

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A PREZONE TO PLANNED DEVELOPMENT-RESIDENTIAL AND MASTER AND PRECISE DEVELOPMENT PLAN FOR A 102-UNIT CONDOMINIUM DEVELOPMENT

The City Council of the City of Escondido ("City"), California, DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council makes the following findings:

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

b) The Application was submitted to, and processed by, the Planning Division of the Development Services Department. The Applicant seeks approval of a Prezone designation of Planned Development-Residential (PD-R 14.6) on 7.7 acres, as shown on Exhibit "B," along with a Master and Precise Development Plan to construct a 102-unit condominium project, as shown on Exhibits "C" (Master Development Plan), and on file in the Planning Division, and incorporated herein as though fully set forth.

c) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for December 13, 2022. Following the public hearing, the Planning Commission adopted Resolution No. 2022-14, which

recommended that the City Council, among other things, assign a prezone designation of Planned Development-Residential (PD-R 14.6) and approve a Master and Precise Development Plan for the Project.

SECTION 2. The City Clerk, whose office is located at 201 North Broadway, Escondido, California 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

SECTION 3. The City Council did on January 11, 2023, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the project website.
- b) Oral testimony from City staff, interested parties, and the public.
- c) The City Council staff report, dated January 11, 2023, which along with its attachments, is incorporated herein by this reference as though fully set forth herein.
- d) The recommendations of the Planning Commission and City staff.
- d) Additional information submitted during the public hearing.

SECTION 4. The City Council reviewed and certified the Final Environmental Impact Report prepared for the Project in conformance with CEQA, including findings associated therewith, through adoption of City Council Resolution No. 2023-03.

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit "D" and incorporated herein as though fully set forth herein, the City Council approves the Prezone and the Master and Precise Development Plan, subject to the Conditions of Approval attached as Exhibit "E" and incorporated herein as though fully set forth herein.

SECTION 6. Concurrently with the action on this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described in the January 13, 2023, City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective in the manner provided by state law. Therefore, this Ordinance shall become effective and operative only if City Council Resolution No. 2023-03 is adopted prior to adoption of this Ordinance, and Resolution No. 2023-04 .

SECTION 7. All references within this Ordinance to "Applicant" or "Developer," shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors of assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project site.

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 11. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 12. The Ordinance shall become effective 30 days from the date of the passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 8th day of FEBRUARY, 2023 by the following vote to wit:

AYES : Councilmembers: GARCIA, GARCIA, MORASCO, MARTINEZ, WHITE

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Dane White
19FFE5DB8C3B409...
DA NE WHITE, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2023-03 passed at a regular meeting of the City Council of the City of Escondido held on the 11th day of January, 2023, after having been read at the regular meeting of said City Council held on the 8th day of February, 2023.

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2023-03

EXHIBIT "A"

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

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

PARCEL 1:

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

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

PARCEL 2:

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

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

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

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

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

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

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

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

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

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

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

PARCEL 2A:

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

PARCEL 2B:

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

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

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

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 6 FROM WHICH THE NORTHEASTERLY CORNER OF SAID LOT 6 BEARS NORTH 14°30'30" EAST 697.7 FEET; THENCE NORTH 77°33'45" WEST 387.5 FEET; THENCE SOUTH 12°03'40" WEST 164.19 FEET; THENCE SOUTH 77°56'20" EAST 355.59 FEET; THENCE NORTH 14°30'30" EAST 46 FEET; THENCE SOUTH 77°56'20" EAST 25 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID EASTERLY LINE NORTH 14°30'30" EAST 116.8 FEET TO THE POINT OF BEGINNING.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER A STRIP OF LAND 20 FEET WIDE BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE EASTERLY LINE OF THE ABOVE DESCRIBED LOT 6 FROM WHICH THE NORTHEASTERLY CORNER THEREOF BEARS NORTH 14°30'30" EAST A DISTANCE OF 850.5 FEET; THENCE NORTH 77°56'20" WEST A DISTANCE OF 25 FEET.

