



City of Escondido Zoning Administrator

MEETING AGENDA AND RECORD OF ACTIONS

201 North Broadway
City Hall – Parkview Conference Room

**October 30, 2019
3:00 p.m.**

A. Call to Order:

Zoning Administrator:

Staff Present:

B. Agenda items:

1. Adoption of the Final Initial Study / Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Emergency Recycled Water Storage Pond – ENV 17-0002:

The City of Escondido proposes the construction of an emergency recycled water storage pond, which would provide ten (10) million gallons of additional emergency storage in the City's recycled water system. The emergency storage would be utilized to reduce flows from the City's Hale Avenue Resource Recovery Facility (HARRF) to an existing land outfall during wet weather storm events. The proposed storage pond would tie into a new pipeline that is part of the City's Eastern Recycled Water System Project (which is a separate but associated project under the City's larger recycled water project), that is anticipated to be near completion when construction of the proposed project begins.

Location: The proposed project is located within unincorporated County land, generally east of the City of Escondido, near the northern terminus of Via Sinsonte, east of S. Citrus Ave. and northwest of the SR 78 and Cloverdale Road intersection. The project would affect Assessor's Parcel Nos. (APNs 241-041-09, 241-041-10, 241-121-05, and 241-121-02).

Applicant: City of Escondido, Utilities Division
Planner: Jay Paul

DECISION OF THE ZONING ADMINISTRATOR:

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

2. Extension of Time – SUB 17-0003 (TR 898):

A request for a two- (2) year Extension of Time for a previously approved ten- (10) lot Tentative Subdivision Map (TR 898) on approximately 7.14 acres of land.

Location: On the western side of San Pasqual Valley Road, south of Fifth Avenue, north of Ranrido Drive, addressed as 701 San Pasqual Valley Road and 1201 E. Fifth Avenue (APNs 230-410-50 and -33).

Applicant: Bob Stewart
Planner: Jay Paul

DECISION OF THE ZONING ADMINISTRATOR:

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

C. Adjournment: _____

I certify that these actions were taken at the Zoning Administrator meeting on

Zoning Administrator

Witness

ZONING ADMINISTRATOR

CASE NUMBER: ENV 17-0002 “Emergency Recycled Water Storage Pond Project”

APPLICANT: City of Escondido

PROJECT LOCATION: The proposed project is located within unincorporated County land, generally east of the City of Escondido, near the northern terminus of Via Sinsonte, east of S. Citrus Ave. and northwest of the SR 78 and Cloverdale Road intersection. The project would affect Assessor’s Parcel Nos. (APNs 241-041-09, 241-041-10, 241-121-05, and 241-121-02).

REQUEST: Adoption of a Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Emergency Recycled Water Storage Pond Project.

STAFF RECOMMENDATION: Approval with the proposed findings (attached as Exhibit “A”)

GENERAL PLAN DESIGNATION: County: Semi-Rural Residential (SR-2); City: R1 and R2

ZONING: County Agriculture Zone

BACKGROUND/PROJECT DESCRIPTION: The City of Escondido proposes the construction of an emergency recycled water storage pond, which would provide ten (10) million gallons of additional emergency storage in the City’s recycled water system. The emergency storage would be utilized to reduce flows from the City’s Hale Avenue Resource Recovery Facility (HARRF) to an existing land outfall during wet weather storm events. The proposed storage pond would tie into a new pipeline that is part of the City’s Eastern Recycled Water System Project (which is a separate but associated project under the City’s larger recycled water project), that is anticipated to be near completion when construction of the proposed project begins. The proposed fill pipe would include a manual valve, which would be opened by a City employee during heavy storm events when the additional storage is needed, and manually closed once the pond is full. The pond would drain through an eight- (8) inch pond drain line on the southwestern side of the pond to irrigate the property owner’s avocado grove further west of the proposed pond. Construction of the pond would utilize an earthen dam that would be stabilized using soil cement. The 5.9-acre, five- (5) sided pond would have a varying width between approximately 225 and 308 feet, with a 21.8-foot height to the water surface and 14.4 inches of freeboard. Construction would also involve the installation of a twelve- (12) foot wide permanent driving surface at the top of the slopes around the pond, and the installation of a temporary construction easement. The total project disturbance area, including the pond site, access road, and temporary construction easement, is estimated to be approximately 7.2 acres.

A Draft Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the project by Helix Environmental Planning and identified effects related to biological, cultural and tribal cultural resources, hydrology and noise, that might be potentially significant. The Draft IS/MND was circulated for public review for 30 days (August 2, 2019 – September 3, 2019). Staff received seven comment

letters regarding the draft IS/MND, and the letters and responses to comments have been included with the Final IS/MND. The Final IS/MND has been amended to include specific information in the relevant sections to correspond with the responses to the comments. Mitigation measures have been identified that would reduce all potential impacts to a less-than-significant level. Therefore, preparation of an Environmental Impact Report is not required.

The Final IS/MND also includes minor modifications to the project description to include the installation of conduit in order to install fiber optic and electrical cables to allow for future off-site monitoring of the pond and installation of an electric fill valve. The biological technical report has been modified to reference a gnatcatcher protocol survey prepared by ESA (environmental consulting firm) for the adjacent City of Escondido's Recycled Water Easterly Agriculture Distribution System Project (City File No. ENV 16-0007, SCH No. 2018111035). The conclusion of the six (6) protocol survey visits conducted for the Ponds Project by Helix during the main part of the breeding season concluded that although the project site supports suitable nesting habitat for the California gnatcatcher and the gnatcatcher was observed in off-site areas, the pond development site was not considered occupied by the California gnatcatcher. However, mitigation for impacts to approximately 6.5 acres of Gnatcatcher habitat (Diegan Coast Sage Scrub) at a 1:1 ratio still was required. The protocol surveys prepared by ESA for the adjacent project during the very end of the breeding season also did not document any nesting or breeding behavior, nests, eggs, or young within the pond site. However, ESA observed a gnatcatcher pair foraging within the pond site in August 2016. Therefore, the site constitutes foraging and dispersal habitat, with the potential to also support breeding activities, and the site therefore should be considered occupied. Given that the project site is located within the adopted Multiple Species Conservation Program (MSCP) Subarea, outside of PAMA and BRCA, mitigation would be consistent with the mitigation ratios established by the MSCP, which in this case would be a 1:1 ratio with Tier II habitat in an approved mitigation bank or other BRCA within the MSCP Subarea. The mitigation ratios set by the MSCP Subarea Plan are set by Tier level, and mitigation does not have to be gnatcatcher occupied. The Mandatory Findings of Significance Section of the IS/MND also has been amended to further explain the relationship between the Emergency Recycled Water Storage Pond and Agricultural Distribution System projects and to address potential cumulative impacts. A copy of the Final IS/MND with corrections, response to comments, appendices and Mitigation Monitoring Reporting Program can be found at the following link:

