 13,150 cubic yards of cut and 6,500 cubic yards of fill. Approximately 6,650 cubic yards of export material would be generated.

### **8. Project Access, Street Design, and Improvements**

Access to the north portion of the project site would be via a 24'-wide, ungated driveway on Nutmeg Street. A secondary, emergency-only access driveway would also be provided on Nutmeg, to the east of the main driveway (closer to the intersection with Centre City Parkway), and would be gated.

Numerous improvements are proposed for both Nutmeg Street and Centre City Parkway. Some are design features, while others are included as mitigation measures in the project's EIR, to reduce traffic impacts related to the project. Because the ultimate design of both streets does not conform to City standards in all respects, a Specific Alignment Plan is proposed as part of the project.

Currently, the Centre City Parkway right-of-way is 200 feet wide. A 58'-wide vacation along the west side of the right-of-way would add 0.97 acre to the overall project site (0.16 on the north portion, and 0.81 on the south portion), and would reduce the right-of-way width to 142 feet. A five (5) foot wide sidewalk, six (6) inch curb, and gutter would be constructed along the Centre City frontage for both the north and south portions of the project site. On the east side of the street, grading of a sloped area within the right-of-way would be included to make room for future street improvements on this side (though specific improvements to the east side of the street are not proposed under this project). The northbound side of Centre City Parkway would continue to have a dedicated left-turn lane onto Nutmeg as well as a through lane. For the southbound side of Centre City Parkway, a dedicated right-turn lane (onto Nutmeg) would be constructed, and a dedicated left-turn lane (onto Coyote Hill) would be striped. A traffic signal would be installed at the Nutmeg/Centre City intersection. For Centre City Parkway, a portion of the street section would be replaced by the applicant in the process of making these improvements (the portion to be replaced would be the west half and twelve (12) feet of the east half).

For Nutmeg Street, which is curved in the portion that passes the project site, the existing right-of-way (which varies in width) would be widened and realigned slightly to increase the turning radius, to enhance traffic safety. These activities would require small dedications and vacations of right-of-way, in various places along the project frontage, as shown on the Tentative Subdivision Map. A five (5) foot wide sidewalk, six (6) inch curb, gutter, and five (5) foot to six (6) foot bicycle lane would be installed along each side of Nutmeg. Left-turn pockets would also be provided at the intersection of Nutmeg and the main project entrance, to prevent motorists from blocking moving traffic while waiting for an opportunity to enter either the north or the south portion of the site. For Nutmeg, the entire street section would be replaced by the applicant in the process of making these improvements.

One mitigation measure included in the EIR would make improvements to the segment of Nutmeg Street between Country Club Lane and Via Alexandra, which is not adjacent to the development site but is expected to experience traffic impacts as a result of the project. These improvements would widen the roadway to provide for a 14'-wide southbound lane with curb, gutter, and sidewalk, to be designed a green streets facility. The improvements would include removal and reconstruction of existing driveways to private driveway standards, and a parking restriction along the improved section, to the satisfaction of the City Engineer. A separate mitigation measure would require installation of a traffic signal at the Nutmeg/Country Club intersection, as well as restriping the southbound approach to create a shared left-turn/through lane and a dedicated right-turn lane.

### **ENVIRONMENTAL STATUS:**

A Notice of Preparation (NOP) was issued for the project on August 29, 2018, in compliance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines. An Initial Study was prepared in conjunction with the NOP, and made available for public viewing via a link on the City's website. The Initial Study identified several potentially significant environmental impacts, in the areas of aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation and traffic, and mandatory findings of significance. Five (5) comment letters were received in response to the NOP from local, state, and federal agencies, and a sixth (6<sup>th</sup>) letter was received from a neighbor of the project. Responses to these letters were incorporated into the Draft Environmental Impact Report (EIR).

A public scoping meeting was held for the project on September 6, 2018, and three (3) to four (4) members of the public attended. Concerns raised during the meeting centered on provisions for guest parking within the development, safety issues at the intersection of Nutmeg Street and Centre City Parkway, and drainage in the vicinity of Coyote Hill Glen and Centre Parkway.

The Draft Environmental Impact Report (City Log No. ENV 18-0005) was circulated for a 45-day public review period, from May 10, 2019 through June 24, 2019. Six (6) comment letters were received during and after this review period from various state and local agencies. Responses to all six (6) letters have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts with respect to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation.

As part of the environmental review process, Planning staff issued consultation invitations to a list of tribal groups maintained by the California Native American Heritage Commission, as required by state law (SB18) for all projects involving an amendment to a General Plan. Additionally, staff issued separate consultation invitations to a smaller subset of tribal groups, as required by another state law (AB52) for all projects subject to the California Environmental Quality Act. A

total of five (5) tribal groups requested to consult about the project under SB18 and/or AB52. A sixth (6th) group did not request to consult, but referred staff to another group for input (that other group turned out to be one of the five tribes that did specifically request to consult).

Consultation activities with these five (5) groups took the form of in-person meetings, phone calls, emails, and a site visit. During consultation activities, tribal representatives were given the opportunity to review the project plans and ask questions. They were also notified of the release of the Notice of Preparation for the Draft EIR, as well as the release of the Draft EIR itself, and encouraged to provide input on the proposed mitigation measures for cultural and tribal cultural resources.

Three (3) of the five (5) groups agreed to close consultation after reviewing the Draft EIR and confirming that they were satisfied with the enclosed mitigation measures. Of the two (2) remaining tribal groups, the Pauma Band of Luiseño Indians requested to keep consultation open pending selection of a tribal monitor for ground-disturbing activities. This monitor is a project requirement per Mitigation Measures CR-1 and CR-2 of the project's EIR, but selection is not anticipated to occur until after the project is approved and the EIR is certified. To address this issue, Mitigation Measure CR-1 has been revised in the Final EIR to require notification of the Pauma Band before the monitor is selected and hired. The San Luis Rey Band of Mission Indians have also requested to keep consultation open due to concerns about a milling site on the south portion of the project site, which would be buried by the project (the EIR's position is that this milling site is not a significant resource). However, staff believes that the San Luis Rey Band's concerns can be addressed via Mitigation Measures CR-1 through CR-10, since they establish a process for monitoring of ground-disturbing activities, as well as the treatment of any tribal cultural resources, artifacts, or remains that may be found on the site during these activities.

When an individual project is a necessary precedent for action on a larger project with a significant effect, an EIR must address itself to the scope of the larger project. The project's scope, as described in the Final EIR, includes a preliminary development proposal for the whole action (i.e. full build-out of the north and south portions). Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified through agency comments and the Final EIR. That is, much of the development in the southern portion of the site has been pulled out of the Caltrans right-of-way, as described in Background section of this staff report. Although the Final EIR enlightens the public and the Planning Commission as to the significant effects, possible ways to minimize those effects, and reasonable alternatives to the full project; the site design and development proposal included within this requested discretionary action only includes 37 units of the first entitlement phase. The action to approve the Tentative Subdivision Map, Master and Precise Development Plan, and Grading Exemption for the northern portion of the project would be adequately covered by the Final EIR.

The Draft EIR assumes a maximum of 135 units for the project, since at the time of its release for public review, the applicant had indicated that the site could accommodate that many units (at the 18 unit/acre density). Between the release of the Draft EIR and the completion of the Final EIR,

staff received updated project size information (i.e. vacation and right-of-way acquisition) that showed that only 134 units could be accommodated. The Final EIR brought forth to the Planning Commission for consideration at the hearing on October 22, 2019, still assumes a maximum of 135 units. When the applicant submits applications for a Tentative Subdivision Map and modified Master and Precise Development Plan to develop the south portion, those applications will be reviewed by Planning staff to verify that the overall project still conforms to the terms and assumptions of this Final EIR, including a maximum yield of 134 units. If changes to the project or its circumstances occur, or new information becomes available after certification, the City would prepare a subsequent EIR if required under CEQA Guidelines Section 15162(a). Otherwise, the City would determine whether to prepare an EIR addendum, or no further documentation, relying on this Final EIR if it retains relevance.

### **CONCLUSIONS:**

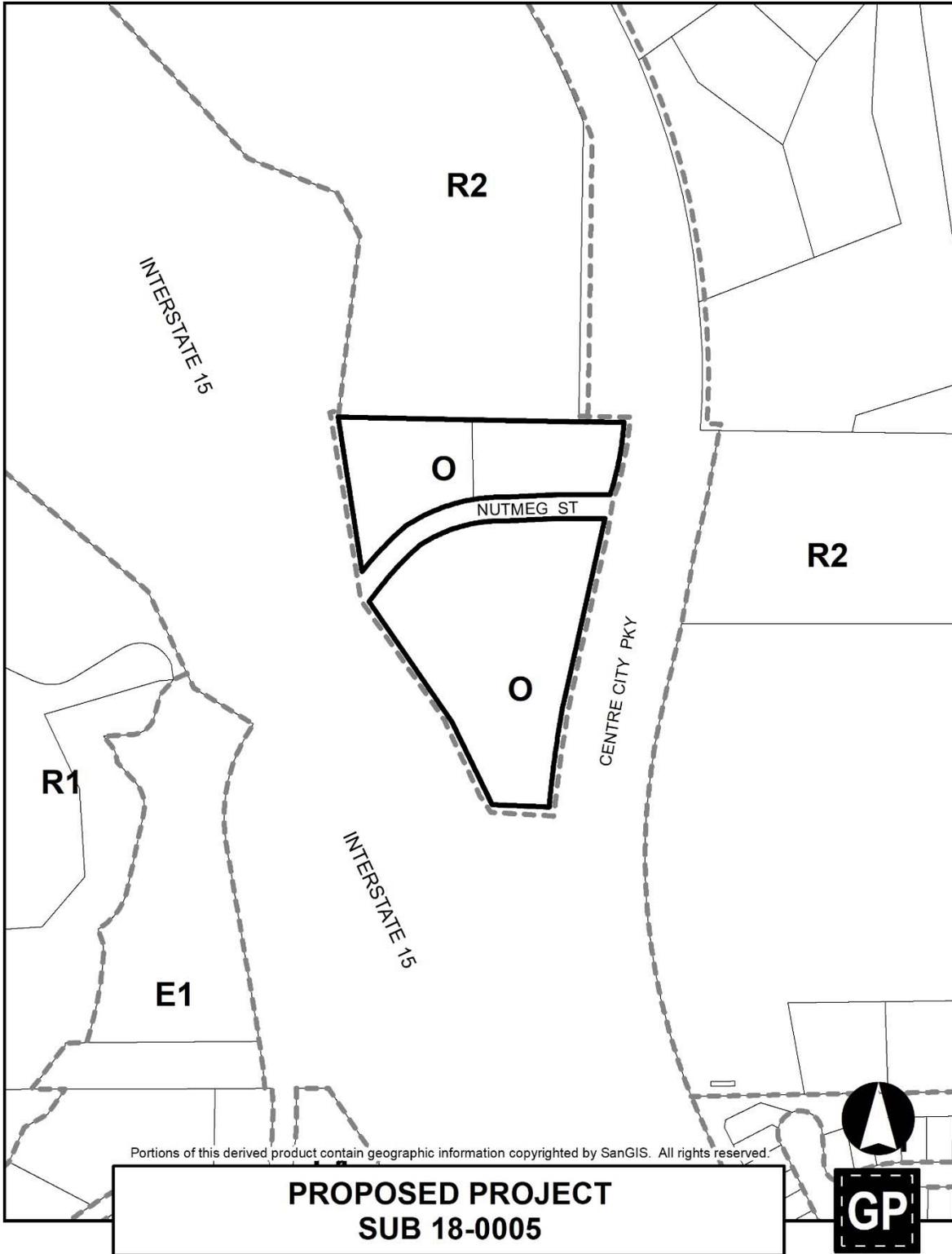
The Planning Commission is the authorized agency for granting discretionary approval of a Tentative Subdivision Map and Grading Exemption. However, the City Council is the authorized agency for granting approval of a General Plan Amendment, Rezone, Master Development Plan, and Precise Development Plan. When one concurrent application is filed for all of these approval types, the full project is brought to Planning Commission first for a recommendation on approval or denial, and is then brought to City Council for a final decision.

The proposed project is consistent with the General Plan, as proposed to be amended, as well as with the development standards approved under the Master Development Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. The Final EIR contains mitigation measures designed to minimize or eliminate possible significant environmental effects. The location, size, design, and operating characteristics of the proposed project will not be incompatible with or will adversely affect or will be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use or development which is proposed. Staff recommends that the Planning Commission recommend approval of Planning Case No. SUB 18-0005, based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2019-23 (Attachment 3).

### **ATTACHMENTS:**

1. Location and General Plan Map
2. Planning Commission Resolution No. 2019-23

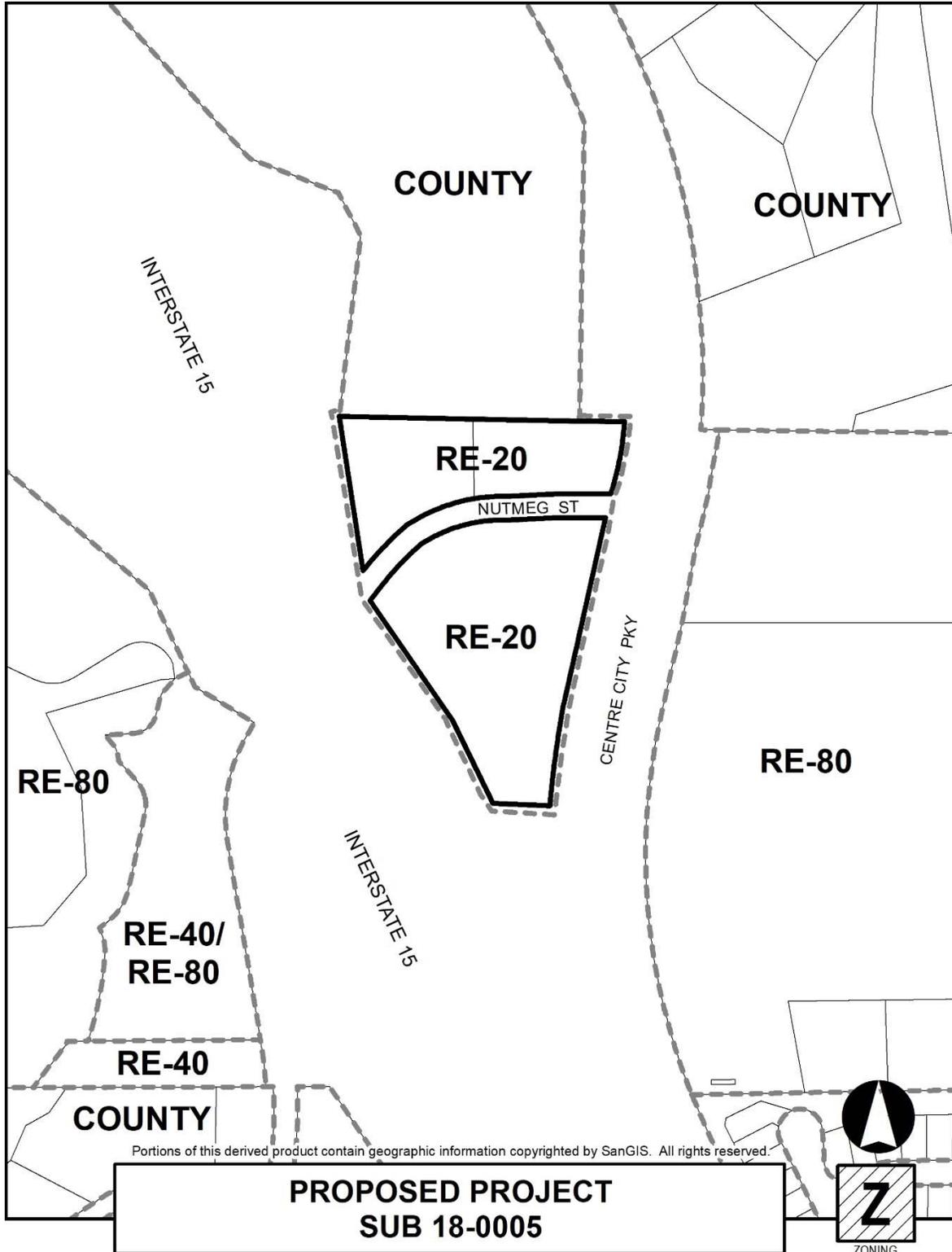
**ATTACHMENT 1**



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**PROPOSED PROJECT  
SUB 18-0005**