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

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

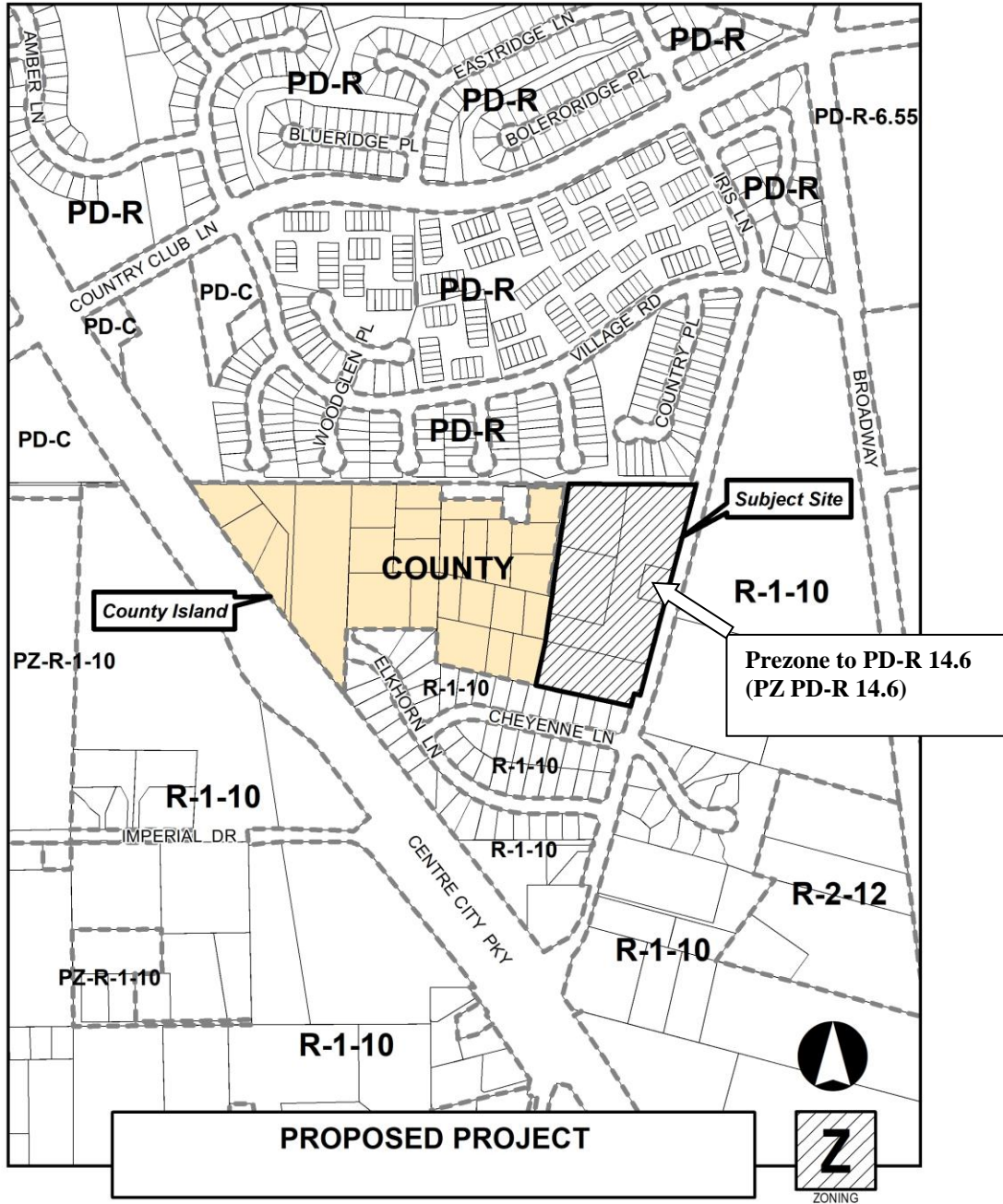
BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 6, DISTANT THEREON SOUTH 14°30'30" WEST 348.96 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE LEAVING SAID EASTERLY LINE NORTH 77°33'45" WEST 104 FEET; THENCE SOUTH 14°30'30" WEST PARALLEL WITH SAID EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 123.21 FEET; THENCE SOUTH 77°33'45" EAST 104 FEET TO A POINT IN SAID EASTERLY LINE OF SAID LOT 6; THENCE NORTH 14°30'30" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 123.21 FEET TO THE POINT OF BEGINNING.