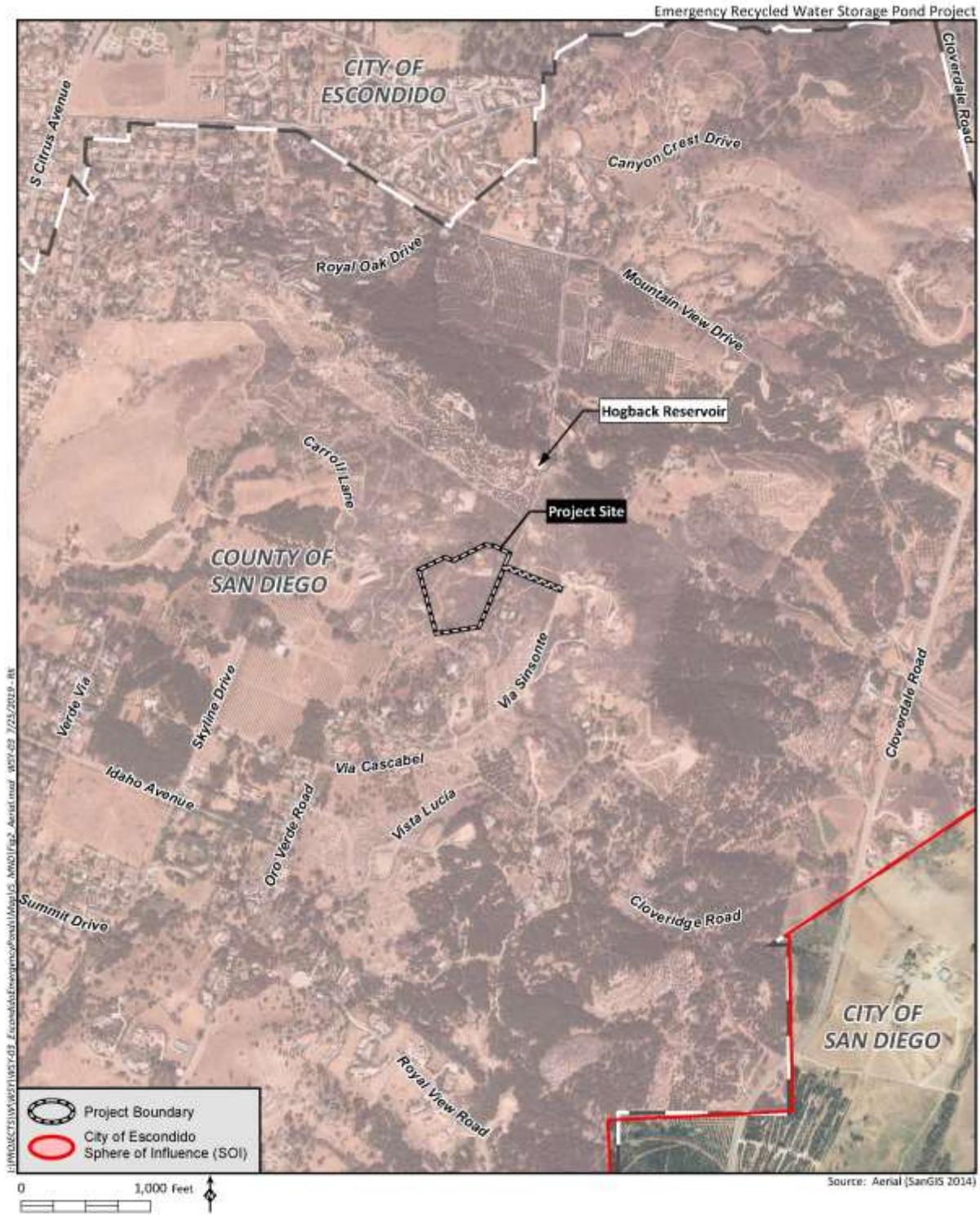
<https://www.escondido.org/emergency-recycled-water-storage-pond-project.aspx>

REASON FOR STAFF RECOMMENDATION:

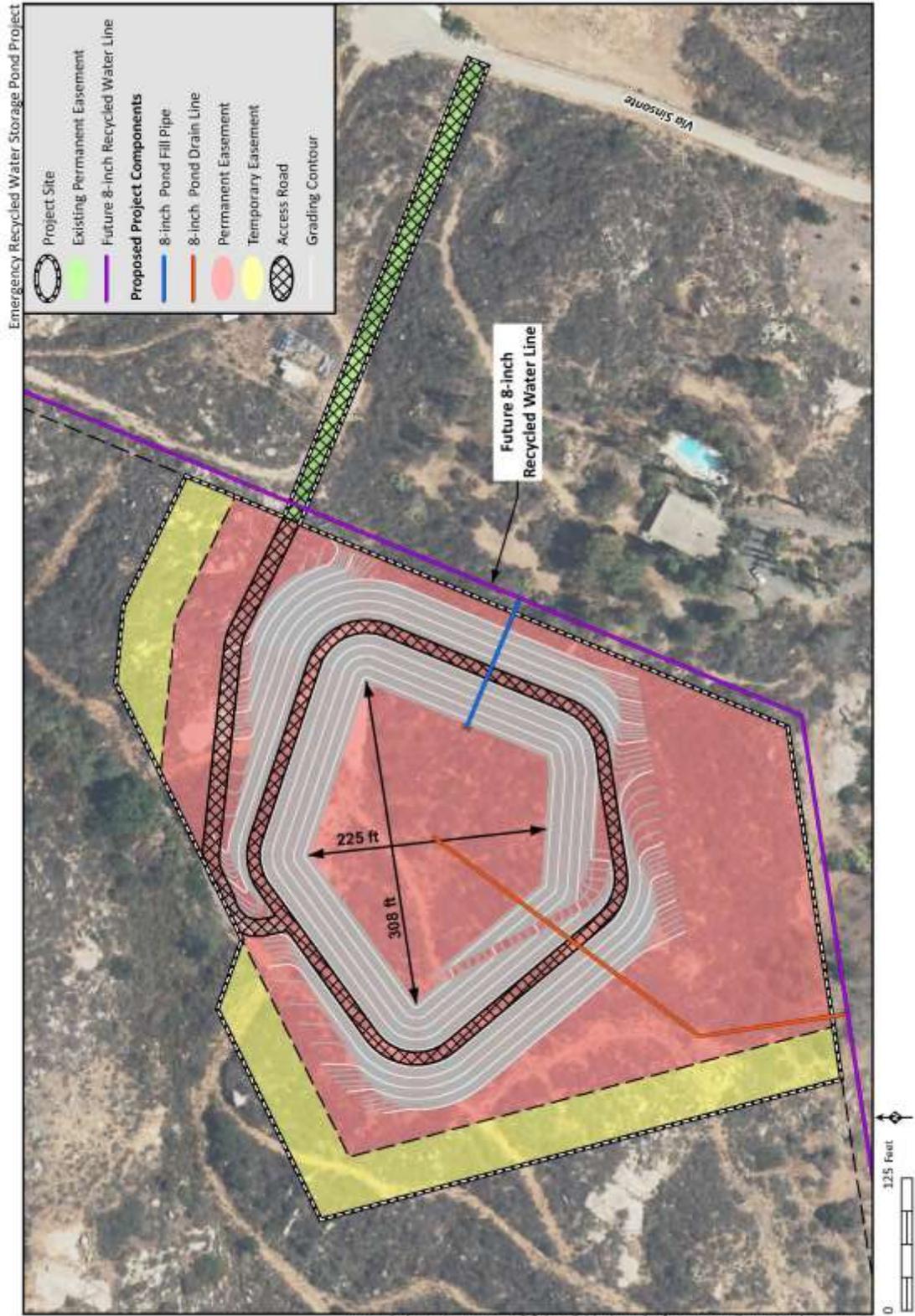
The Final IS/MND has been prepared in compliance with all requirements contained on the California Environmental Quality Act (CEQA) and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. The project applicant (City) has agreed to implement all mitigation measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program (MMRP) prepared for the project, which is attached with the Final IS/MND as Appendix E.