## ATTACHMENT 2

Planning Commission  
Hearing Date: October 22, 2019  
Effective Date: October 23, 2019

### PLANNING COMMISSION RESOLUTION NO. 2019-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING CITY COUNCIL CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2018081063), WHICH INCLUDES ADOPTION OF FINDINGS OF FACT AND A MITIGATION MONITORING AND REPORTING PROGRAM; AND RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT, REZONE, TENTATIVE SUBDIVISION MAP, MASTER AND PRECISE DEVELOPMENT PLAN, GRADING EXEMPTION, AND SPECIFIC ALIGNMENT PLAN; FOR THE NUTMEG HOMES RESIDENTIAL DEVELOPMENT

APPLICANT: Jason Greminger, Consultants Collaborative

CASE NO: SUB 18-0005 and ENV 18-0005

WHEREAS, Jason Greminger of Consultants Collaborative (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. SUB 18-0005), constituting a request for a General Plan Amendment from Office (O) to Urban III (U3), and a Rezone from Residential Estates (RE-20; 20,000 SF minimum lot size) to Planned Development Residential (PD-R-18; maximum density of 18 units/acre), for a 7.45 gross acres site straddling Nutmeg Street, between Centre City Parkway and Interstate 15 (APNs 224-260-23, 224-260-46, and 224-260-47); and a request for a Tentative Subdivision Map for 37 townhome units, a Master and Precise Development Plan to establish the design of said units and site-specific development standards, and a

Grading Exemption for a graded slope and retaining wall exceeding height limits as defined in the City of Escondido Grading Ordinance, for APNs 224-260-46 and 224-260-47 (constituting 2.42 gross acres on the north side of Nutmeg Street); and

WHEREAS, the application also included a request for a Specific Alignment Plan for Centre City Parkway and Nutmeg Street, for street design deviating from typical City of Escondido standards; 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, that the application was assessed in conformance with the California Environmental Quality Act (CEQA) the Final Environmental Impact Report (EIR; SCH # 2018081063) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the CEQA to analyze the environmental effects of the project; and

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations {CEQA Guidelines} which

govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the City Council is required pursuant to CEQA {Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, as reflected in the Final EIR, Mitigation Measures required under CEQA were developed to reduce the potential for adverse effects with respect to biological resources, cultural resources, hazards and hazardous materials, noise, and transportation and traffic. In determining whether the proposed Project has a significant effect on the environment, the City has based its decision on substantial evidence and has complied with CEQA Section 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b); and

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

WHEREAS, the Planning Commission of the City of Escondido did, on October 22, 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 October 22, 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

5. That Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

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

1. That the above recitations are true and correct.
2. That the Planning Commission has independently reviewed and considered the Final EIR, provided as Exhibit "B," and determined that it is complete and adequate for this project, and there are no significant environmental effects which are not mitigated. After considering the Final EIR and in conjunction of with making specific findings, the

Planning Commission hereby recommends that the City Council certify the Final EIR in accordance with the requirements of CEQA.

3. The Findings of Fact and Mitigation Monitoring and Reporting Plan of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The Planning Commission hereby recommends City Council adoption these various CEQA Findings of Fact, attached hereto as Exhibits "C." The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit "D," is hereby recommended to be adopted to ensure implementation of feasible mitigation measures identified in the EIR. The Planning Commission finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

3. That the Project's Findings of Fact, attached as Exhibit "E," were made by said Commission.

4. That, considering the Final EIR, CEQA Findings of Fact, Project Findings of Fact, and applicable law, the Planning Commission hereby makes a motion to recommend City Council approval of a General Plan Amendment and Rezone on the subject property, attached as Exhibit "F," and recommend approval of said Project, attached as Exhibit "G," subject to the Conditions of Approval attached as Exhibit "H."

5. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed prior to expiration of the associated Development Agreement, or unless an Extension of Time is granted pursuant to Section 66452.6 of the California Government Code.

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

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

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of 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 22nd day of October, 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 PLANNING CASE NO. SUB 18-0005

Parcel 1 (APN 240-260-23):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, SOUTHEASTERLY AND SOUTHERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 IN BOOK 2786, PAGE 349 OF OFFICIAL RECORDS AND EASTERLY AND NORTHERLY OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED SEPTEMBER 28, 1971 AS FILE NO. 220908 OF OFFICIAL RECORDS.

Parcel 2 (APN 240-260-46):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET; THENCE SOUTH 3° 36' 11" EAST TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113, AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 OF OFFICIAL RECORDS; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID NORTHERLY LINE TO SAID WESTERLY LINE OF THE STATE OF CALIFORNIA LAND; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

Parcel 3 (APN 240-260-47):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 3° 36' 11" EAST TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 OF OFFICIAL RECORDS; THENCE SOUTHWESTERLY ALONG SAID LINE TO THE EASTERLY LINE OF THE STATE OF CALIFORNIA LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JANUARY 10, 1973 AS FILE NO. 73-007572; THENCE NORTH 10° 53' 54" WEST 320.77 FEET TO THE NORTHERLY LINE OF SAID LOT 2; THENCE NORTH 89° 27' EAST 284.04 FEET TO THE TRUE POINT OF BEGINNING.

## **EXHIBIT “B”**

### **DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORTS CASE NO. ENV 18-0005**

Due to the number of pages of Exhibit “B,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

Draft EIR files available at this link include the following:

- The full text of the Draft EIR (available for public review from May 10, 2019 through June 24, 2019)
- All appendices included with the Draft EIR (Appendices A through M)

Final EIR files uploaded to this site include the following:

- A simplified Final EIR document, including a mitigation monitoring and reporting program, responses to comments received on the Draft EIR, and revisions/errata for the Draft EIR
- Two new appendices added for the Final EIR (Appendices C-1 and E-1).

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

## **EXHIBIT “C”**

### **CEQA FINDINGS OF FACT CASE NO. ENV 18-0005**

Due to the number of pages of Exhibit “C,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

## **EXHIBIT “D”**

### **MMRP CASE NO. ENV 18-0005**

Due to the number of pages of Exhibit “D,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

## **EXHIBIT “E”**

### **FACTORS TO BE CONSIDERED/FINDINGS OF FACT PLANNING CASE NO. SUB 18-0005**

#### **Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Title 14 California Code of Regulations Section 15000 et. seq., the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project.
2. In accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation (“NOP”) of the Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on August 29, 2018, for a 30-day public comment period. Various agencies and other interested parties responded to the NOP.
3. The Draft EIR for the proposed Project was then prepared and after completing the Draft EIR (SCH No. 2018081063), the City released the document for public review for a 45-day public comment period by filing a Notice of Availability with the County Clerk of San Diego. The 45-day public comment period started May 10, 2019, and ended June 24, 2019. During the public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines Sections 15086 and 15087.
4. The City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues. The City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required.
5. The City prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the technical appendices and referenced documents, revisions and additions to those documents, public and agency comments on the Draft EIR, and the City’s responses to comments.
6. Based on the Planning Commission’s review of the Project, no special circumstances exist that would create a reasonable possibility that granting a General Plan Amendment, Rezone, Master and Precise Development Plan, Tentative Subdivision Map, Grading Exemption, and

Specific Alignment Plan for this Project would have a significant effect on the environment beyond what was previously analyzed and disclosed.

7. The Planning Commission has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto (on file in the Office of the City Clerk and incorporated by this reference), and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines. The Planning Commission has considered all significant impacts, mitigation measures, and Project alternatives identified in the Final EIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible. The Planning Commission also finds that the Project alternatives would not satisfy the Project objectives as effectively as the Project. Pursuant to Public Resource Code Section 21082.1(c)(3) and CEQA Guidelines Section 15090(a)(3), the Planning Commission also finds that the EIR reflects the City's independent judgment as the lead agency for the proposed Project.
8. As required by CEQA, the City, in recommending City Council adoption of these Findings of Fact, also recommends adoption of the Mitigation Monitoring and Reporting Program (MMRP) included in the Final EIR. The Planning Commission finds that the MMRP meets the requirements of California Public Resources Code (PRC) Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate the potentially significant effects of the recommended Plan.

### **General Plan Amendment Determinations**

1. The public health, safety and welfare will not be adversely affected by the proposed General Plan Amendment from Office (O) to Urban III (U3). A Draft Environmental Impact Report was prepared for the project and circulated for public review from May 10, 2019 to June 24, 2019, as required under CEQA. This environmental review document found that development of the property could have potentially significant impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation., and mitigation measures were proposed to reduce these impacts to a less than significant level.
2. The proposed General Plan Amendment for the subject site would be compatible with existing development patterns in the surrounding areas. While most residential neighborhoods in far north Escondido consist of single-family homes, several of these neighborhoods are planned developments that have implemented site-specific development standards, such as the clustering of small residential lots in and around common open space areas. An approved Specific Plan and development project for The Villages, on the former Escondido Country Club site to the southwest, will include both attached and detached condominiums in its unit mix (in addition to single-family homes). All setbacks proposed by the project would match or

exceed the setbacks required of a traditional R-3 development. While some buildings would exceed the 35' height limit imposed the R-3 zone, no buildings would exceed three stories. The design of the proposed townhomes incorporates a neutral color palette and a range of exterior finishes (including stucco, siding, and stone) to coordinate with the surrounding natural environment.

3. The proposed General Plan Amendment from Office (O) to Urban III (U3) would be consistent with the goals and polices of the General Plan as a whole. In the General Plan's Housing Element, Housing Policy 1.1 calls for the expansion of housing stock while preserving the health, safety, and welfare of residents and the fiscal stability of the City, while Housing Policy 2.2 calls for efforts to increase homeownership through education, availability, and affordability. The General Plan Amendment would facilitate the development of up to 134 for-sale townhomes (across both the north and south portions of the property covered by the amendment) to support the City's housing stock. Per Planned Development Policy 6.3, planned developments are expected to address visual impacts, preservation of natural setting, the use of superior architectural features, adequate separation between structures within the site and between the site and neighboring properties, and preservation of common open space. The project has undergone multiple rounds of design review, and has been designed with a neutral color palette to coordinate with the surrounding area. Common open space in the north portion would be provided in the form of landscaping and a small park with spa, seating area, and exercise station. All proposed setbacks in the north portion meet or exceed the setbacks that would be required for a traditional R-3 development, and the Fire Department has reviewed the project plans to ensure that adequate separation exists between the buildings themselves (as well as between the buildings and the fire wall) for emergency access. While the site is currently undeveloped and occupied by sensitive vegetation communities, mitigation measures have been included in the EIR to mitigate impacts to those communities.
4. The proposed General Plan Amendment is suitable and will not affect the allowed land uses in any zones. The purpose of the proposed General Plan Amendment is to change the land use designation of the property to Office (O) to Urban III (U3). The specific use proposed for the site (multi-family residential at a maximum density of 18 units/acre) would then be consistent with the new U3 designation.

### **Rezone Determinations**

1. The proposed Rezone would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Rezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Department regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning

Codes as it would be consistent with the established rules of the proposed zoning districts. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.

2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Rezone would change the zoning of three lots under common ownership (APNs 224-260-23, 224-260-46, and 224-260-47) from RE-20 (Residential Estates; 20,000-SF minimum lot size) to PD-R-18 (Planned Development-Residential; maximum 18 units/acre). A General Plan Amendment to change the land use designation of these lots from Office (O) to Urban III (U3) is also proposed under this project to maintain consistency with the Rezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 37 townhome units, as well as approximately 26,135 SF of usable open space, on APNs 224-260-46 and 224-260-47. It is expected that the applicant or developer will seek a separate Tentative Subdivision Map and a Modification to the Master and Precise Development Plan at a later date, to construct additional units on APN 224-260-23 and absorb them into the overall development, pending a design for that lot that will keep all project-related improvements out of the Caltrans right-of-way adjacent to Interstate 15.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. While development in the larger vicinity is characterized by single-family residences on larger lots, topography and the layout of the road network (including both surface streets and Interstate 15) provide a degree of separation between the proposed townhomes and nearby lower-density neighborhoods. The project has been designed to keep grading and development away from a slope in the far northwest corner of the site that exceeds 35%, as required by the General Plan (Community Character Policy 1.12 and Biological & Open Space Resources Policy 1.1, and Quality of Life Standard #8). Several street improvements are proposed under the project that would benefit non-residents of the project as much as the residents, including installation of traffic signals at the Nutmeg/Centre City and Nutmeg/Country Club intersections, the creation of new turn lanes at these intersections, and improvements along Nutmeg between Country Club Lane and Via Alexandra. The open space system protects slopes and fuel modification zones, and provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties.
4. The site's proposed zoning classification of Planned Development-Residential (PD-R-18) would not be consistent with the existing General Plan designation of Office (O). However, the existing zoning classification of Residential Estates (RE-20) is also not consistent with the

existing Office designation. In order to develop the site in any way, a change to either the zoning classification or the land use designation, or both, is necessary. In conjunction with the proposed Rezone to PD-R-18, the project proposes to amend the land use designation of the site to Urban III (U3). The U3 designation is intended for multi-family projects with a maximum density of 18 units/acre, and minimum density of 12.6 units/acre. Under the concurrent request for a Tentative Subdivision Map and Master/Precise Development Plan for the north portion of the project, the density of that portion would be 15.3 units/acre (37 units on 2.42 acres). Even if the north portion of the site were the only portion to ever be developed under this project, it would fall within the minimum and maximum densities described above for the U3 land use designation. When the applicants submit an application for a new Tentative Subdivision Map and a Modification to the Master/Precise Development Plan to construct additional units on the south portion of the site, the overall density of the expanded project would not be allowed to exceed 18 units/acre.