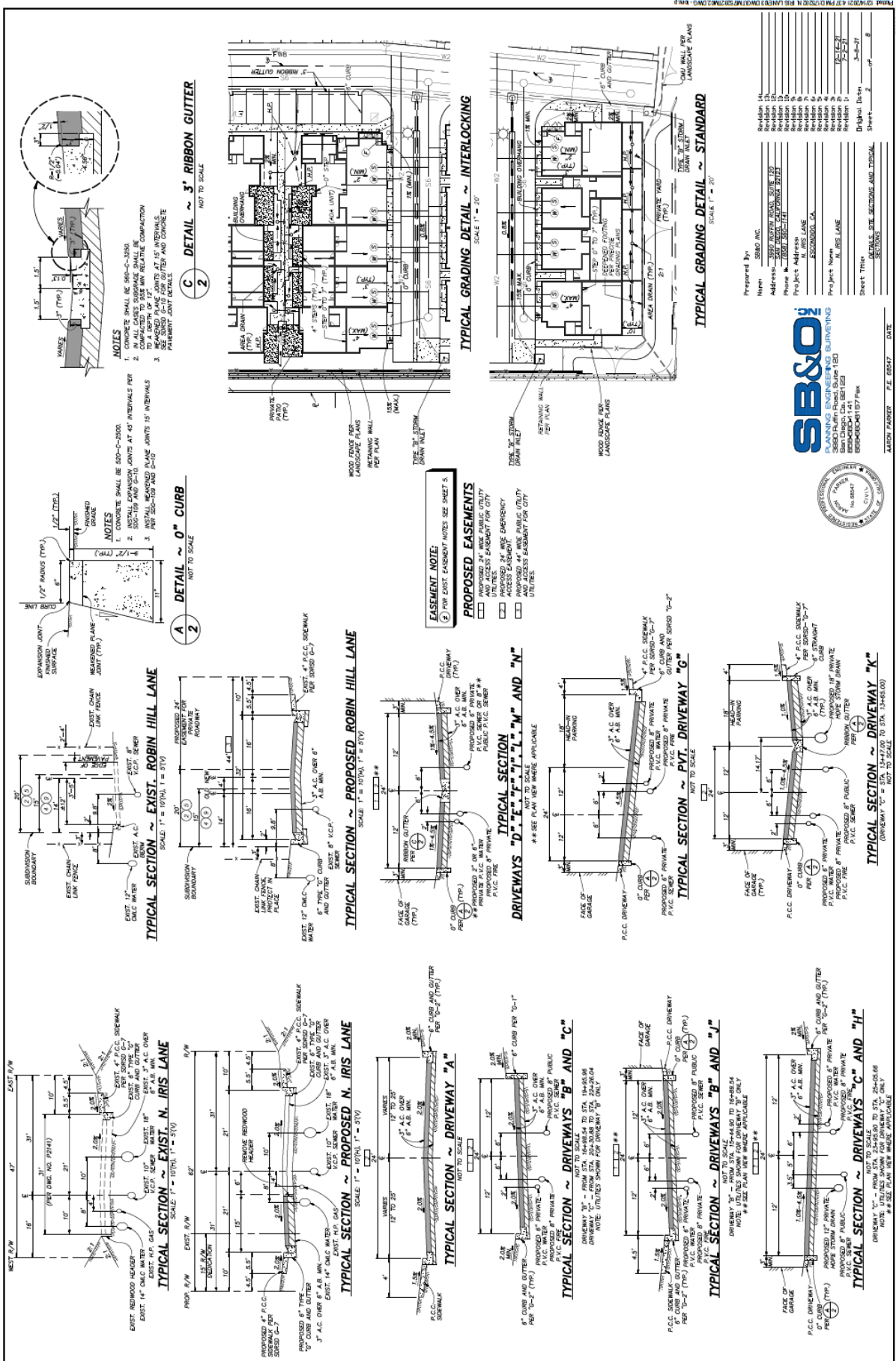
APN: [224-310-07-00](#)