Respectfully submitted,

Jay Paul
Senior Planner







Site Plan
 Figure 3

Exhibit "A"

FINDINGS OF FACT

ENV 17-0002

Environmental Review 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 of Escondido is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the proposed grading permit to facilitate the implementation and construction of the "Emergency Recycled Water Storage Pond Project."
2. The requirements of the California Environmental Quality Act (CEQA) have been met. An Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines, and the local environmental procedures. The decision-making body of the Lead Agency shall adopt the proposed IS/MND only if:
 - It finds on the basis of the whole record before it that there is no substantial evidence the project will have a significant effect on the environment, and
 - The IS/MND reflects the Lead Agency's independent judgment and analysis.
3. In accordance with Article 61 of the Escondido Zoning Code, the City Zoning Administrator is authorized to consider and adopt a Negative Declaration or Mitigated Negative Declaration, upon completion of the CEQA public review period, for projects that do not require a Public Hearing.
4. The IS/MND and Mitigation Monitoring Reporting Plan (MMRP), collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the project, and shall be referred to herein collectively as the "CEQA Documents."
5. The Zoning Administrator has received the material record supporting all of the CEQA Documents for the project. The Findings of this review indicate that the IS/MND identified effects related to biological, cultural and tribal cultural resources, hydrology and noise that may be potentially significant, but revisions in the project plans and/or mitigation and avoidance/minimization measures agreed to by the project applicant would provide mitigation to a point where potential impacts are reduced to a less-than-significant level. Therefore, the Zoning Administrator, in his/her independent judgement, finds that there is no substantial evidence that the project or any of its aspects could result in significant

adverse impacts related to the CEQA Documents because all previously identified impacts have been mitigated to less than a significant level. The Zoning Administrator also finds that the mitigation measures listed in the MMRP will not cause any potentially significant effects of their own.

6. That the Record of Proceedings upon which the Zoning Administrator bases its decision includes, but is not limited to: (1) the IS/MND and the appendices and technical reports cited in and/or relied upon in preparing the IS/MND; (2) the staff report, City files and records and other documents, prepared for and/or submitted to the City relating to the IS/MND; (3) the evidence, facts, findings and other determinations set forth herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the IS/MND and the project itself; (6) all documentary and oral evidence received at public meetings and hearings or submitted to the City during the comment period relating to the document and/or elsewhere during the course of the review of the IS/MND; and (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.
7. That pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Civic Center. The Planning Division, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Zoning Administrator' s decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

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ENV 17-0002

EXHIBIT “B”

**IS/MND
ENV 17-0002**

Due to the number of pages of Exhibit B, a link has been provided to review the document electronically.

<https://www.escondido.org/emergency-recycled-water-storage-pond-project.aspx>

A hardcopy of the Exhibit is available for review in the Planning Division during normal business hours. To obtain a copy, please the Planning Division at (760) 839-4671.

ZONING ADMINISTRATOR

- CASE NUMBER:** SUB 17-0003 (TR 898) Extension of Time
- APPLICANT:** Bob Stewart
- PROJECT LOCATION:** On the western side of San Pasqual Valley Road, south of Fifth Avenue, north of Ranrido Drive, addressed as 701 San Pasqual Valley Road and 1201 E. Fifth Avenue (APNs 230-410-50 and -33).
- REQUEST:** A request for a two- (2) year Extension of Time for a previously approved ten- (10) lot Tentative Subdivision Map (TR 898) on approximately 7.14 acres of land.
- STAFF RECOMMENDATION:** Approval
- GENERAL PLAN DESIGNATION:** Estate II (E2) and Suburban (S)
- ZONING:** RE-20 (Residential Estate, 20,000 SF min. lot size)

BACKGROUND/PROJECT DESCRIPTION: A Tentative Subdivision Map (TM 898) for ten (10) single-family residential lots previously was approved by the City Council on February 6, 2008, along with Grading Exemptions for cut and fill slopes up to 29 feet in height. Lot sizes range from approximately 20,010 SF to 43,237 SF. The project also included annexation to the City and Prezone to PZ-RE-20 that was completed in 2010 for the eastern 3.2-acre parcel along with a developed adjacent off-site parcel. Off-site grading is required to support the new cul-de-sac street for the project and to provide appropriate sight distance along San Pasqual Valley Road (Highway 78). Annexation of the off-site parcel was necessary in order to be able to connect the home to sewer due to potential impacts from the off-site grading that could affect the existing septic system. Two of the lots along the southern boundary (Lots 5 and 6) are limited to single-story homes to maintain views and privacy for adjacent residents on the south.

The Tentative Map originally was approved for three years and was scheduled to expire in 2011. Previous State legislative actions (SB 1185, AB 333, AB 208 and AB116) automatically extended the Tentative Map to February 6, 2017. The City Council approved a three-year extension of time in 2017 (City File No. SUB 17-0003) which extended the map until February 6, 2020. The City's Subdivision Ordinance (Muni Code Chapter 32) allows for map extensions up to five (5) years beyond their expiration date and the Tentative Map still is eligible for a local time extension up to two (2) additional years. The applicant submitted a time extension request on July 10, 2019. This action suspends expiration of the map until a final decision is made regarding the extension request. An extension of time is not automatic and the purpose of this agenda item is to review and consider the extension request. The City has the ability to review whether or not an approval should be extended given any changes in circumstances that might have occurred in the intervening years, and to revise the project conditions of approval accordingly. The criteria for determining the appropriateness for granting an extension of time is based on the map's compliance with the City's current General Plan, Zoning Ordinance, and the requirements of the

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SUB 17-0003

California Environmental Quality Act (CEQA). The Zoning Administrator is the authorized decision-maker for reviewing and granting discretionary approvals related to extensions of time for maps and permits in accordance with Zoning Code Section 33-1319(7).