5. The proposed Rezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5. The project site is currently zoned RE-20. The project would change the zoning to PD-R-18, which would allow a maximum density of 18 units/acre; a density of 12.6 units/acre would be 70% of that maximum. With 37 units, the north portion of the site on its own would have a density of 15.3 units/acre. When an application is submitted for a Tentative Subdivision Map and Modification to a Master/Precise Development Plan to develop the south portion of the site, the overall density for both portions will not be allowed to exceed 18 units/acre or fall below 12.6 units/acre. For an overall project site of 7.45 acres, this would translate to a density of no more than 134 units and no fewer than 93 units.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

### **Planned Development Determinations**

1. The location, design, and residential density of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted. The proposed Master and Precise Development Plan would create 37 townhomes on 2.42 acres on the north side of Nutmeg Street, for a density of 15.3 units/acre on that north portion. This conforms to the densities allowed by the land use designation and zoning classification proposed under the concurrent General Plan Amendment and Rezone. The project site is not covered under any existing or proposed specific plans.
2. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is immediately surrounded by residential neighborhoods

characterized mostly by larger-lot, single-family homes; however, there are residential planned developments in the broader area that utilize small single-family lots to provide for common space or to meet other objectives, and an approved project on the former Escondido Country Club site would include condominiums in its unit mix. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential) zone. The design of the proposed structures would incorporate a range of building materials (stucco, paneling, and stone) in a palette of neutral colors that would coordinate with the surrounding terrain and existing development in the area. Landscaping has been proposed for aesthetic purposes and to screen the development from surrounding roads.

3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was prepared for the project and mitigation measures have been proposed in the EIR. These mitigation measures would include improvements to the Nutmeg/Centre City and Nutmeg/Country Club intersections via the installation of traffic signals and construction or striping of turn lanes; the creation of left-turn pockets at the intersection of Nutmeg and the project access point; and the widening of Nutmeg Street between Country Club and Via Alexandra for the addition of a southbound travel lane with curb, gutter, and sidewalk designed as a green streets facility. The project also proposes a Specific Alignment Plan for Centre City Parkway and Nutmeg Street.
4. The proposed location and design allows residents within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. All utilities intended for the site are already in place or can be extended to serve the site. Police and fire services are available and sufficient for the development.
5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The project underwent multiple rounds of design review between July 2018 and March 2019 to refine the look of the proposed buildings and the provision of resident amenities. The proposed residences would incorporate a neutral color palette and a mixture of exterior finishes to coordinate with the surrounding environment. Amenities on the north side of the project would include a small park with seating, a spa, and an exercise station. A conceptual landscape plan has been provided that includes attractive and regionally-appropriate plantings for recreation areas, fuel modification zones, bioretention basins, and street trees.
6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the

development has been designed to coordinate with the existing topography of the site, and the project's effects on views from surrounding streets and residences has been analyzed within the project's EIR.

7. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. The project site's existing zoning is Residential Estates (RE-20), which is not compatible with its existing General Plan land use designation of Office (O). Because these designations are not compatible, development of the site with either a residential use or an office use requires a Rezone, a General Plan Amendment, or both. Rezoning the site to a zoning classification allowing office uses is not ideal, since per trip generation rates published by SANDAG (the San Diego Association of Governments), an office use could generate thousands more daily trips to and from the site (depending on the exact type and size of the occupant) when compared to a 37-unit or even a 134-unit townhome development. Additionally, while a well-planned office development could add high-quality jobs to the City, it would not help the City increase its supply of for-sale housing, and it would not be more compatible with the single-family character of the surrounding area than a townhome development, so a trade-off between competing goals would be involved.

California law requires each city and county to develop local programs within their housing element in order to meet their "fair share" of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (RHNA) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.

**Tentative Subdivision Map Determinations:**

1. The Planning Commission makes the finding that none of the findings (a) through (g) below in Section 66474 of the California Government Code, which require a City to deny approval of a Tentative Subdivision Map, apply to this Project for the reasons stated as follows:

Findings for Tentative Map Approval	Explanation of Finding
A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act	A General Plan Amendment is proposed as part of this project, to change the land use designation of the project site from Office (O) to Urban III (U3). The proposed subdivision is consistent with the allowed uses for the U3

	<p>land use designation. The U3 land use designation allows a maximum density of 18 dwelling units per acre, and a minimum density of 12.6 units per acre (70% of the maximum). The proposed Tentative Map would construct 37 units on the north portion of the project site, for a density of 15.3 units per acre on this north portion, which falls within the range of acceptability. When the applicant applies for an additional Tentative Map to develop the south portion, the overall density of the site (north plus south) will not be allowed to exceed 18 units per acre or fall below 12.6 units per acre. The Project is also consistent, and advances, a number of other important goals and policies of the General Plan, as discussed in the October 22, 2019 Planning Commission Staff Report. The Project site is not located within an existing or proposed specific plan.</p>
<p>B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.</p>	<p>The proposed subdivision would conform to the minimum and maximum densities allowed for the U3 land use designation. A Master and Precise Development Plan are proposed in conjunction with the Tentative Map. Development standards are proposed under the Master Development Plan; however, the Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fuel modification zones; traffic access; grading; and recreational amenities were all reviewed for compliance to relevant City policies and codes. As conditioned, the design and improvements of the proposed subdivision are consistent with the General Plan.</p>
<p>C. The Project site is physically suitable for the proposed type of Project.</p>	<p>The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.</p> <p>The site is suitable for the residential type of development proposed since adequate access and utilities can be provided to the site.</p>

	<p>A view analysis has been provided in the EIR that demonstrates that the proposed design would not result in any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and does not contain any significant topographical features. Grading and development activities have been arranged to avoid the northwest corner of the site, which contains a substantial sloped area exceeding 35%. A conceptual landscape plan provided by the applicant proposes to plant a variety of trees, shrubs, and groundcovers throughout the project site, including street trees along Nutmeg for screening between the site and the street corridor.</p>
<p>D. That the site is physically suitable for the proposed density of development.</p>	<p>The granting of the Tentative Subdivision Map would not violate the requirements, goals, policies, or spirit of the General Plan. The Urban III land use designation allows for a maximum of 18 dwelling units per acre and a minimum of 12.6 dwelling units per acre. Adequate to the site for both residents and emergency services can be provided via Nutmeg Street, and necessary utilities are available or can be provided. The portions of the site that contain slopes over 35 percent would be precluded from grading or development activities, or are small and isolated and therefore do not meet the standards of steep slope protection as envisioned by the General Plan or its implementing ordinances.</p> <p>The Project also would not be out of character for the area because the proposed development would be well integrated into its surroundings. The new residences would incorporate compatible and integrated architecture, materials, and colors. The project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties.</p>

<p>E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.</p>	<p>The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063). Impacts to nesting birds, sensitive vegetation communities, and mature or protected trees were identified in the EIR, and mitigation measures have been proposed to reduce those impacts to a less than significant level. No special status plant or animal species were discovered on the Project site during the preparation of the biological technical report, though a comment letter submitted by the US Fish and Wildlife Service during the Draft EIR review period indicates that a sufficient number of gnatcatcher surveys may not have been performed during the preparation of that biological report. To remedy this situation, MM BIO-2 has been revised in the Final EIR to require the applicant to obtain the additional gnatcatcher surveys prior to vegetation removal.</p>
<p>F. That the design of the subdivision or the type of improvements is not likely to cause serious public health concerns.</p>	<p>The design of the map and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fuel modification zones; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance to relevant City policies and codes. Realignment of Nutmeg Street via a Specific Alignment Plan, and additional street improvements such as the installation of traffic signals at two intersections and the creation or striping of turn lanes and bicycle lanes, would improve traffic safety for both the residents of the development and other road users. Deviations from R-3 development standards and grading exemptions are also proposed as discussed in the October 22, 2019 Staff Report (although the current zoning of the site is RE-20, the R-3 zone was selected for comparison since the density of the proposed Planned</p>

	<p>Development is comparable to the density of a traditional R-3 development). Elsewhere, the proposed subdivision map has been designed to meet the requirements of the City and other service agencies standards. All necessary public facilities and services are in place or can be extended to serve the Project, which comes with support from fire, sewer, water, and school service providers, indicating that existing facilities are available to service the Project.</p> <p>New homes are not proposed to be located in areas that contain earthquake faults, flooding or dam inundation potential. Environmentally sensitive areas and drainage courses are maintained and incorporated within the plan. The design of the subdivision would not result in serious health problems and would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.</p>
<p>G. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.</p>	<p>The design of the map and type of improvements would not conflict with easements of record, or easements established through court judgment, or acquired by the population at large, for access through, or use of property within the proposed map. All easements identified in the preliminary title report for the subject property are shown on the proposed Tentative Subdivision Map. No conflicts with easements of record have been identified.</p>

2. All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of the Municipal Code have been obtained, or conditions of approval have been proposed to ensure they will be obtained. Approval of a General Plan Amendment, Rezone, Master and Precise Development Plan, Grading Exemption, and Specific Alignment Plan along with the Tentative Map will allow the applicant to implement the design of the subdivision as shown on the map. The project has been conditioned to require several permits necessary to construct the project as proposed, including grading, landscape, building, and encroachment permits.
  
3. The proposed Tentative Map shall be in conformity with the zone in which it is located. The project site is currently zoned RE-20. However, a Rezone is proposed in conjunction with the Tentative Map to change the zoning to PD-R-18. The General Plan land use designation would also be changed accordingly, from O to U3. Additionally, a Master and Precise Development Plan is proposed to allow site-specific development standards for open space,

building height, and guest parking, which deviate from standards normally applied to multi-family developments. The density of the north portion of the site would be 15.3 units per acre, which is allowed for the General Plan land use designation of U3 and the zoning classification of PD-R-18. When an application is submitted to add the south portion of the site to the development via a second Tentative Map and a Modification to the Master and Precise Development Plan, the overall density of the project will be limited to 18 units per acre. The Tentative Subdivision Map has been conditioned appropriately to provide all infrastructure improvements including sufficient open space and landscaping. The conditions of approval and subsequent design review of future residential development would ensure consistency with all standard requirements.

4. All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating land divisions have been satisfied.

**Specific Alignment Plan Determinations:**

1. Nutmeg Street is classified on the City of Escondido's Circulation Element as a Local Collector Road, beginning at Centre City Parkway and running nearly to El Norte Parkway, where it becomes a Collector Road. Centre City Parkway is classified as a Collector starting at the northbound I-15 on-ramp and running northward. In response to site conditions and constraints, the Project is proposing modifications to Local Collector and Collector standards for the portions of these roads that run past the residential development site.
2. The roadway improvements to Nutmeg Street and Centre City Parkway, as proposed in the Project's Specific Alignment Plan (SAP), would create a more "complete street" by realigning and widening the Nutmeg right-of-way; improving project frontages with sidewalks, curbs, and gutters (as well as bicycle lanes on Nutmeg); and creating or striping turn lanes with adequate vehicle capacity at the Nutmeg/Centre City intersection and the project entry points. The SAP would therefore provide a modified Local Collector Road and Collector Road that achieve City standards for acceptable levels of service.

**Grading Exemption Determinations:**

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
  - a. While the EIR anticipates that the project will have impacts to sensitive vegetation communities and to mature and/or protected trees, mitigation measures have been proposed in the EIR to reduce these impacts to a less than significant level, and the development shall incorporate erosion control measures as defined in the City's stormwater management requirements.

- b. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties. The slope and retaining wall requiring the exemption would be located behind the new townhomes, and not adjacent to any public streets.
- c. The proposed slopes would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; nor preclude the future development of any adjacent parcel. The slope and retaining wall covered under the exemption would be located entirely on the project site, and no utilities or drainage facilities currently exist in that area of the site. The slope and wall would be located behind the proposed townhomes, clear of any interior streets, walkways, and recreation areas. The property to the direct north of the project site (located within County jurisdiction) is currently undeveloped, and contains a hill located near the property line it shares with the project site, which would likely preclude any development near that property line.
- d. The proposed design of the slope would not adversely affect any adjoining septic systems. The property to the direct north of the project site is undeveloped, and any future development on that property is likely to be located a considerable distance from the shared property line, due to site topography. To the direct west of the project site is the Caltrans right-of-way for Interstate 15; this right-of-way contains no septic systems. The proposed project will be provided with sewer service.
- e. The project's EIR includes a visual analysis that indicates that no significant impacts to aesthetics or visual quality would arise as a result of the project.
- f. The proposed cut and fill slopes would be structurally stable since all slopes will be manufactured so as not to exceed a standard 2:1 inclination.

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

**Hillside and Ridgeline Protection Overlay Determinations:**

- 1. The bulk, scale, density, and overall character of the proposed development is compatible with the surrounding neighborhood and with the natural, cultural, scenic and open space resources of the area. The density of the project does not exceed the maximum allowed for the U3 land use designation of the General Plan. Proposed development standards are comparable with standards for a development in the R-3 (Medium Multiple Residential) zone, and any deviations (such as the one for building height) are discussed in the October 22, 2019 Planning Commission staff report and accounted for as part of the proposed Master and

Precise Development Plan. Open space areas have been proposed for protection of slopes, fuel modification zones, stormwater management facilities, and recreational amenities.

2. The location and design of the proposed development respects and preserves the natural landform, vegetation, and wildlife of the project. The project has been designed to avoid grading or developing upon a substantial 35%+ slope near the northwest corner of the site. Smaller, isolated slopes exceeding 35% are located in other areas of the site, and staff have determined that do not meet the standards of steep slope protection envisioned by the General Plan or its implementing ordinances. Mitigation measures have been proposed to compensate for impacts to sensitive biological habitat. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the Community Development Department.
3. The location and design of the development does not substantially alter the natural appearance and land form of the hillsides and ridges. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the City. While the site does contain sloped areas of 35 percent or greater, the largest of these slopes would be precluded from any grading or development. Other slopes exceeding 35% fragmented and relatively small.
4. The location and design of the proposed development will protect the safety of current and future residents, and will not create a significant threat to life and property due to slope instability, fire, flood, mud flow, erosion, or other hazards. City Engineering staff have reviewed the project's conceptual grading design, and will review the final grading plan submittal as a condition of approval for the project. A geotechnical report, fire protection plan, and drainage study have been provided to aid staff review and to inform the environmental analysis in the project EIR, and mitigation measures and conditions of approval have been proposed where appropriate to minimize threats to life and property. No flood hazard zones exist on the site per FEMA's flood hazard maps.
5. All grading associated with the project has been minimized to the extent possible, preserving the character of the property while utilizing appropriate erosion control practices as determined by Engineering staff to avoid erosion, slides, or flooding, in order to have as minimal an effect on said environment as possible. Grading information has been provided with the project application and reviewed by Engineering staff. Conditions of approval have been proposed to require issuance of a grading permit prior to any ground-disturbing activities, and to require the use of erosion-control measures during grading.