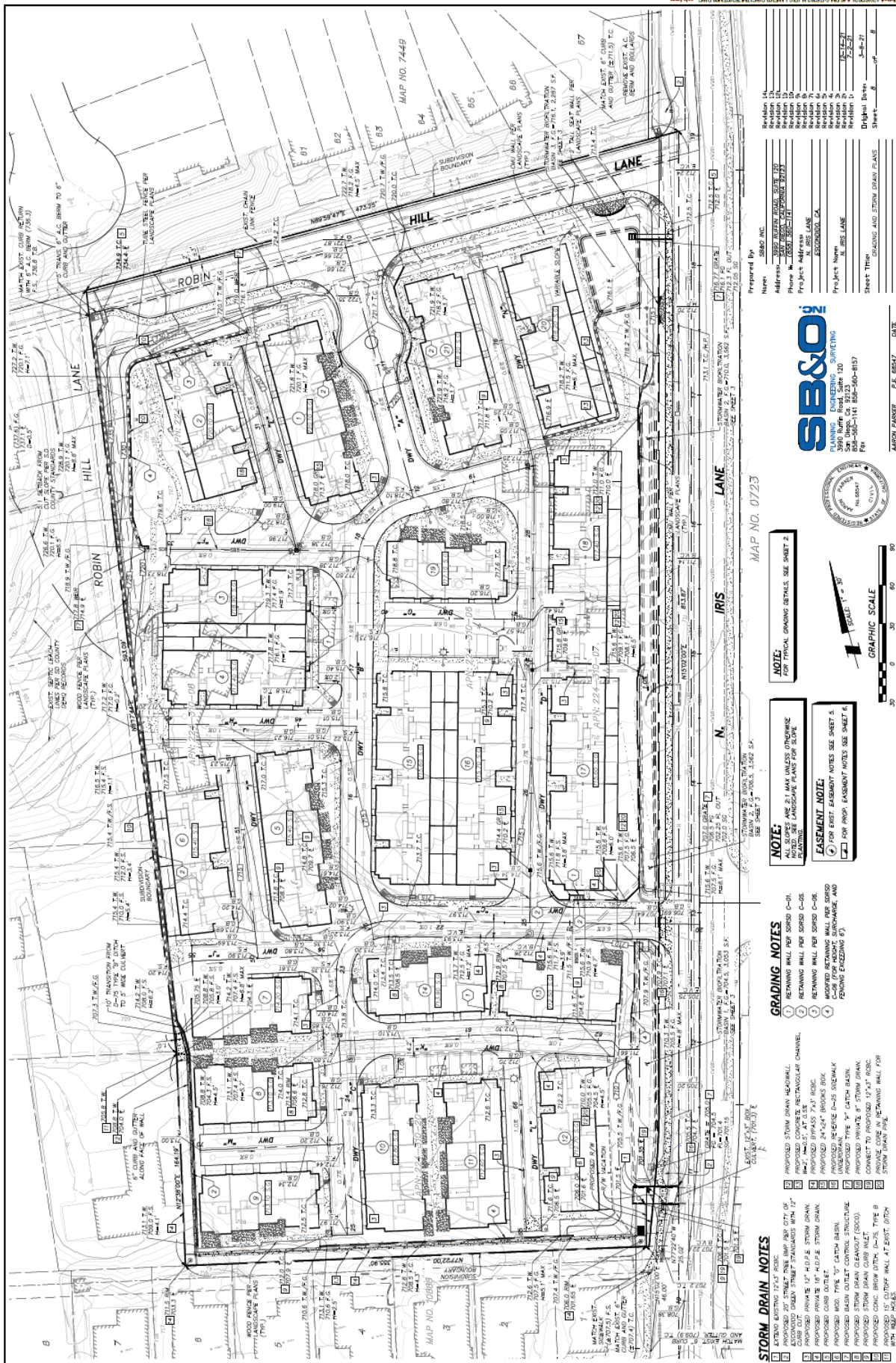
EXHIBIT "B"

Prezone Designation
Ordinance No. 2023-03
(North Iris Condominium Project)

Prezone to Planned Development-Residential 14.6 (PZ PD-R 14.6)
APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00.







Prepared by: SB&O INC.
 Address: 3890 Buena Vista Road, Suite 120, Escondido, CA 92026
 Project Address: Escondido, CA
 Project Name: N. IRIS LANE
 Revision 1: 12/12/23
 Revision 2: 7/2/24
 Revision 3: 3-8-24
 Sheet Title: GRADING AND STORM DRAIN PLANS

SB&O
 PLANNING ENGINEERING ARCHITECTURE
 3890 Buena Vista Road, Suite 120
 Escondido, CA 92026
 760-388-1411 760-388-8157
 Fax