Although the applicant currently is pursuing a new subdivision design for the site, the applicant also would like to preserve the current entitlement for the ten- (10) lot subdivision map. Should the new Tentative Subdivision Map and Planned Development ultimately be approved, it would supersede the previously approved Tentative Subdivision Map (TR 898/SUB 17-0003).

ENVIRONMENTAL REVIEW: A Final Initial Study/Mitigated Negative Declaration (City File No. ER 2004-35) was adopted for the project in conformance with the California Environmental Quality Act (CEQA). The findings of the study indicated the project would not result in any significant impacts to the environment with the implementation of appropriate mitigation measures. Mitigation Measures were adopted to address traffic, biological resources, hazardous materials/soils, and noise. The project relies on previously adopted environmental determinations prepared for the project.

REASON FOR STAFF RECOMMENDATION:

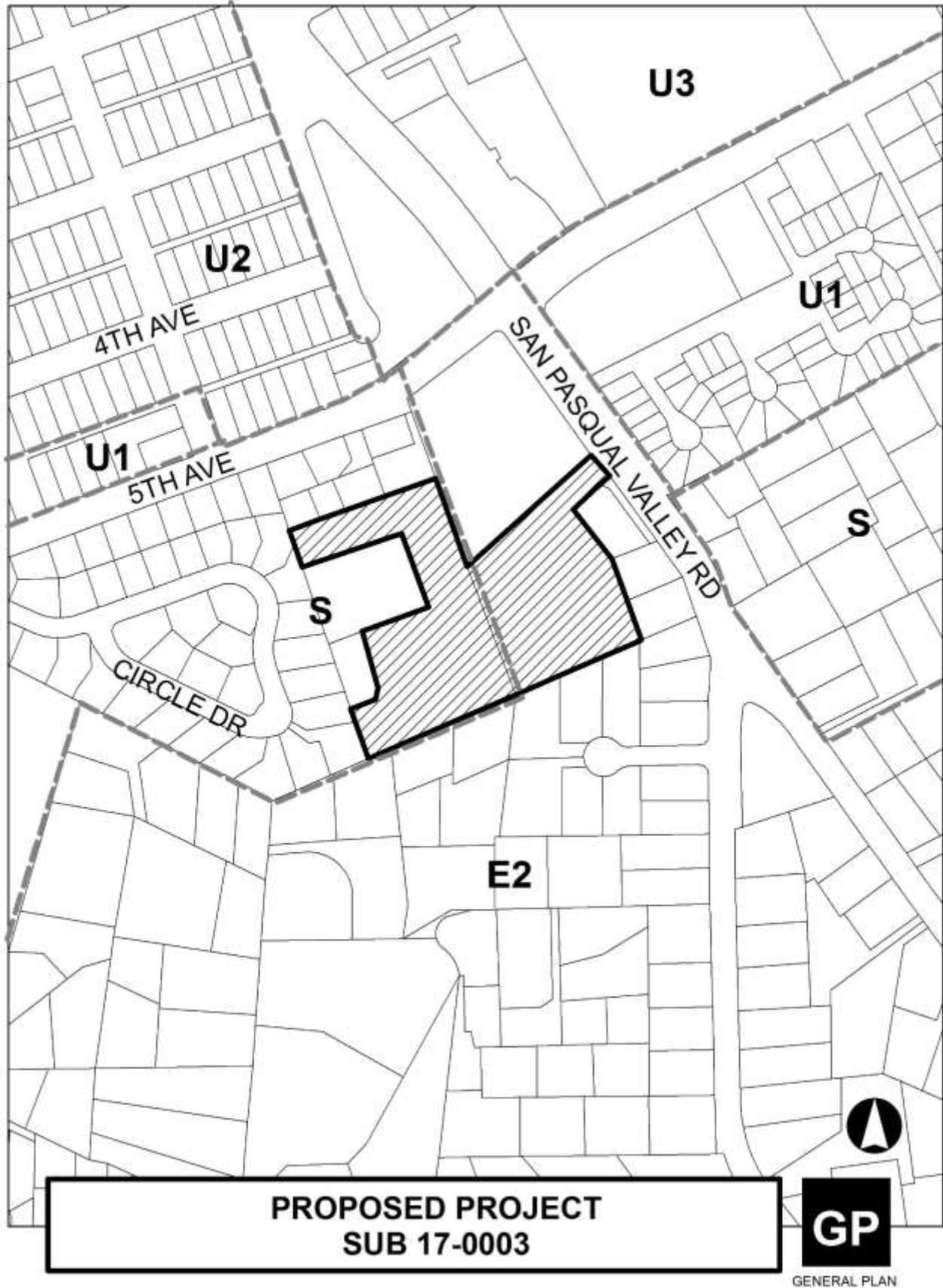
Staff supports the requested two- (2) year extension of time because the project is consistent with General Plan policies and density provisions for the site. The subject site is comprised of two parcels consisting of a 3.2-acre eastern parcel and 4.03-acre western parcel. The General Plan land use designation on the entire 7.14-acre site was Estate II in 2008 when the tentative subdivision map originally was approved by the City Council. The Estate II land use designation allows up to 2.0 dwelling unit per acre (du/ac) and minimum lot size of 20,000 SF. The overall project density of 1.4 du/ac (10 du/7.14 net acres) is in conformance with the density provisions of the Estate II land-use designation. In 2012, a new General Plan was adopted that changed the land-use designation of the western 4.03-acre parcel from Estate II to Suburban, which would allow a higher density of up to 3.3 dwelling units per acre and minimum lot size of 10,000 SF. The land-use designation for the eastern parcel remained Estate II.