**Proceedings:**

1. The Record of Proceedings upon which the Planning Commission bases its decision includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the staff reports, City files and records and other

documents, prepared for and/or submitted to the City relating to the Final EIR and the Project itself; (3) the evidence, facts, findings and other determinations set forth in herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Final EIR and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and/or elsewhere during the course of the review of the Project itself; (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

## EXHIBIT “F”

### General Plan Amendment Change of Land Use Designation APNs 224-260-23, 224-260-46, and 224-260-47 SUB 18-0005 / ENV 18-0005

The parcels associated with the proposed General Plan Amendment are as follows:

APNs	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation
224-260-23	Office (O)	Urban III (U3)
224-260-46	Office (O)	Urban III (U3)
224-260-47	Office (O)	Urban III (U3)

#### I. Land Use Element- Land Use Designations Map

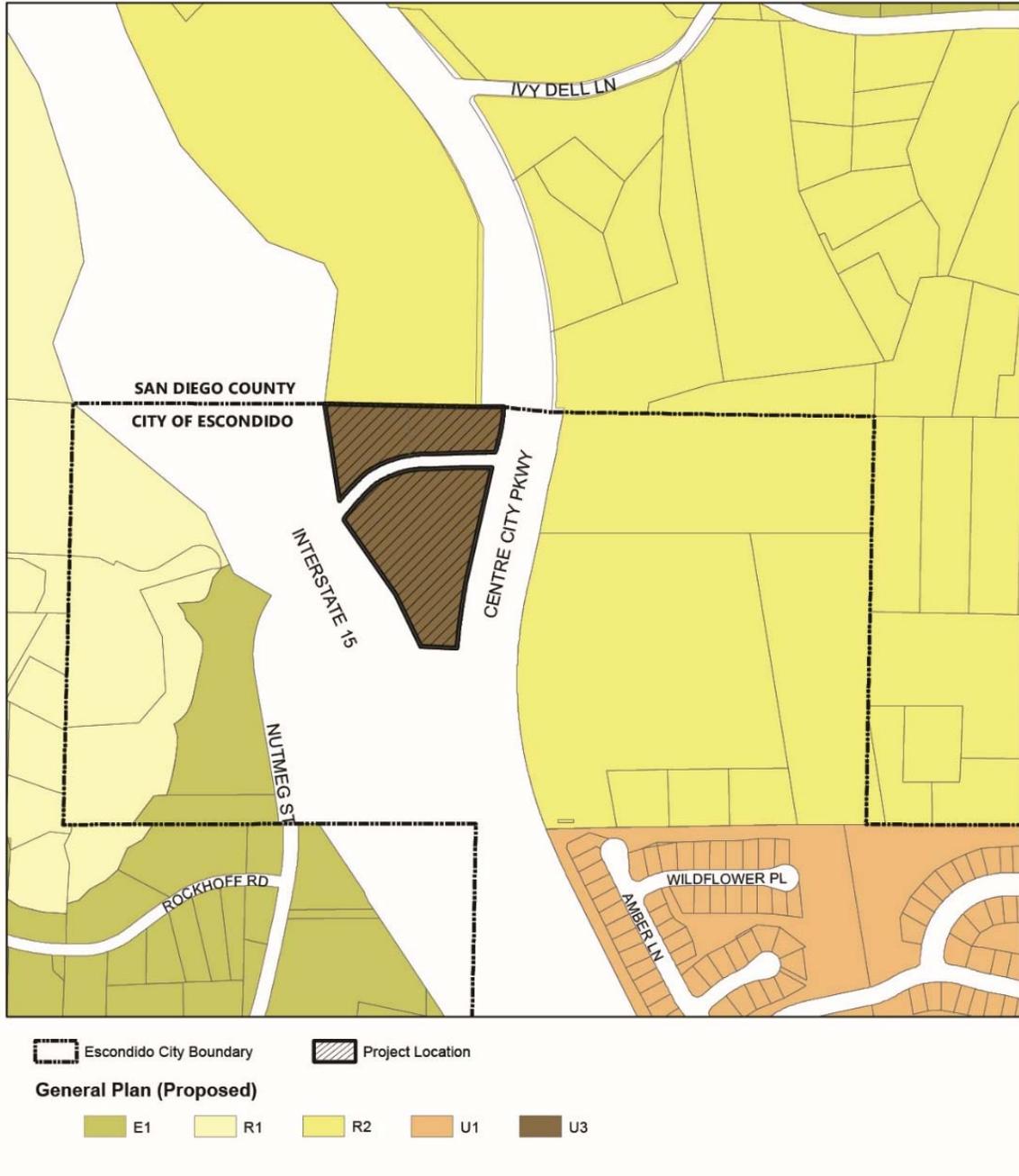
The General Plan Land Use Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the Office (O) General Plan Land Use. The entire, existing General Plan land use map is on file with the Office of the City Clerk.

The map amends the following in the General Plan Land Use Element:

- Page II-3, Figure II-1: Color of project site to be changed from magenta (Office) to medium brown (Urban III). (Please note that the hatching shown is intended to distinguish the project site from the rest of the exhibit, and should not be included in Figure II-1.)

#### II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this General Plan Amendment reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



**Rezone**  
**Change of Zoning Classification**  
**APNs 224-260-23, 224-260-46, and 224-260-47**  
**SUB 18-0005 / ENV 18-0005**

The parcels associated with the proposed Rezone are as follows:

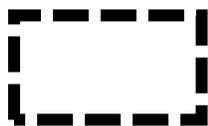
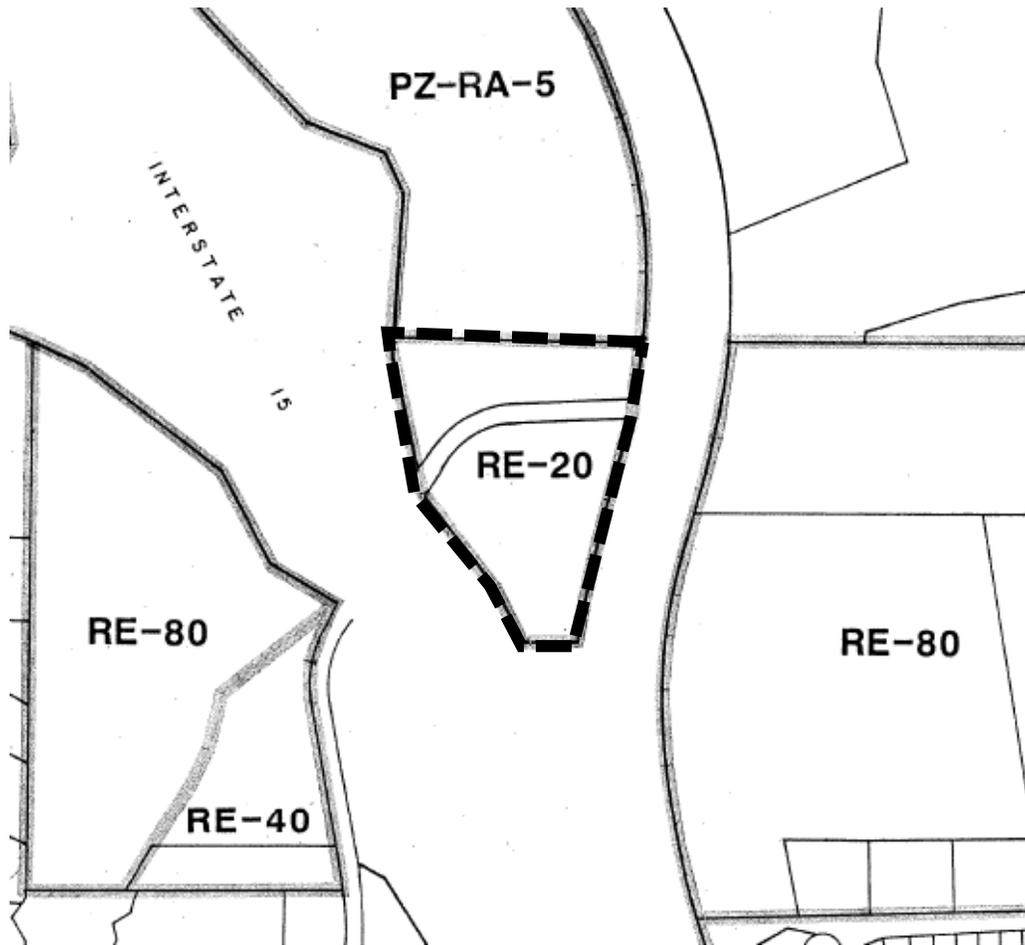
<b>APNs</b>	<b>Existing Zoning Classification</b>	<b>Proposed Zoning Classification</b>
224-260-23	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-46	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-47	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)

I. Zoning Map

The Zoning Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the PD-R-18 zoning classification. The entire, existing Zoning Map is on file with the Office of the City Clerk.

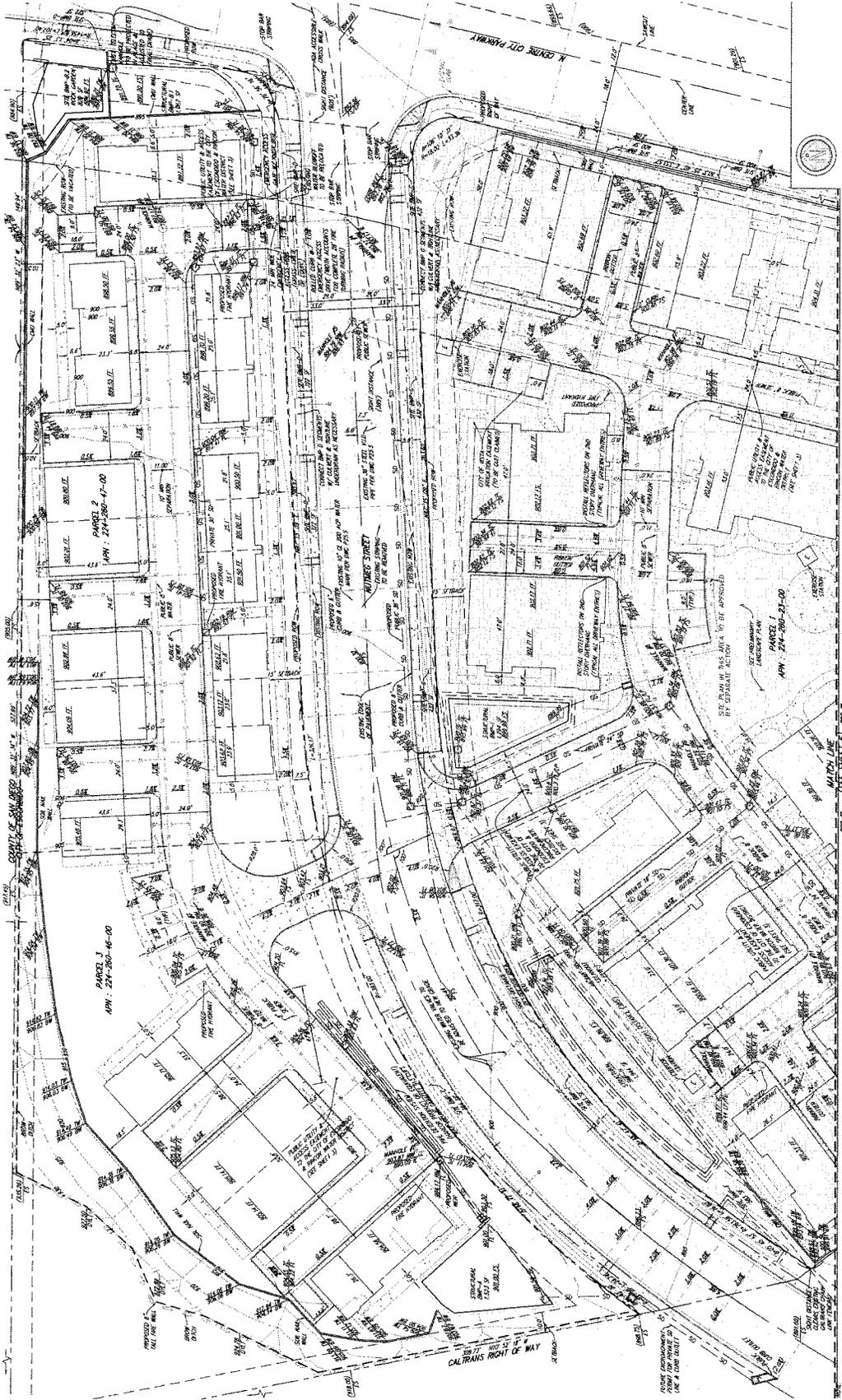
II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this Rezone reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



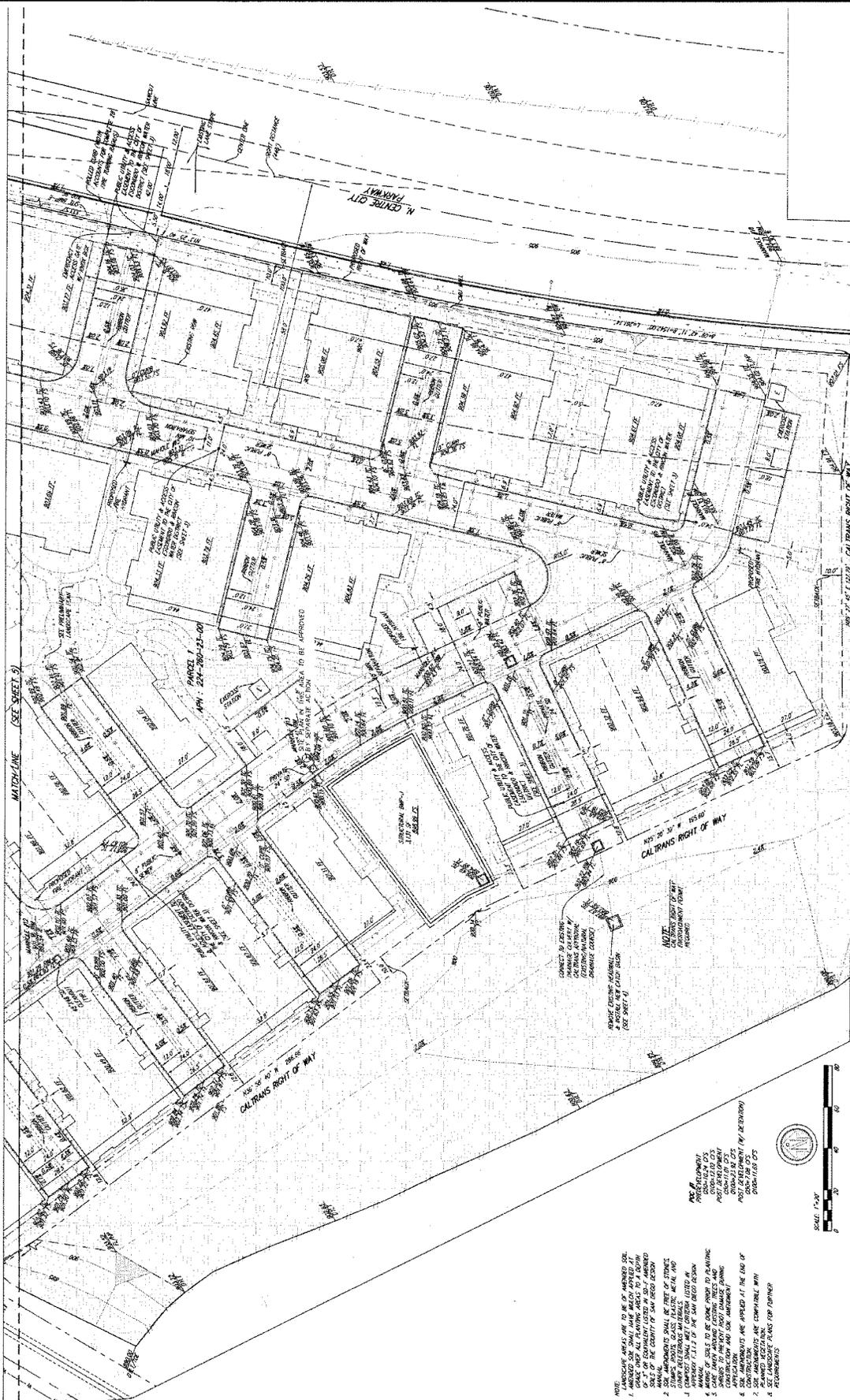
Zoning Map to be changed from Residential Estates, 20,000-SF minimum lot size (RE-20) to Planned Development-Residential, maximum 18 units/acre density (PD-R-18)