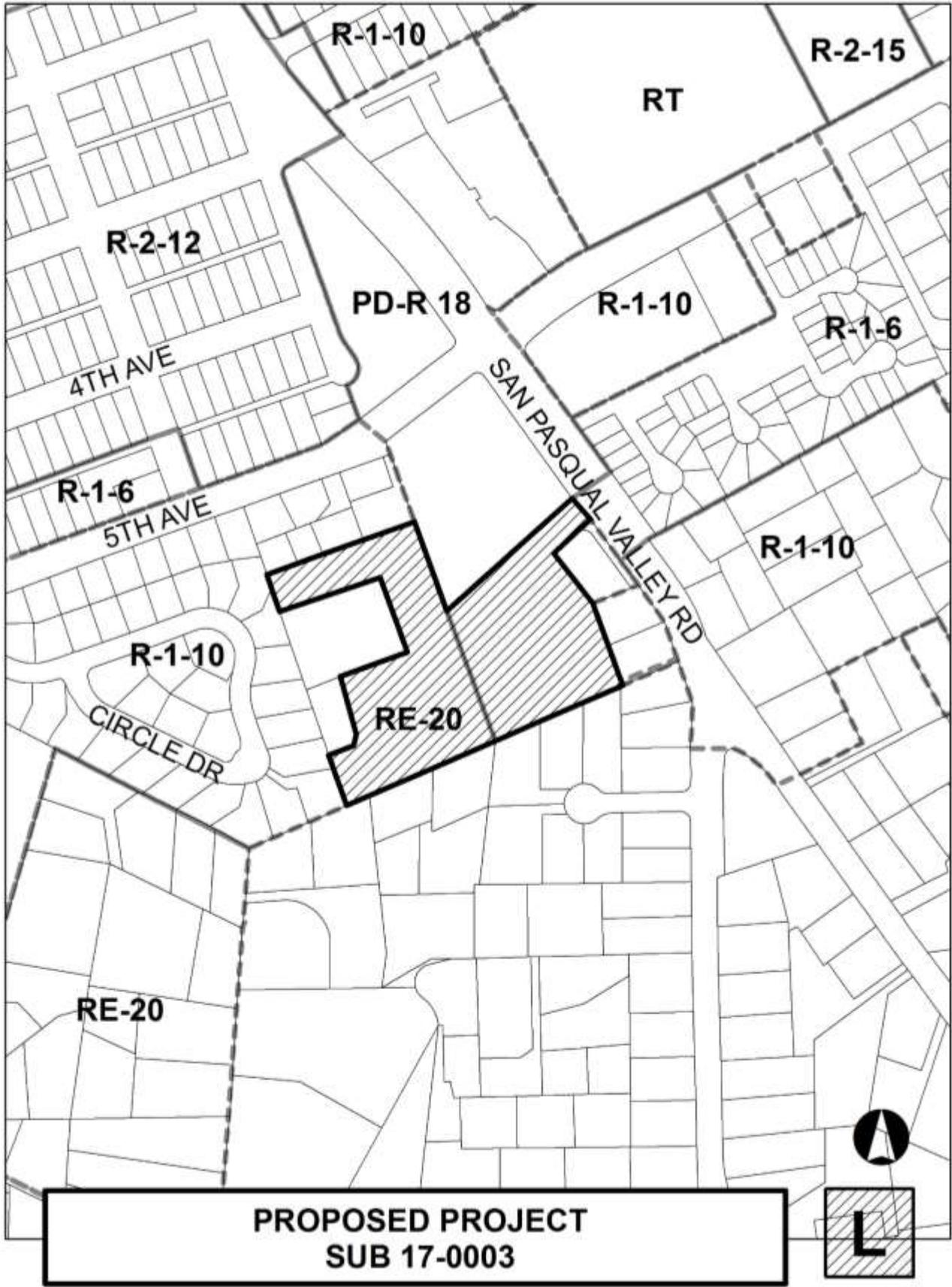
The project as proposed would comply with all applicable development standards of the subject zone, including lot size and width, parking, lot coverage, setbacks, height and would be required to comply with all applicable building and fire codes through the standard plan checking process. On-site storm water permit requirements have been updated since the original tentative map was approved by the City Council. The project, as proposed and conditioned, would not have a significant effect on the environment as the project conforms with CEQA provisions. Should the applicant pursue recordation of the Tentative Map, the on-site storm water design would need to conform to the new storm water permit requirements. The Planning Division and Engineering Conditions of Approval of been updated to conform to current landscape and storm water design requirements. A homeowners' association also would be required to be set to properly maintain any common areas and storm water features. The original Planning Commission staff report (dated 12.11.07), City Council Extension of Time staff report (dated 6.7.17) and Final IS/MND may be viewed at the following link:

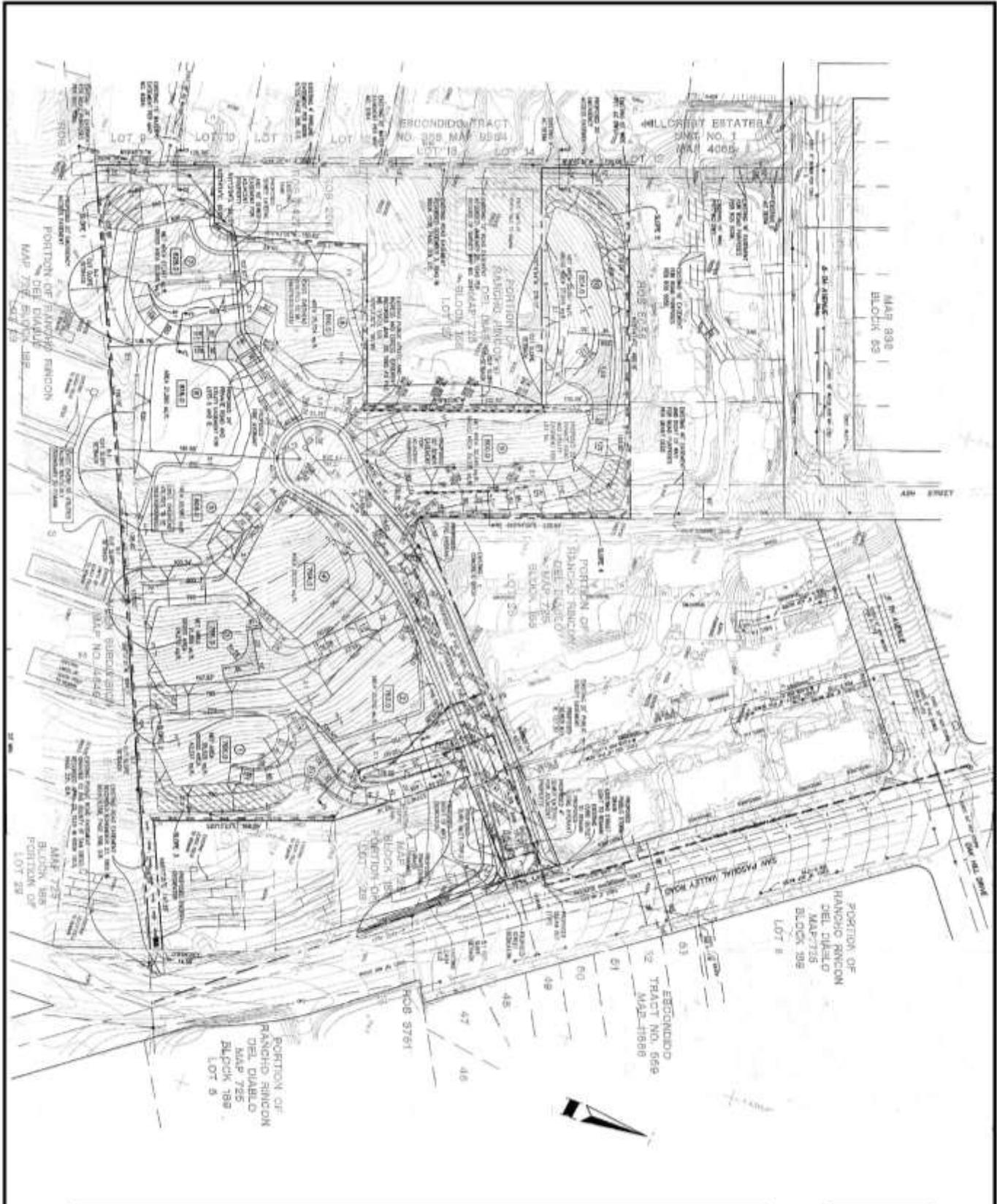
<https://www.escondido.org/Data/Sites/1/media/agendas/Council/2017/6-7-17CCAgendaPacket.pdf>

Respectfully submitted,

Jay Paul
Senior Planner







**PROPOSED PROJECT
PHG 17-0003**

TM

TENTATIVE MAP

EXHIBIT “A”
FINDINGS OF FACT
SUB 17-0003 / TR 898
Two-Year Extension of Time

Environmental Review Determination:

1. A Final Mitigated Negative Declaration (Final IS/MND) relative to the project (City File No. ER 2004-35) has been prepared and adopted in conformance with the California Environmental Quality Act (CEQA). The findings of environmental review identified effects related to biological resources, hazardous and hazardous materials, noise and traffic that might be potentially significant. However, design and minimization measures, revisions in the project plans, and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts are reduced to less than a significant level. A Notice of Determination was filed with the County Clerk on May 28, 2008.

The action before the Zoning Administrator is directly related to the project considered in the Final IS/MND. The overall setting for the project has not significantly changed since the adoption of the environmental documents. Surrounding properties have either remained undeveloped or have developed in accordance with the land use plan which was anticipated as part of the original project. The proposed extension of time for the subject Tentative Subdivision Map does not involve any adverse physical changes in the environment and, hence, does not have the potential for causing a significant effect on the environment. Therefore, the previously-adopted environmental documents are sufficient and, pursuant to State CEQA Guidelines Section 15162 which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

Tentative Subdivision Map TR 898 / SUB 17-0003 and Grading Exemptions

1. The City’s Subdivision Ordinance (Chapter 32) and Government Code Section 66452,6(e) allows for discretionary extensions of Tentative Map totaling up to five years. The applicant’s request to further extend the life of the previously-approved Tentative Map (TR 898 / SUB 17-0003) upon filing a timely application for an extension of time, the tentative map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.
2. The Zoning Administrator finds that the two- (2) year discretionary extension request, to February 6, 2022, is reasonable, was filed within the time periods specified, and meets all requisite findings for an extension of time on the Tentative Map as the project is in conformance with the General Plan, Zoning Code, Specific Plans and California Environmental Quality Act (CEQA).

The General Plan land-use designation for the project site is Estate II (up to two single-family dwelling units per acre) with a minimum lot size of 20,000 SF, and Suburban (up to 3.3 du/ac) with a minimum lot size of 10,000 SF. The Estate II land-use designation is often applied in transitional areas between more intensive suburban and less intensive estate and rural development. The suburban designation applies to areas generally surrounded by the urbanized core of the community and accommodates single family detached homes on relatively large lots. The project is consistent with the adopted General Plan land use designations, which anticipates single-family residential estate and suburban development on the project site. The proposed subdivision would be consistent with the General Plan density provisions because the density of the project would be approximately 1.4 du/ac (10 du/7.14 gross/net acres). Ten lots also would be consistent with the allowable yield for the project site, which would allow up to thirteen (13) lots based on the slope analysis originally prepared for the project, which is detailed in the Planning Commission staff report and Supplemental Comments attached to the Final IS/Mitigated Negative Declaration (Case No. ER 2004-35).

3. That all previous Findings of Fact and Factors to be Considered associated with the approval of the Tentative Subdivision Map (TR 898 and SUB 17-0003) associated Grading Exemptions and previously approved Extension of Time adopted by City Council Resolution No. 2008-01R and 2017-84 remain relevant and are thusly incorporated herein by this reference as though fully set forth herein.

EXHIBIT “B”

CONDITIONS OF APPROVAL SUB 17-0003 TR 898 Extension of Time

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
3. Fire hydrant spacing and location must be approved by the Fire Department. The number, timing and minimum GPM fire flow shall be coordinated with the Fire Chief.
4. Any blasting within the City of Escondido is subject to the provisions of Ordinance No. 95-6 and a Blasting Permit must be obtained from the Escondido Fire Department. 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.
5. 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 Marshall.
6. 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.
7. All requirements of the Public 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
8. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
9. 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 Planning and Building.
10. Prior to obtaining building permits, the applicant shall demonstrate compliance with the requirements of the Citywide Facilities Plan, to the satisfaction of the Planning Division.

11. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
12. Three (3) copies of a revised tentative map, reflecting all modifications and any required changes shall be submitted the Planning Division for certification prior to submittal of grading and landscape plans and the final map.
13. Any parcels not associated with this Tentative Map shall be labeled "Not a Part."
14. No street names are part of this approval. A separate request shall be submitted prior to Final Map.
15. Prior to recordation of the final map, the project shall establish a homeowner's association for the ongoing maintenance of the landscaping along the entry road and on-site water-quality basin, and any other common improvements. The establishment of the homeowners' association shall be included in the CC&Rs for the project. Storm water features and common landscape improvements shall be placed in appropriate landscape/stormwater/drainage easements, to the satisfaction of the Planning and Engineering Divisions.
16. Copies of the CC&Rs shall be submitted to the Planning Division for review and approval prior to Final Map and grading plans. The appropriate plan check fees shall be submitted with the CC&Rs.
17. All lots shall meet the average lot width and lot area requirements of the underlying zoning category. Panhandle lots shall meet all of the minimum net lot area and panhandle length requirements. The panhandle portion of the lot shall not exceed 120 feet in length. Conformance with these requirements shall be demonstrated on the Certified Tentative Map, grading and final map. Non-compliance with these minimum standards will result in revisions to the map.
18. Grading Exempted slopes shall not exceed the height approved by the Planning Commission and City Council and indicated in the Details of Request of the staff report, and on the certified tentative map as follows:
 - Lot 1 Pad 766' - up to 20' fill slope
 - Lot 2 Pad 762' - up to 24' cut/fill combo
 - Lot 3 Pad 786' - up to 22' cut/fill combo
 - Lot 4 Pad 794' - up to 29' cut/fill combination
 - Lot 5 Pad 808' – no exemptions
 - Lot 6 Pad 816' - up 23' cut
 - Lot 7 Pad 828' - up to 27 cut slope.
 - Lot 8 Pad 816' - up to 25'cut/fill combo
 - Lot 9 Pad 800' - up to 19' fill/retaining wall combo
and up to 18' fill
 - Lot 10 Pad 804' - up to - 19' fill
19. Building pads with steep or long driveways shall incorporate an appropriate on-site turn around areas to eliminate vehicles backing up or down long or steep driveways, to the satisfaction of the Engineering Division. Provisions for the turn-around areas shall be

demonstrated on the fine grading plans and plotting plans for the homes. For turn-around areas, a minimum 24-foot back up area should be provided for vehicles to exit the lot in a forward manner.