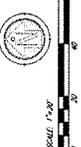


COUNTY OF SAN DIEGO  
 DIVISION OF PUBLIC WORKS  
 PLANNING AND DESIGN SECTION  
 PROJECT NO. 18-0005  
 SHEET NO. 18-0005-01  
 DATE: 11/15/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

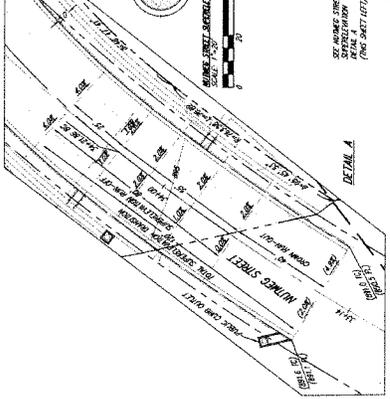
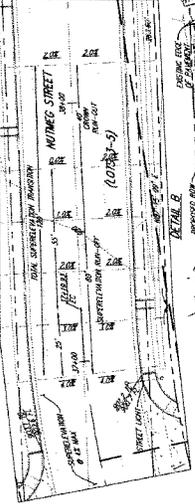
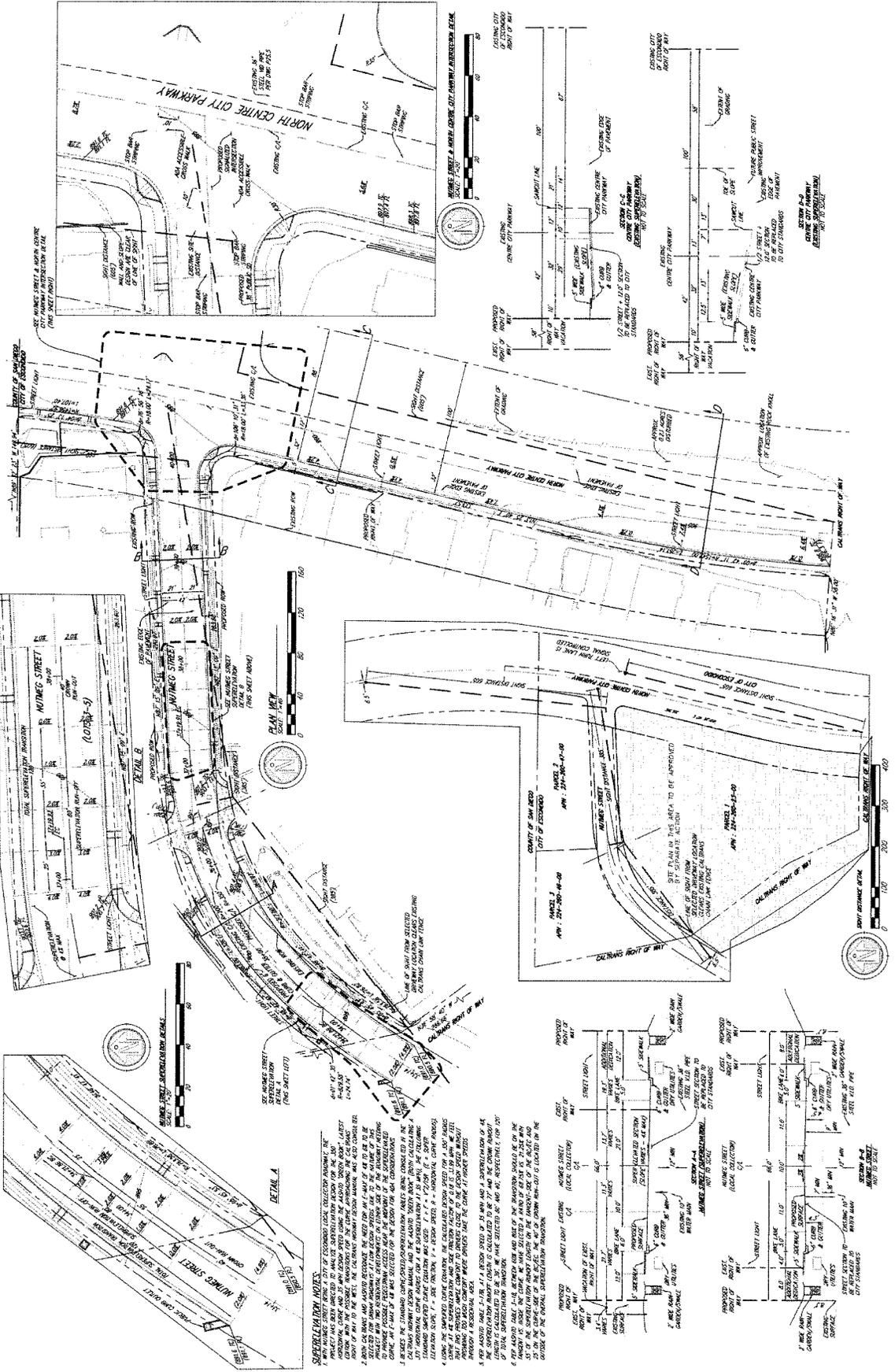
**PROPOSED PROJECTS: SUB 18-0005**  
**GRADING AND IMPROVEMENTS**  
 -46-



- NOTES:
1. UNDESIGNED AREAS ARE TO BE OF UNDESIGNED SIZE.
  2. UNDESIGNED AREAS SHALL HAVE MATCHED SURF AT THE BOUNDARY OF THE PROJECT.
  3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO DESIGN MANUAL.
  4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO DESIGN MANUAL.
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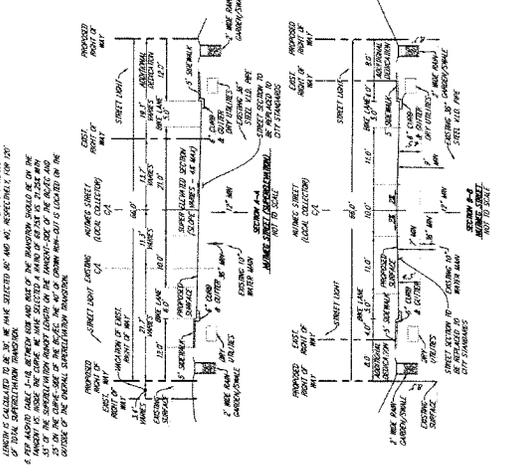
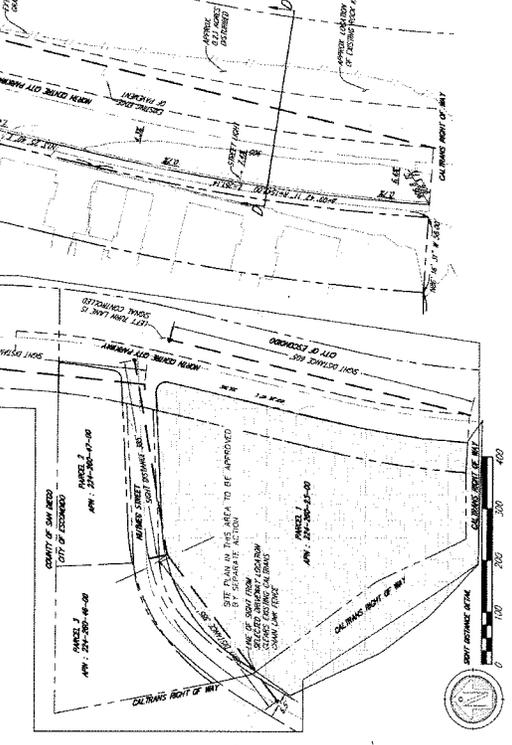
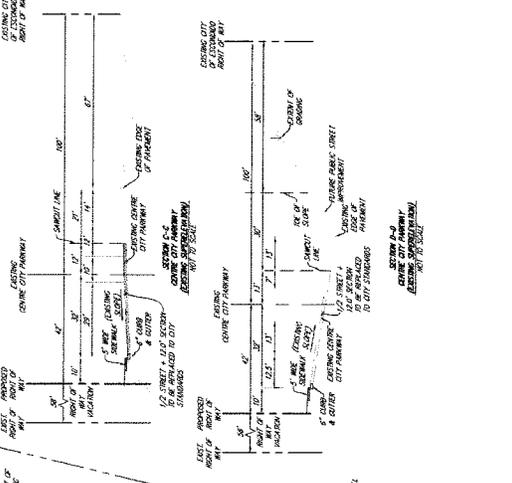


**PROPOSED PROJECT: SUB 18-0005  
GRADING AND IMPROVEMENTS**



**SUBMITTAL NOTES:**

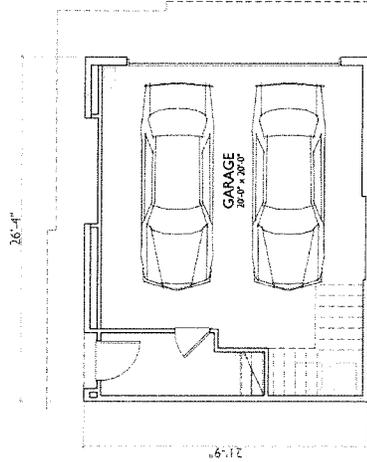
1. THE PROPOSED LOCAL COLLECTION MAINLINE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ESCOBEDO LOCAL COLLECTION MAINLINE SPECIFICATIONS.
2. THE PROPOSED LOCAL COLLECTION MAINLINE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ESCOBEDO LOCAL COLLECTION MAINLINE SPECIFICATIONS.
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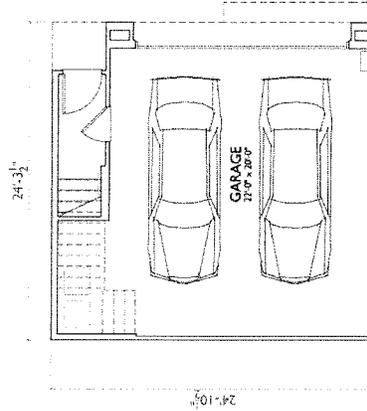
# PROPOSED PROJECT: SUB 18-005 SPECIFIC ALIGNMENT PLAN



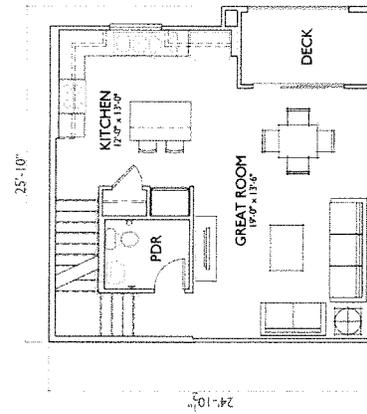
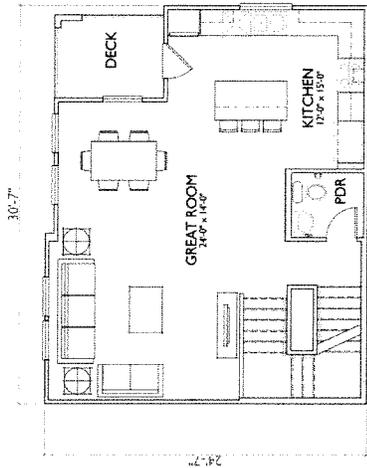
PLAN 2: 3BD/2.5BA  
 1ST FLR - 54 S.F.  
 2ND FLR - 654 S.F.  
 3RD FLR - 631 S.F.  
 TOTAL 1,339 S.F.



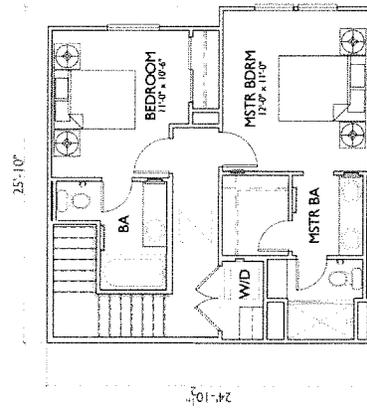
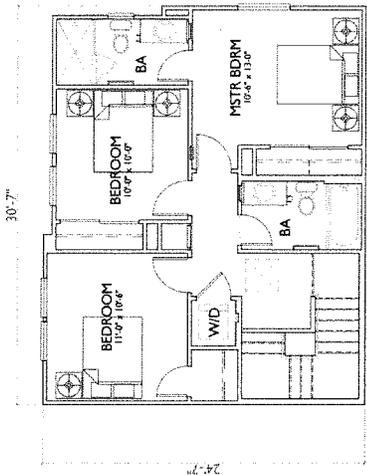
PLAN 1: 2BD/2.5BA  
 1ST FLR - 39 S.F.  
 2ND FLR - 523 S.F.  
 3RD FLR - 542 S.F.  
 TOTAL 1,104 S.F.



FIRST FLOOR

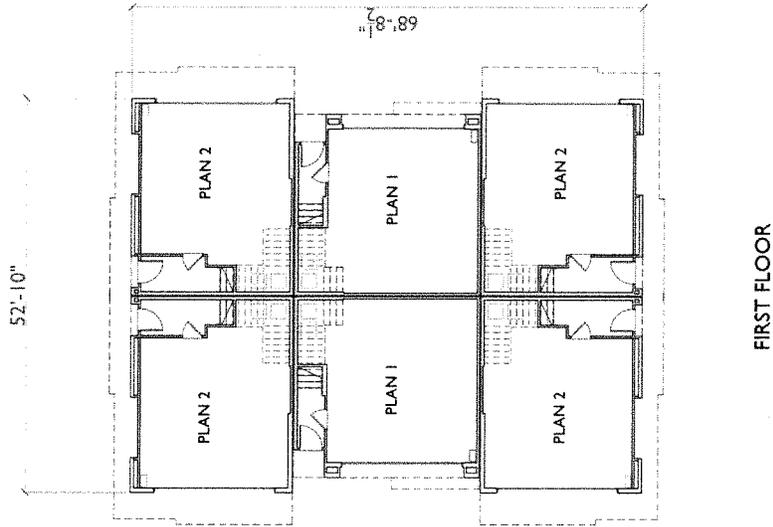


SECOND FLOOR

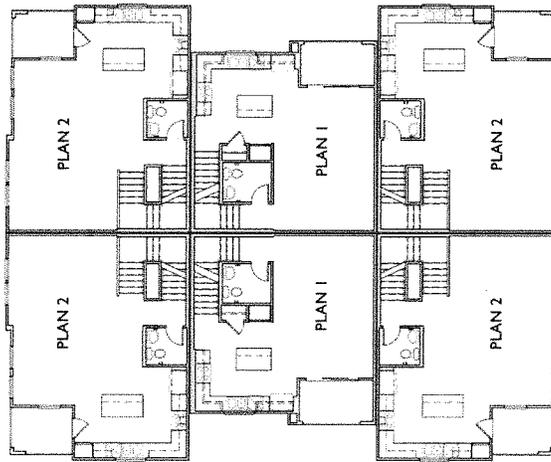


THIRD FLOOR

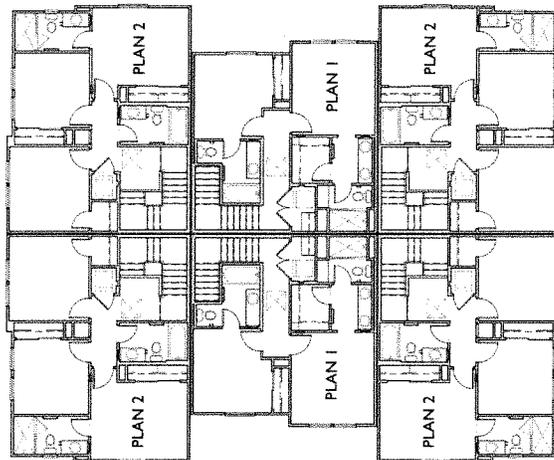
PROPOSED PROJECT: SUB 18-0005  
 FLOOR PLANS