20. Panhandle lots or lots served by access easements shall incorporate parking for at least six vehicles on site, which includes, but not limited to a three-car garage with on-site paving for at least three cars.
21. Any impacts to off-site properties due to the grading and improvement of San Pasqual Valley Road/SR 78 shall be replaced/repared to their previous condition (including any landscaping, paving, fencing, etc.). The removal of any mature trees shall be replaced with minimum 24-inch box-sized trees, to the satisfaction of the Planning Division and affected property owner.
22. This approval is subject to the parcels annexing into the City of Escondido.
23. Any retaining walls, perimeter walls or screen walls shall be constructed of decorative materials or finish, and detailed on the grading plans and landscape plans (materials and color).
24. Prior to issuance of any grading permits on the site, the applicant shall provide evidence that the Native American tribes (listed in the letter sent by the Native American Heritage Commission on November 26, 2007) have been contacted and given the opportunity to address any cultural issues or concerns by being allowed to observe or monitor grading activities. If any resources are discovered during construction activities, the tribes again shall be notified.
25. Concurrent with annexation of the subject parcels and prior to recordation of the Map, a Lot-Tie Agreement shall be recorded to tie Assessor's Parcel Numbers 230-410-44 and -45 in order to be in conformance with the minimum lot size requirements of 20,000 SF for the RE-20 zone.
26. If during construction/grading of the project, soil and/or groundwater contamination is suspected, construction/grading in the area should cease and appropriate health and safety procedures shall be implemented, as required in accordance with current regulatory requirements. Prior to the issuance of grading permits, appropriate soil sampling is required prior to disposal of any soils. The results of the soil samples and any remediation shall be submitted to the Planning and Engineering Divisions prior to commencement of grading operations. If the soil is contaminated, the material shall be assessed by a qualified professional and handled accordingly. Land Disposal Restrictions (LDRs) may be applicable to these soils. Any imported soils shall be free of contamination. The type of soils and condition of the soils shall be coordinated with the Engineering and Field Engineering Divisions.
27. 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 Game. 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 certified check payable to the "County Clerk," in the amount of \$1,926.75 for a project with a Negative Declaration, which includes an additional authorized County administrative handling fee of \$50.00 (\$1,876.75 + \$50). Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid.

28. Lots 5 and 6 shall be restricted to one-story models with a maximum height of twenty-one feet to the top of the tallest ridgeline. The pad elevations shall be no higher than 808 feet MSL for Lot 5 and 816 feet MSL for Lot 6 as indicated on the approved Tentative Map. Two-story additions shall not be allowed and no accessory structures shall be allowed on the lots in excess of 21 feet in height. This restriction shall be included in the notes on the Final Map and in the CC&Rs for the project. Deed restrictions for Lots 5 and 6 also shall be recorded concurrently with the Final Map to reflect these restrictions.
29. The turn-out areas along the western boundary of Lots 7 and 10 shall be posted with appropriate signs approved by the Fire Department indicating "NO PARKING FIRE LANE." The turn-out areas shall be constructed of heavy duty paving materials to reduce the need for future maintenance, to the satisfaction of the Engineering Division and Fire Department.

Mitigation Measures-Conditions of Approval from ER 2004-35

Biological Resources

30. The applicant shall obtain compensating land or credits for the loss of non-native grassland habitat in a mitigation bank approved by the City of Escondido, California Department of Fish and Game and U.S. Fish and Wildlife Service at a ratio of 0.5 acres of mitigation land for every one acre of land impacted, resulting in a requirement of acquisition of 3.57 acres of habitat or credits.

Traffic/Circulation

31. As a condition of project approval, prior to commencement of construction, the project applicant shall prepare a traffic control plan showing ingress/ingress locations and haul routes for excavated material. The plan shall be subject to approval by the City Engineer and Caltrans.

Hazards and Hazardous Materials:

32. Removal and disposal of all debris and materials/equipment observed to be stored at the site shall be done in accordance with all applicable Federal, State and County requirements. If environmental concerns are encountered with any of the materials, the areas or substances of concern shall be assessed by a qualified professional and handled accordingly.

33. Prior to issuance of grading permits/construction operations, the soil sample results contained in the Phase I Environmental Site Assessment prepared by Environmental Business Solutions, dated December 23, 2004, shall be submitted/disclosed to construction/grading contractors doing site work to assess what measures, if any, need to be taken to address possible worker exposure (e.g., dust suppression or control). Prior to the issuance of grading/construction permits, the developer/grading contractor and/or construction contractor shall submit a worker safety plan to address potential exposure to hazardous materials and safety protocol for working on the site. The plan shall be attached with the grading and building plans, and posted in an appropriate location on the site. The plan shall be prepared by a qualified person, in accordance with all regulatory requirements.

Noise:

34. Because portions of the project would be exposed to noise levels exceeding 60 dBA CNEL, an interior noise analysis (INA) must be provided and approved by the City prior to building permit issuance for any of the residences. The interior noise analysis shall identify sound transmission loss requirements for building elements exposed to exterior noise levels exceeding 60 dBA. The house design shall include mechanical ventilation that meets applicable Uniform Building Code (UBC) requirements. Appropriate dual-glazed windows with a Sound Transmission Class (STC) shall be identified in the report and on the building plans. Any additional recommendation of the INA shall be incorporated into the building plans.

Landscaping

1. Seven copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Department prior to issuance of grading or building permits, and shall be equivalent or superior to the concept 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, and also consistent with the State Model Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. Any existing trees to remain within the subdivision and any trees to be removed shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division. Any grove type does not need to be identified, unless to remain.
3. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
4. 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 Department and City Engineer.
5. Prior to occupancy of future units, 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.

6. Street trees shall be provided along every frontage within, or adjacent to this subdivision in conformance with the Escondido Landscape Ordinance and Street Tree List. Prior to the issuance of grading permits, a tree survey of the site shall be completed and submitted to the Planning Division showing the location and type of all (non-agricultural) trees on the site. Each tree shall be labeled on the plan as to whether it will remain or be removed. Any existing trees to remain shall be identified on the grading and landscape plans, noted as "to remain" along with provisions to protect the trees during construction. If existing mature trees on site are removed, they shall be replaced with specimen sized trees in conformance with the City's tree preservation requirements. The removal of the oak trees on the site shall be replaced on a 1:1 basis with specimen sized trees (min. 24" box) or 2:1 basis with 15 gallon trees.
7. Appropriate plant materials shall be incorporated into the final landscape design in order not to adversely affect existing views (especially to the homes to the south and west), but to provide privacy where required. The manufactured slopes along the western and northwestern boundary of Lot 10 shall be heavily landscaped with appropriate trees and shrubs to provide a buffer area from the adjacent residences to the west and northwest, and reduce potential overlooking into rear yards.
8. The cut slope setback areas along the western boundary of the site shall contain appropriate landscaping and permanent irrigation. The most southerly panhandle/access easement on Lot 1 also shall provide appropriate landscape/hardscape treatment to avoid potential maintenance/visual impacts. Appropriate language to ensure the ongoing maintenance of the landscaping shall be included in the project CC&Rs.
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.

Fire Department Conditions

1. Fire Hydrants capable of delivering 1,500 GPM at 20 PSI residual pressure are required every 500 feet. Additional hydrants may be required near intersections, fire department connections, or other locations.
2. Fire sprinklers will be required for structures exceeding 1,500 GPM needed fire flow. The ISO method of determining need flow must be used.
3. Access roads exceeding 20% slope are not allowed. Access roads over 15% slope require fire sprinkler systems in the served homes.
4. Access roads serving two or fewer homes are considered driveways and must be a minimum of 16 feet wide.
5. No parking will be allowed on 24-foot-wide private driveways. "No Parking" must be posted.

6. Driveways serving three or more homes are considered access roads and must be a minimum of 24 feet wide (Engineering may require a minimum width of 28 feet).
7. Minimum 16-foot-wide paved driveways must be provided within 150 feet of the structure.
8. Dead-end roads and driveways over 150 feet in length require a Fire Department turn-around.
9. All-weather paved access able to support the weight of a fire engine (50K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site.
10. A 28-foot inside radius is required on all corners.
11. Red curbs with 4" white lettering, "NO PARKING FIRE LANE" are required in the turn-around.
12. Red curbs with 4" white lettering "NO PARKING FIRE LANE" signs are required in 24-foot-wide access areas. "FIRE LANE" signs and red curbs must meet specifications of the Escondido Police Department.
13. Fuel Modification Zones must be permanently marked and provisions to provide on-going maintenance must be provided (min. 30').

**ENGINEERING CONDITIONS OF APPROVAL
ESCONDIDO TRACT 898 / SUB 17-0003
Time Extension**

GENERAL

1. The applicant shall provide the City Engineer with a current 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 with proposed lots, 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 this Subdivision.
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 copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.

2. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
Street "A" San Pasqual Valley Road	Residential Cul-De-Sac (36'/56') Major Road (HWY 78, 82'/102')

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

3. The developer shall construct San Pasqual Valley Road in accordance with City design standards for a Major Road and to the requirements of CALTRANS at project entrance and along adjacent property to the southeast (230-410-4500). The developer shall also construct proper transition to provide adequate line of site based on a line of sight study approved by the CALTRANS.
4. The developer shall improve the existing access easement along the westerly property line with widening of the roadway along project frontage to minimum 24 feet (with guard rail along lot 7) and provide 20' wide public utilities and emergency access easement over that section of the roadway. The developer also shall improve the existing roadway from 5th Avenue to southerly property line to the satisfaction of the Fire Marshal.
5. The project access entrance shall be designed as street intersection with curb returns, cross gutters and spandrels, sidewalk ramps, etc. with a minimum throat width of 36 feet.
6. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
7. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
8. 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. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
9. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the City Engineer and CALTRANS. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

10. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Any removal of existing striping and all new signing and striping shall be done by the developer's contractor.
11. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
12. The maximum grade of intersecting streets is 6% per the Escondido Design Standards.
13. The developer shall be required to construct a LED street lights in accordance with Escondido Standard Drawing No. E-1-E at the project entrance and along Street "A" per City of Escondido Design Standards.

GRADING

1. A site grading and erosion control plan 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. 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 retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.
3. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
4. Increased cut slope setbacks may be required along the project boundary to avoid disrupting any existing septic systems in the adjoining residential areas and may be required to avoid encountering ground water problems. Actual setbacks to be used will be based on recommendations of the soils engineer. The requirements of the San Diego County Health Department should be consulted in this regard. In lieu of these requirements, or if the County Health Department requirements cannot be met, the developer must arrange to connect adjoining existing dwelling units, now on private septic systems, to the public sewer system. In this regard, the developer will

be required to make necessary arrangements for all main extensions, easements and payment of all connection and permit fees. Any dwellings in the unincorporated areas must have special approval of the City Council before being connected to the City sewer system. This requirement shall also apply to off-site road and utility improvements where existing septic systems are jeopardized as a result of these improvements.

5. It shall be the responsibility of the developer to pay all plan check and inspection fees required by the San Diego County Health Department.
6. All setbacks shall be in compliance with the Grading Ordinance.
7. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
8. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres. A WDID number shall be obtained and be included on the Grading plans.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
10. Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.
11. 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.
12. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings. All driveways proposed for Fire Truck access shall be specially designed to meet the loading requirements and require a clear turn around at the end that cannot be used for parking.
13. All lot lines shall be located at the top of slope unless otherwise approved by 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.
2. The project is required to construct an off-site storm drain line in San Pasqual Valley Road from 5th Avenue to the Bio-Retention basin along Street "A". This off-site storm drain will be constructed primarily within the jurisdiction of CALTRANS and the improvement plans for these drainage facilities shall be subject to their review and approval.
3. A Final Storm Water Quality Management Plan (SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 BMP Manual) shall be prepared and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, post construction storm water treatment measures and maintenance requirements.
4. All storm water treatment and retention facilities and their drains including the bio-retention basins, and their HMP underground storage basins shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the home owners' association. Provisions stating the maintenance responsibilities shall be included in the CC&Rs.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement. This agreement shall be referenced in the CC&Rs.

WATER SUPPLY

1. Required water main improvements shall include construction of an 8-inch water main in Street "A" to the requirements of the City Engineer and Director of Utilities.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.

SEWER

1. The location and sizing of all sewer main extensions shall be designed per the City of Escondido Design Standards and Standard Drawings to the satisfaction of the City Engineer and Director of Utilities.
2. All onsite sewer mains shall be public and all sewer laterals shall be considered private. The Home Owners will be responsible for all maintenance and repair of their sewer laterals. This shall be clearly stated in the CC&Rs.
3. No trees or deep rooted plants shall be planted within 15' of sewer mains or laterals.

4. Due to impacts to the septic system of the adjacent property (230-410-4500), the developer shall be required to connect the subject property to public sewer (including payment of the connection fee) prior to impacting the septic system.

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.

<u>STREET</u>	<u>CLASSIFICATION</u>
Street "A" San Pasqual Valley Road	Residential Cul-De-Sac (36'/56') Major Road (HWY 78, 82'/102')

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. The developer is responsible for making the arrangements to quitclaim all easements of record, which conflict with the proposed development prior to approval of the Final Map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.

2. 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 (along with any other appropriate permitting or outside agencies/jurisdictions (if necessary) then in effect at the time, and in such amounts as may prevail when building permits are issued.

CC&Rs

1. Copies of the CC&Rs 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&Rs for maintenance by the Home Owners Association of all parkway landscaping and irrigation along Street "A", the storm water bio-retention basin(s) and drainage facilities, any emergency gates, common open spaces, public utilities easement access roads and pedestrian pathways. These provisions in the CC&Rs must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan for the project.
4. The CC&Rs must state that the Home Owners Association assumes liability for damage and repair to City improvements and/or utilities in the event that damage is caused by the Home Owners Association's repair or replacement of private utilities or drainage facilities.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. All new dry utilities to serve the project shall be constructed underground.
3. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.0