FIRST FLOOR

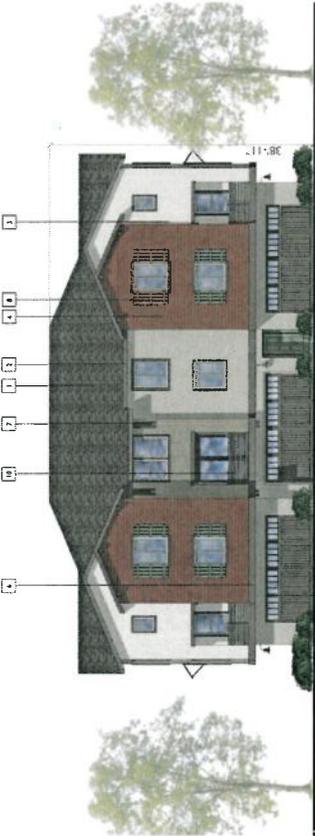


SECOND FLOOR



THIRD FLOOR

PROPOSED PROJECT: SUB 18-0005  
 BUILDING B LAYOUT



REAR



FRONT



RIGHT



LEFT

**MATERIAL SCHEDULE**

- 1 ROOF - CONCRETE TILE
- 2 FASCIA - 2 X RESAWN WOOD
- 3 WALL - STUCCO
- 4 WALL - HORIZONTAL SIDING
- 5 WALL - STONE VENEER
- 6 TRIM - 2 X STUCCO OVER
- 7 DECORATIVE - OUTLOOKER
- 8 DECORATIVE - SHUTTERS
- 9 DECORATIVE - AWNING
- 10 WOOD RAILING

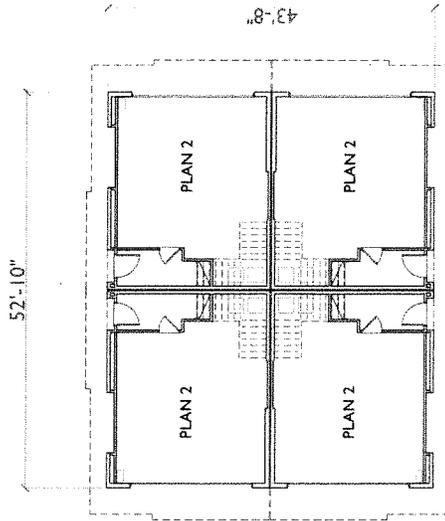


PERSPECTIVE

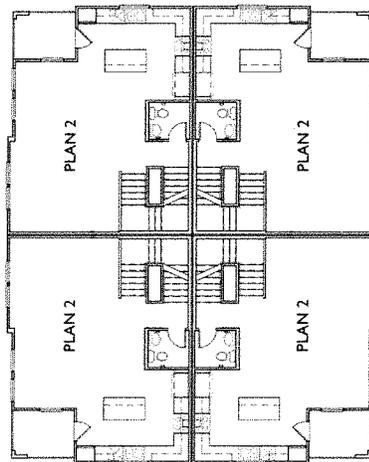


PERSPECTIVE

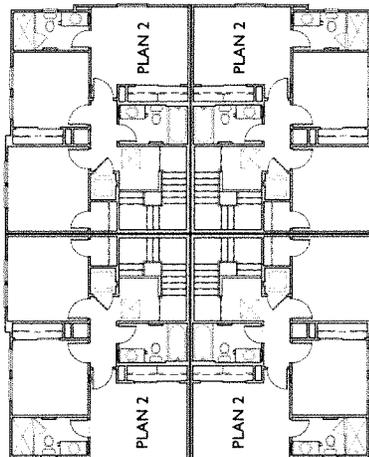
**PROPOSED PROJECT: SUB 18-0005  
BUILDING B ELEVATIONS**



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

PROPOSED PROJECT: SUB 18-0005  
 BUILDING C LAYOUT



REAR



RIGHT



FRONT



LEFT

**MATERIAL SCHEDULE**

1	ROOF - CONCRETE TILE
2	FASCIA - 2" X RESAWN WOOD
3	WALL - STUCCO
4	WALL - HORIZONTAL SIDING
5	WALL - STONE VENEER
6	TRIM - 2" X STUCCO OVER
7	DECORATIVE - OUTLOOKER
8	DECORATIVE - SHUTTERS
9	DECORATIVE - AWNING
10	WOOD RAILING

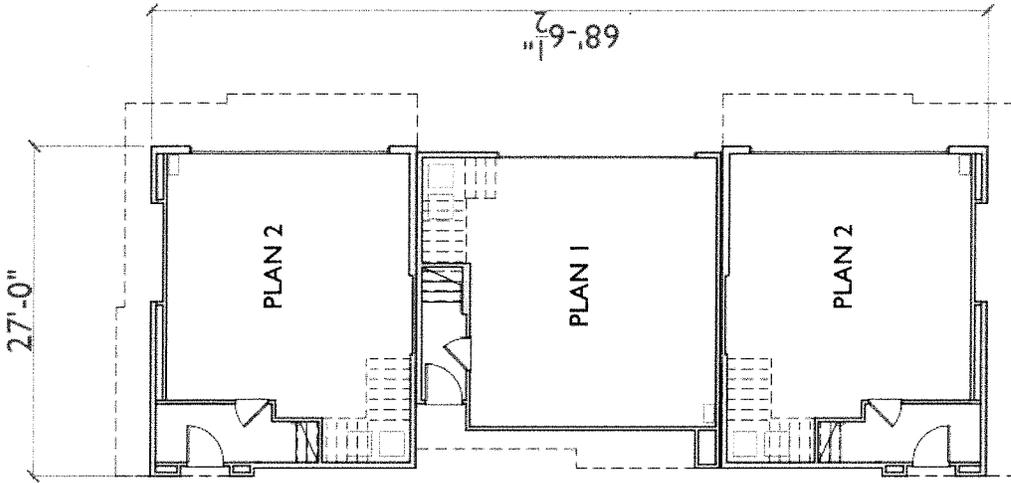


PERSPECTIVE

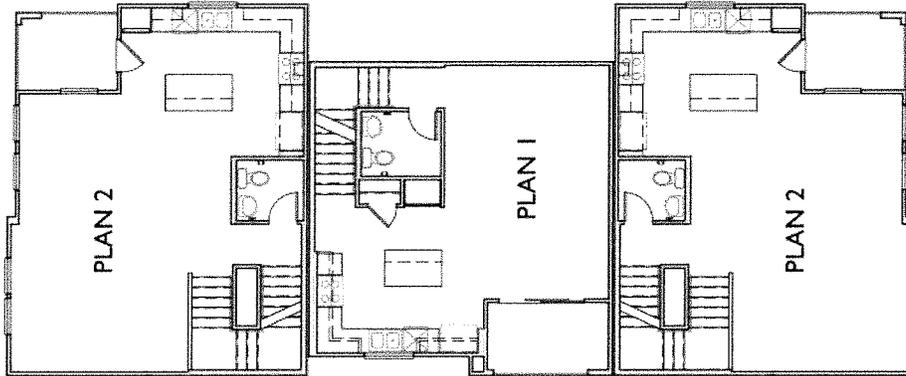


PERSPECTIVE

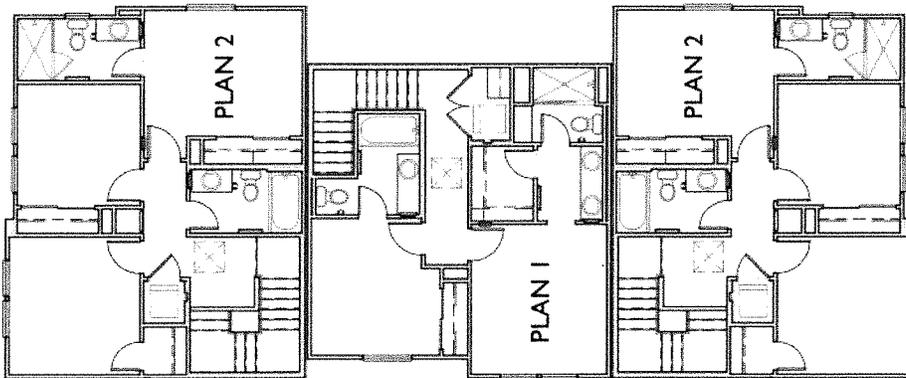
**PROPOSED PROJECT: SUB 18-0005  
BUILDING C ELEVATIONS**



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

PROPOSED PROJECT: SUB 18-0005  
 BUILDING E LAYOUT



RIGHT



REAR



LEFT



FRONT



PERSPECTIVE

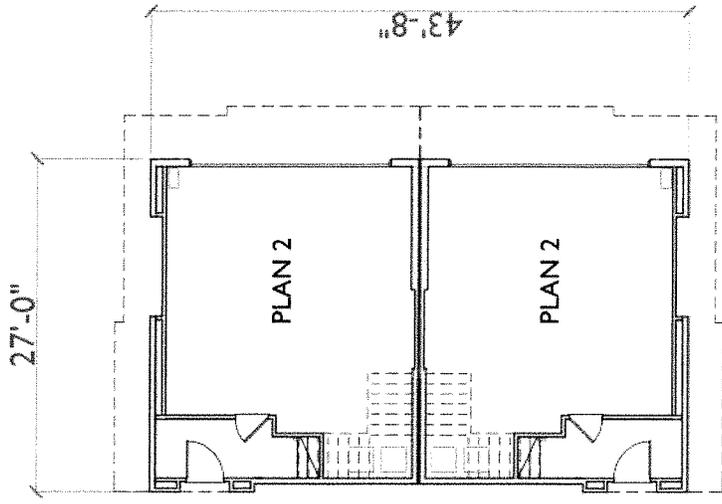


PERSPECTIVE

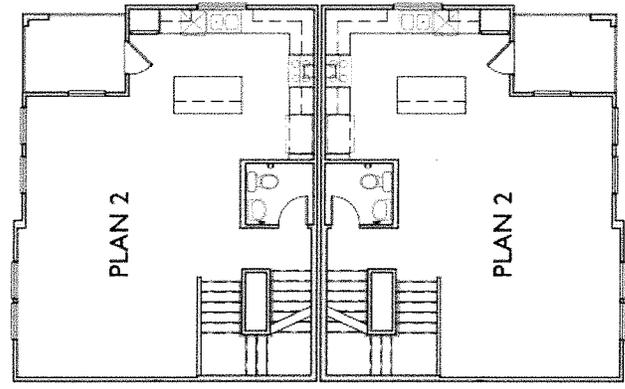
**MATERIAL SCHEDULE**

- 1 ROOF - CONCRETE TILE
- 2 FASCIA - 2 X RESAWN WOOD
- 3 WALL - STUCCO
- 4 WALL - HORIZONTAL SIDING
- 5 WALL - STONE VENEER
- 6 TRIM - 2 X STUCCO OVER
- 7 DECORATIVE - OUTLOOKER
- 8 DECORATIVE - SHUTTERS
- 9 DECORATIVE - AWNING
- 10 WOOD RAILING

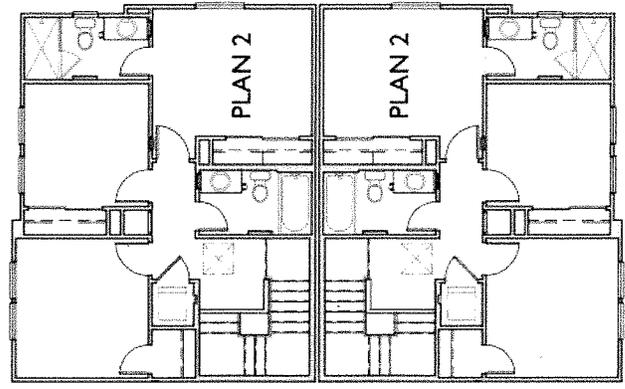
**PROPOSED PROJECT: SUB 18-0005  
BUILDING E ELEVATIONS**



FIRST FLOOR



SECOND FLOOR



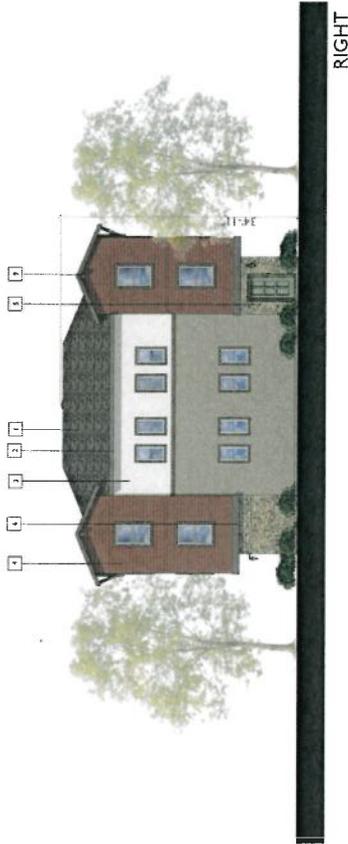
THIRD FLOOR

PROPOSED PROJECT: SUB 18-0005  
 BUILDING E LAYOUT

PROPOSED PROJECT: SUB 18-0005  
 BUILDING F ELEVATIONS



REAR



RIGHT



LEFT



FRONT

MATERIAL SCHEDULE

- 1 ROOF - CONCRETE TILE
- 2 FASCIA - 2 X RESAWN WOOD
- 3 WALL - STUCCO
- 4 WALL - HORIZONTAL SIDING
- 5 WALL - STONE VENEER
- 6 TRIM - 2 X STUCCO OVER
- 7 DECORATIVE - OUTLOOKER
- 8 DECORATIVE - SHUTTERS
- 9 DECORATIVE - AWNING
- 10 WOOD RAILING

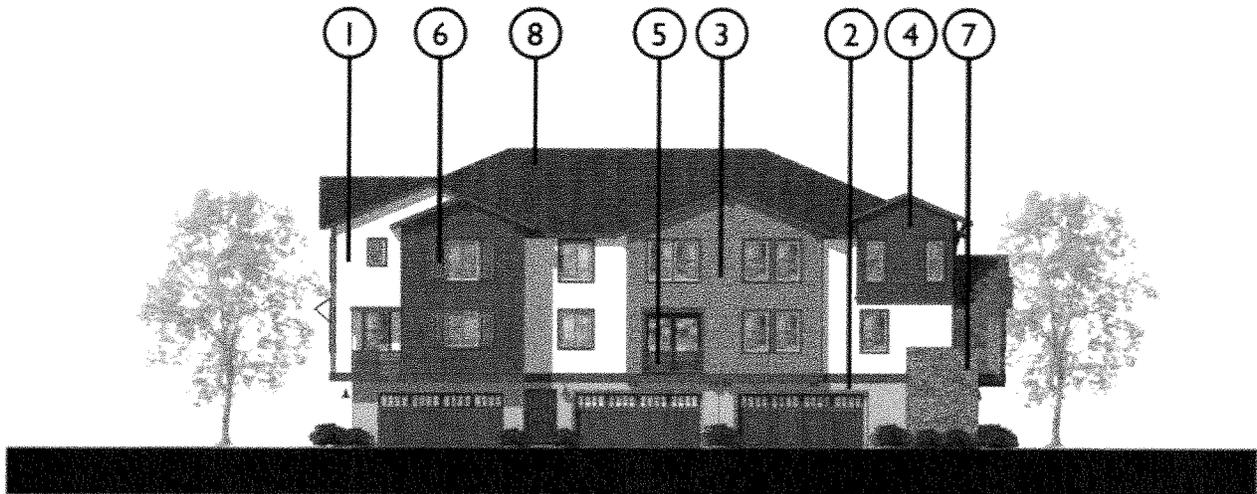


PERSPECTIVE



PERSPECTIVE





VILLAS

STUCCO ①



TOQUE WHITE SW 7003

STUCCO ②



VERSATILE GRAY SW 6072

ACCENT ⑤



WELL-BRED BROWN SW 7027

ACCENT ⑥



OAKMOSS SW 6180

STUCCO/SIDING ③



KEYSTONE GRAY SW 7504

SIDING ④



CARRIAGE DOOR SW 7594

STONE ⑦



OLD WORLD LEDGE - MONARCH

ROOF ⑧



BEL AIR - 4689 BROWN RANGE

PROPOSED PROJECT: SUB 18-0005  
 COLOR AND MATERIALS

**LEGEND**

- EXISTING SLOPE 0% - 1%
- EXISTING SLOPE 1% - 2%
- EXISTING SLOPE 2% - 3%
- EXISTING SLOPE 3% - 4%
- EXISTING SLOPE 4% - 5%
- EXISTING SLOPE 5% - 6%
- EXISTING SLOPE 6% - 7%
- EXISTING SLOPE 7% - 8%
- EXISTING SLOPE 8% - 9%
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- EXISTING SLOPE 10% - 11%
- EXISTING SLOPE 11% - 12%
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- EXISTING SLOPE 98% - 99%
- EXISTING SLOPE 99% - 100%

\*THE SLOPE AREA WITHIN THE 10% SLOPE LIMITS SHALL BE APPROVED BY SEPARATE ACTION.  
 WITHIN THE EXISTING EXISTING SLOPE LIMITS BEYOND THE PROPERTY OF CENTRAL CITY PARKING.



SITE PLAN IN THIS AREA TO BE APPROVED BY SEPARATE ACTION



SCALE	1" = 50'	DATE	07/15/2011
DESIGNED BY	DAVID W. WILSON	CHECKED BY	DAVID W. WILSON
DRAWN BY	DAVID W. WILSON	IN CHARGE	DAVID W. WILSON
PROJECT	PLANNING DIVISION	PROJECT NO.	11-001
CLIENT	CITY OF ESCONDIDO	PROJECT NAME	PLANNING DIVISION
DATE	07/15/2011	PROJECT LOCATION	PLANNING DIVISION
PROJECT NO.	11-001	PROJECT TITLE	PLANNING DIVISION
PROJECT NAME	PLANNING DIVISION	PROJECT DESCRIPTION	PLANNING DIVISION
PROJECT LOCATION	PLANNING DIVISION	PROJECT STATUS	PLANNING DIVISION
PROJECT TITLE	PLANNING DIVISION	PROJECT PHASE	PLANNING DIVISION
PROJECT DESCRIPTION	PLANNING DIVISION	PROJECT BUDGET	PLANNING DIVISION
PROJECT STATUS	PLANNING DIVISION	PROJECT RISK	PLANNING DIVISION
PROJECT PHASE	PLANNING DIVISION	PROJECT TEAM	PLANNING DIVISION
PROJECT BUDGET	PLANNING DIVISION	PROJECT CONTACT	PLANNING DIVISION
PROJECT RISK	PLANNING DIVISION	PROJECT NOTES	PLANNING DIVISION
PROJECT TEAM	PLANNING DIVISION	PROJECT HISTORY	PLANNING DIVISION
PROJECT CONTACT	PLANNING DIVISION	PROJECT REFERENCES	PLANNING DIVISION
PROJECT NOTES	PLANNING DIVISION	PROJECT COMMENTS	PLANNING DIVISION
PROJECT HISTORY	PLANNING DIVISION	PROJECT DECISIONS	PLANNING DIVISION
PROJECT REFERENCES	PLANNING DIVISION	PROJECT ACTIONS	PLANNING DIVISION
PROJECT COMMENTS	PLANNING DIVISION	PROJECT RESULTS	PLANNING DIVISION
PROJECT DECISIONS	PLANNING DIVISION	PROJECT IMPACTS	PLANNING DIVISION
PROJECT ACTIONS	PLANNING DIVISION	PROJECT OUTCOMES	PLANNING DIVISION
PROJECT RESULTS	PLANNING DIVISION	PROJECT LESSONS	PLANNING DIVISION
PROJECT IMPACTS	PLANNING DIVISION	PROJECT REVISIONS	PLANNING DIVISION
PROJECT OUTCOMES	PLANNING DIVISION	PROJECT EVALUATION	PLANNING DIVISION
PROJECT LESSONS	PLANNING DIVISION	PROJECT RECOMMENDATIONS	PLANNING DIVISION
PROJECT REVISIONS	PLANNING DIVISION	PROJECT CONCLUSIONS	PLANNING DIVISION
PROJECT EVALUATION	PLANNING DIVISION	PROJECT FINAL REPORT	PLANNING DIVISION
PROJECT RECOMMENDATIONS	PLANNING DIVISION	PROJECT ARCHIVES	PLANNING DIVISION
PROJECT CONCLUSIONS	PLANNING DIVISION	PROJECT DOCUMENTS	PLANNING DIVISION
PROJECT FINAL REPORT	PLANNING DIVISION	PROJECT RECORDS	PLANNING DIVISION
PROJECT ARCHIVES	PLANNING DIVISION	PROJECT LEGACY	PLANNING DIVISION
PROJECT DOCUMENTS	PLANNING DIVISION	PROJECT IMPACT ASSESSMENT	PLANNING DIVISION
PROJECT RECORDS	PLANNING DIVISION	PROJECT COMMUNITY ENGAGEMENT	PLANNING DIVISION
PROJECT LEGACY	PLANNING DIVISION	PROJECT SUSTAINABILITY	PLANNING DIVISION
PROJECT IMPACT ASSESSMENT	PLANNING DIVISION	PROJECT INNOVATION	PLANNING DIVISION
PROJECT COMMUNITY ENGAGEMENT	PLANNING DIVISION	PROJECT BEST PRACTICES	PLANNING DIVISION
PROJECT SUSTAINABILITY	PLANNING DIVISION	PROJECT CASE STUDY	PLANNING DIVISION
PROJECT INNOVATION	PLANNING DIVISION	PROJECT RESEARCH	PLANNING DIVISION
PROJECT BEST PRACTICES	PLANNING DIVISION	PROJECT ANALYSIS	PLANNING DIVISION
PROJECT CASE STUDY	PLANNING DIVISION	PROJECT SYNTHESIS	PLANNING DIVISION
PROJECT RESEARCH	PLANNING DIVISION	PROJECT DISCUSSION	PLANNING DIVISION
PROJECT ANALYSIS	PLANNING DIVISION	PROJECT CONCLUSION	PLANNING DIVISION
PROJECT SYNTHESIS	PLANNING DIVISION	PROJECT RECOMMENDATION	PLANNING DIVISION
PROJECT DISCUSSION	PLANNING DIVISION	PROJECT ACTION PLAN	PLANNING DIVISION
PROJECT CONCLUSION	PLANNING DIVISION	PROJECT IMPLEMENTATION	PLANNING DIVISION
PROJECT RECOMMENDATION	PLANNING DIVISION	PROJECT MONITORING	PLANNING DIVISION
PROJECT ACTION PLAN	PLANNING DIVISION	PROJECT EVALUATION	PLANNING DIVISION
PROJECT IMPLEMENTATION	PLANNING DIVISION	PROJECT REPORTING	PLANNING DIVISION
PROJECT MONITORING	PLANNING DIVISION	PROJECT COMMUNICATION	PLANNING DIVISION
PROJECT EVALUATION	PLANNING DIVISION	PROJECT DOCUMENTATION	PLANNING DIVISION
PROJECT REPORTING	PLANNING DIVISION	PROJECT ARCHIVING	PLANNING DIVISION
PROJECT COMMUNICATION	PLANNING DIVISION	PROJECT PRESERVATION	PLANNING DIVISION
PROJECT DOCUMENTATION	PLANNING DIVISION	PROJECT RESTORATION	PLANNING DIVISION
PROJECT ARCHIVING	PLANNING DIVISION	PROJECT REUSE	PLANNING DIVISION
PROJECT PRESERVATION	PLANNING DIVISION	PROJECT RECYCLING	PLANNING DIVISION
PROJECT RESTORATION	PLANNING DIVISION	PROJECT REPAIR	PLANNING DIVISION
PROJECT REUSE	PLANNING DIVISION	PROJECT RECONSTRUCTION	PLANNING DIVISION
PROJECT RECYCLING	PLANNING DIVISION	PROJECT REDEMPTION	PLANNING DIVISION
PROJECT REPAIR	PLANNING DIVISION	PROJECT REGENERATION	PLANNING DIVISION
PROJECT RECONSTRUCTION	PLANNING DIVISION	PROJECT REINTEGRATION	PLANNING DIVISION
PROJECT REDEMPTION	PLANNING DIVISION	PROJECT REINTEGRATION	PLANNING DIVISION
PROJECT REINTEGRATION	PLANNING DIVISION	PROJECT REINTEGRATION	PLANNING DIVISION

## **EXHIBIT “H”**

### **CONDITIONS OF APPROVAL PLANNING CASE NO. SUB 18-0005**

Nothing in this permit shall relieve the Applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. **This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.**

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

### **MITIGATION MEASURES**

**MM BIO-1:** Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that if initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven (7) days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

**MM BIO-2:** Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife Agency criteria shall be accomplished. (This includes: from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.

No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.

**MM BIO-3:** Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that the replacement of impacted mature trees will occur. Unless otherwise determined by the City mature trees will be replaced at a minimum 1:1 ratio. The Project Applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development or City designee.

**MM CR-1:** The City of Escondido Planning Division ("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 Pauma tribe shall be consulted prior to contracting with the Native American Monitor. 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 proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

**MM CR-2:** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the

**MM 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.

**MM CR-4:** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code

Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

**MM 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 operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

**MM 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 the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

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

**MM CR-8:** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the

Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

**MM CR-9:** If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

**MM CR-10:** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

**MM HAZ-1:** Prior to the issuance of any building permit, the project applicant shall demonstrate to the satisfaction of the City Building Department that all windows adjacent to preserved vegetation are dual paned with both panes tempered.

**MM HAZ-2:** Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall as shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.

**MM HAZ-3:** (Eliminated in Final EIR)

**MM HAZ-4:** Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that the annual review of landscape maintenance plans includes a third party evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).

**MM NOI-1:** In order to reduce the noise levels at the two proposed outdoor recreation areas, the project applicant shall construct two 8-foot sound walls, with one located on the south side of the outdoor recreation area that is located on the north side of Nutmeg Street and the other wall located southwest of the outdoor recreation area that is located on the south side of Nutmeg Street. The sound walls shall be constructed of a solid material (e.g., glass, concrete block, or plaster). The locations of the proposed outdoor recreation area sound walls are shown in Figure 4.10-5.

**MM NOI-2:** The project applicant will provide a “windows closed” condition for each proposed residential townhome. A “window closed” condition is a term that means that a home is capable of providing adequate ventilation and temperature control without opening the windows. A “windows closed” condition requires a means of mechanical ventilation per Chapter 12, Section 1205 of the Uniform Building Code. This shall be achieved with a standard forced air conditioning and heating system with a filtered outside air intake vent for each residential unit.

**MM NOI-3:** For the P1-Villas, the project applicant shall require all windows and exterior doors on the northwest, southwest, and southeast sides of Building 1 to have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors are shown on Figure 4.10-5.

**MM NOI-4:** For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that were not covered by the 35 STC requirement shall have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.

**MM TRA-1:** Prior to the occupancy of the proposed project the intersection of North Centre City Parkway/North Nutmeg Street will be improved to the satisfaction of the City as noted below:

- Installation of a traffic signal;
- Restripe the southbound approach to provide a dedicated left-turn lane; and,
- Construct a dedicated right-turn lane on the southbound approach of the intersection.

**MM TRA-2:** The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:

- Installation of a traffic signal at the intersection; and,
- Restripe the southbound approach to provide a shared left-turn/through lane and a dedicated right-turn lane.

**MM TRA-3:** Prior to the occupancy of the proposed project the existing right-of-way on North Nutmeg Street from West Country Club Lane to Via Alexandra will be widen to provide for a 14'

wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstructions of existing driveways to private driveway standards and a parking restriction along the improved section of Nutmeg Street to the satisfaction of the City Engineer.

**MM TRA-4:** The proposed project at the intersection of North Centre City Parkway/North Nutmeg Street intersection will provide the following minimum storage lengths for left turn and right-turn lanes:

- Eastbound Left-Turn Lane: 100 feet; and,
- Southbound Right-Turn Lane: 125 feet

**MM TRA-5:** The proposed project at the intersection of Nutmeg Street/Project Access will provide 50-foot left-turn pockets for the eastbound and westbound left-turn lanes.

### **GENERAL**

1. This project is conditionally approved as set forth on the application and project drawings submitted to the City of Escondido, all designated as approved by the City Council on [placeholder until City Council hearing], and shall not be altered without express authorization by the Director of Community Development.
2. The Project shall be completed in substantial conformance to the plans approved, except as modified herein. The Project shall be constructed and operated by the Applicant in accordance with the authorized use as described in the application materials and plans on file with the Office of the Clerk of the City of Escondido. Any additional uses or facilities other than those approved with this permit, as described in the approved plans, will require a separate application and approval. Colors and materials shall conform to the approved plans and the exhibits and references in the staff report, to the satisfaction of the Planning Division. For building features that do not have a specific material and/or color called out on the plans and exhibits (e.g., eaves, window frames, front doors, and garage doors), selected materials and colors should match the rest of the development.
3. Approval of all Project-related permits will expire 36 months after the approval of this Project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.
4. Applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Escondido, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of the series of actions that this Project comprises, and/or (b) City's approval or issuance of any permit or action, whether discretionary or ministerial, in

connection with the land use and activity contemplated described by this Project. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.

5. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.
6. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.

#### **TENTATIVE SUBDIVISION MAP**

1. 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 permits are issued, including any applicable City-Wide Facilities fees.
2. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading plans, landscape plans and the final map.
3. 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.
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. 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.
6. All new utilities shall be underground.

7. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
8. No street names are established as part of this approval. A separate request shall be submitted prior to final map.
9. Access roads and project grading must comply with SDG&E guidelines for any encroachment to, and into, right of way. Any grading to be performed within SDG&E right of way requires a "permission to grade" letter.
10. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a check payable to "County Clerk", in the amount of \$3,321.00 for a project with an Environmental Impact Report. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).
11. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
12. All pedestrian passageways in the designated trail connection as depicted on the approved Tentative Subdivision Map shall have walkway non-slip surfaces, such as decomposed granite, to enable multi-generational use, designed to prevent dust, and otherwise be designed to allow convenient use for outdoor activities. There shall be no obstructions above the open space except for devices to enhance its usability, such awning structures.

## **MASTER AND PRECISE DEVELOPMENT PLAN**

1. The Project includes a Fire Protection Plan which is located in the Project's Draft EIR as Appendix E, and in amended form in the Final EIR as Appendix E-1. The Fire Protection Plan describes the wildland fire resistance features incorporated into the project. The key fire resistance features incorporated into the project are listed below:
  - The project shall maintain Fuel Modification Zones (FMZs) as described in Figure 5 (Conceptual Fuel Modification Plan) and Table 5 of the Fire Protection Plan (as well as Figure 4.7-1 of the Final EIR).
  - A noncombustible, 8-foot wall shall be installed as shown in Figure 5 (Conceptual Fuel Modification Plan) to function as a heat-deflecting wall.
  - Dual-pane, tempered glass shall be used for all windows adjacent to preserved vegetation.
2. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
3. All exterior residential lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code.
4. Setbacks shall be as described in the October 22, 2019 Staff Report and depicted on the Master Plan/Tentative Map.
5. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the Master and Precise Development Plan where specified. All other signs must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code) standards for the RE (Residential Estates) zone.
6. Prior to issuance of a grading permit, the emergency access road width, pavement and gate specifications shall be reviewed and approved by the Fire Department.
7. This Master Development Plan and Precise Development Plan approval adopt development standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking, and screening, per Section 33-401(f) of the City of Escondido Zoning Code, and as described in the October 22, 2019 Staff Report.
8. All new home design or development and/or improvement shall comply with or meet the intent of the Master and Precise Development Plan criteria through methods listed in the standards

and guidelines, as listed in the October 22, 2019 Staff Report, or through alternative methods that achieve the same objective.

### **GRADING AND GRADING EXEMPTION**

1. An exemption from the Grading Ordinance is approved as part of this project, as described in the October 22, 2019 Staff Report. This exemption includes one cut slope plus soil nail retaining wall located near the northwest corner of the site, exceeding the 20' height limit described in the City of Escondido Grading Ordinance.
2. All project grading shall conform with the approved Tentative Subdivision Map. In cases where the grading plan later submitted is not consistent with the approved Tentative Subdivision, the Applicant shall be required to obtain a substantial conformance determination or map amendment for grading prior to issuance of grading permits.
3. A plan shall be submitted for approval by the Director of Community Development, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off -site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the Project.
4. All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Escondido Fire Department.
5. The Postmaster shall approve final location of mailbox kiosks associated with this Project prior to issuance of a precise grading permit.

### **LANDSCAPING**

1. Four copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Services Department, prior to issuance of grading or building permits. The detailed landscape and irrigation plans shall be equivalent or superior to the planting plan attached as an exhibit, to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Details of project fencing and walls, including materials and colors, shall be depicted on the landscape plans. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures. The 8' fire wall described in the Fire Protection Plan shall conform to Caltrans design

standards and/or be compatible with similarly-designed freestanding walls located along the I-15 corridor. These items shall be approved by the Director of Community Development prior to the issuance of building and/or grading permits.

3. All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Director of Community Development. The Applicant and/or HOA shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
4. All fencing for basin areas shall be set back at least five feet from back of sidewalk or edge of pavement to allow the appropriate integration of landscape screening to the satisfaction of the Planning Division.
5. Landscaping adjacent to preserved land shall not include species listed as highly or moderately invasive by the California Invasive Plant Council (Cal- IPC 2013).
6. Plants on the Prohibited Plant List (Appendix D of the Fire Protection Plan) shall not be planted on the site unless otherwise approved by the Escondido Fire Department.
7. All vegetation (including existing vegetation to be retained) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
8. The Homeowners Association (HOA) shall be responsible for maintenance of landscaping in all common areas and fuel modification zones, in compliance with the requirements detailed within the Fire Protection Plan and as determined by the Escondido Fire Department. Prior to issuance of building permits, all fuel modification zones shall be permanently marked at the property line to delineate the zones and aid ongoing maintenance activities.
9. All fuel modification zone vegetation management activities shall be completed annually by May 15 and more often as needed for fire safety, as determined by the Escondido Fire Department.
10. The installation of the common area and right-of-way landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

11. Street trees shall be provided along street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.

### **CC&Rs**

1. Applicant shall establish a homeowner's association (HOA) and corresponding covenants, conditions and restrictions (CC&Rs). Prior to recordation of the Final Map, two copies of the CC&Rs shall be submitted to the Planning Division for review and approval. Except for those public improvements located in the public right-of-way, the CC&Rs shall contain provisions for the maintenance of any common landscaping, open space, walls, common drainage facilities, fuel modification zones, etc. to the satisfaction of the Planning and Engineering Divisions. A review fee established in the current fee schedule shall be collected at the time of submittal.

Prior to issuance of a building permit, the Applicant shall provide the Planning Division with a recorded copy of the official CC&Rs that have been approved by the Department of Real Estate and the Planning and Engineering Divisions. At a minimum, the CC&Rs shall contain the following provisions:

- a. Notice and Amendment. A copy of any proposed amendment shall be provided to the City in advance. If the proposed amendment affects the City, City shall have the right to disapprove. A copy of the final approved amendment shall be transmitted to City within 30 days for the official record.
- b. Failure of Association to Maintain Common Area Lots and Easements. In the event that the Association fails to maintain the "Common Area Lots and/or the Association's Easements," the City shall have the right, but not the duty, to perform the necessary maintenance. If the City elects to perform such maintenance, the City shall give written notice to the Association, with a copy thereof to the Owners in the Project, setting forth with particularity the maintenance which the City finds to be required and requesting the same be carried out by the Association within a period of 30 days from the giving of such notice. In the event that the Association fails to carry out such maintenance of the Common Area Lots and/or Association's Easements within the period specified by the City's notice, the City shall be entitled to cause such work to be completed and shall be entitled to reimbursement with respect thereto from the Owners as provided herein.
- c. Special Assessments Levied by the City. In the event the City has performed the necessary maintenance to either Common Area Lots and/or Association's Easements, the City shall submit a written invoice to the Association for all costs incurred by the City to perform such maintenance of the Common Area Lots and or Association's Easements; and pursue collection.
- d. Landscape Maintenance Responsibilities. The HOAs and individual lot or unit owner landscape maintenance responsibilities shall be established.

- e. Homeowner improvements such as balconies, trellis, and decks. The CC&Rs shall set forth requirements for the HOA to review and approve all homeowner landscape and hardscape plans to ensure compliance with local, State and Federal laws. The CC&Rs shall state the individual lot or unit owner allowances and prohibitions regarding balconies, trellis, decks and other improvements as regulated by the Project approval.

## **ENGINEERING CONDITIONS OF APPROVAL ESCONDIDO TRACT NUMBER SUB18-0005**

### **GENERAL**

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs, these utilities shall be relocated.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map.
4. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
  - a) All conditions of the Tentative Subdivision Map have been fulfilled, or
  - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
5. 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.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
7. The engineer shall submit to the Planning Department a revised copy of the Tentative Map, Specific Alignment Plan, and Master and Precise Development plans as approved by the Planning Commission and the City Council and modified to reflect the reduced scope of the project and the Conditions of Approval. After review and

approval, the Planning Department will stamp and approve 3 copies of the Revised Tentative Map and Master and Precise Development plan. One of these approved copies must be included in the first submittal for plan check to the Engineering Department.

### **STREET IMPROVEMENTS AND TRAFFIC**

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

<b><u>STREET</u></b>	<b><u>CLASSIFICATION</u></b>
N. Nutmeg Street	Local Collector per Specific Alignment Plan
N. Centre City Parkway	Collector per Specific Alignment Plan

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

3. The Developer shall construct a new four leg offset traffic signal at the intersection of N. Centre City Parkway and N. Nutmeg Street, designed to accommodate and control the existing private road to the east, prior to the first project occupancy. Any work on this private road will require permission from the private property owner(s) involved.
4. The Developer shall construct a new traffic signal at the intersection of W. Country Club Lane and North Nutmeg Street prior to the first project occupancy.
5. The N. Centre City Parkway and N. Nutmeg Street intersection improvements shall include minimum vehicle storage lengths of 100 feet and 125 feet for the eastbound left-turn lane and westbound right-turn lane, respectively. Taper lengths for the westbound right-turn lane shall be per current City, Caltrans, and MUTCD Standards and to the satisfaction of the City Engineer.
6. The project shall provide a minimum 50-foot eastbound left-turn pocket for the project entrance off N. Nutmeg Street per current City, Caltrans, and MUTCD Standards.
7. Prior to the first occupancy, the existing N. Nutmeg Street roadway, from West Country Club Lane to Via Alexandra, shall be widened to provide for a 14' wide

southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstruction of existing driveways to private driveway standards and a parking restriction along the improved section of N. Nutmeg Street to the satisfaction of the City Engineer.

8. Access to this project shall be improved with an alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
9. All on-site roads, driveways, and parking areas shall be private and shall be detailed on the Grading Plans. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks (one side only), street lights, paving, and base.
10. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. For the second Final Engineering submittal to be accepted by the City, the developer shall provide the City documentation demonstrating Final Engineering submittals have been made to other these other agencies from whom permits must be obtained. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Permit.
11. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the City of Escondido's public right-of-way.
13. The developer's engineer shall prepare and submit for approval by the City a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
14. The project is subject to the vacation of public rights-of-way within or adjoining the project boundary. Specific areas to be vacated shall be determined to the satisfaction of the City Engineer. The developer shall pay the current Street Vacation Processing fee in effect at the time of the Street Vacation application submittal. The street vacation must be approved by the City Council prior to recordation of the Final Map. The developer shall be responsible for relocation of any existing utilities within this street vacation. The developer and their Title Company shall determine if the City is

the underlying fee owner of portion of the public right-of-way to be vacated for the project. If the City is the underlying fee owner, the developer shall pay for an appraisal and shall compensate the City fair market value for the property being vacated.

15. The developer may be responsible for a grind and overlay of N. Centre City Parkway due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
16. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided as needed for adequate sight distance and subject to the approval of the City Engineer.
17. The developer shall be required to construct a minimum 24-foot-wide emergency access road to the satisfaction of the City Engineer and City Fire Marshal.
18. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
19. The improvement of N. Centre City Parkway shall include a striped Class II bicycle path. The width, design and precise location of the bicycle path shall be to the satisfaction of the City Engineer.
20. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
21. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the Home Owner's Association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
22. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.

### **GRADING**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The

developer shall be responsible for maintaining all erosion control facilities throughout the project.

3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
5. 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.
6. 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.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. Prior to approval of the grading plan, the developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. Grading or stockpiling of dirt shall not be performed on the parcel located at the southwest corner of N. Nutmeg Street and N. Centre City Parkway (APN 224-260-23), except as necessary to construct the required street improvements listed above and included in this project.
11. A temporary outlet for proposed storm drain associated with N. Nutmeg Street and N. Centre City Parkway improvements shall be shown on the grading plan. Rip rap and a headwall, designed in accordance with San Diego Regional Standard

Drawings, shall be provided for the temporary outlet. The temporary outlet shall be located within APN 224-260-23, at a location to the satisfaction of the City Engineer.

12. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

### **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The drainage from this project will flow directly onto adjoining property within the jurisdiction of the County of San Diego or CALTRANS. Any drainage plans for facilities within the jurisdiction of these agencies shall be subject to their review and approval. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Permit.
3. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&R'S.
4. All basins and post-construction BMP's facilities constructed with this project (including those within the public right-of-way) are private. The responsibility for maintenance of these storm drains shall be that of the Home Owners Association.
5. The project shall limit 100-year drainage flows to their pre-construction rates. Details and calculations for the detention basins shall be submitted and approved as part of the grading plan check.
6. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
7. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.

8. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
9. Infiltration testing shall be provided at the location of proposed infiltration BMPs, and be included in the preliminary soils and geotechnical report signed by the Soils Engineer. Infiltration rates of proposed BMPs shall meet flood-control and hydromodification flow attenuation and drawdown times in accordance with the City's Storm Water Design Manual. If infiltration BMPs are deemed infeasible for the site, changes to the project design shall be implemented to the satisfaction of the City Engineer and Community Development Director. Project design changes could include, but shall not be limited to, reduction in impervious areas by reducing building footprints or designing biofiltration basins that connect to a storm drain.

### **WATER SUPPLY**

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon District will sign approval of the improvement plans with respect to the water mains.

### **SEWER**

1. Required sewer main improvements for the project include construction of an 8-inch public sewer main in N. Centre City Parkway, from W. Country Club Lane to N. Nutmeg Street, and in N. Nutmeg Street from N. Centre City Parkway to across the project property frontage. The proposed alignment of the sewer main shall be to the satisfaction of the Utilities Engineer.
2. A minimum 20-foot all weather access road (suitable for use by the City's vector trucks) to all sewer manholes within easements shall be required.
3. A minimum 20-foot sewer easement shall be required for public sewer.
4. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the public utilities easement/sewer easement/right-of-way shall be constructed for each single family dwelling unit and up to four attached residential units. All other uses shall have a minimum 6" sewer lateral. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform

Plumbing Code. The sewer laterals shall be included in the improvement & grading plans and bonding quantities.

5. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main.
6. There shall be no permanent structures located within sewer easements.
7. All sewer laterals will be considered a private sewer system to the public main. The property owners' association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.
8. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
9. The developer may be responsible for a 12-wide grind and overlay of N. Centre City Parkway due to the offsite sewer trench necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.

### **LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed on the project frontage along both sides of N. Nutmeg Street and the west side of N. Centre City Parkway (from the County of San Diego boundary to Caltrans boundary) and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.
3. A Continuing Encroachment Permit for this project's required maintenance of the 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.

### **FINAL MAP - EASEMENTS AND DEDICATIONS**

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

**STREET**

**CLASSIFICATION**

N. Nutmeg Street

Local Collector per Specific Alignment Plan

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. The developer is responsible for making the arrangements to vacate all streets or quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading Plan. All street vacations shall be accomplished by means of a separate public hearing. 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 Plan. Building permits will not be issued for buildings in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

**FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. This subdivision is contiguous to the facilities of another public agency. This agency may be required to review and/or sign the improvement plans. It will be the responsibility of the developer to establish an account with this jurisdiction to pay for all fees for plan checking and permit approval.
3. The developer shall be required to pay all development fees of the City in effect at the time, and in such amounts as may prevail when building permits are issued.

### **CC&R's**

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the Home Owners' Association of private roadways, driveways, parking areas, private utilities, drainage and storm water facilities, private street lighting, storm drains, and any common open spaces and landscaping. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs shall make provisions for the Home Owners' Association maintenance of the Project's frontage landscaping, irrigation, fencing, retaining walls along all project frontages on N. Nutmeg Street and N. Centre City Parkway. The Developer as Declarant will be required to obtain a Continuing Encroachment Permit to conduct this ongoing landscape maintenance in the City Right-of Way.
4. The CC&R's must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.
6. The CC&R's must state that (if stamped concrete or pavers are used in private streets) the Home Owners' Association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.

### **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.