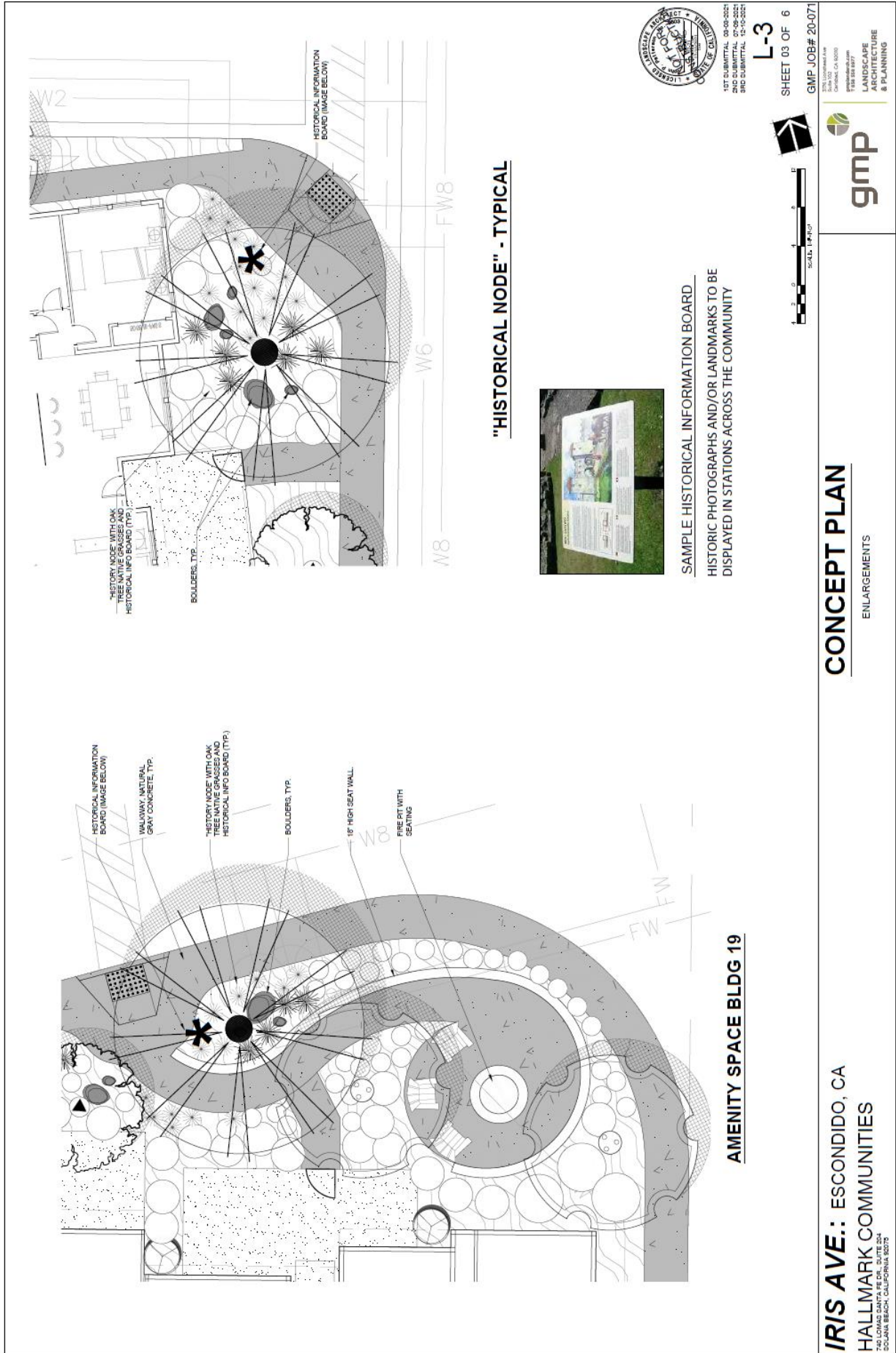


MAP NO. 0723
 DATE: 7.2.2024

NOTE: FOR THESE GRADING DETAILS, SEE SHEET 2.
NOTE: SEE SHEET 1 FOR EXISTING EASEMENTS AND EASEMENT NOTES.
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EASEMENT NOTE: SEE SHEET 2 FOR EXISTING EASEMENT NOTES.

GRADING NOTES
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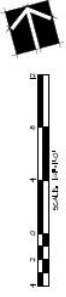


SAMPLE HISTORICAL INFORMATION BOARD
 HISTORIC PHOTOGRAPHS AND/OR LANDMARKS TO BE
 DISPLAYED IN STATIONS ACROSS THE COMMUNITY



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 2ND SUBMITTAL: 07-08-2021
 3RD SUBMITTAL: 10-10-2021

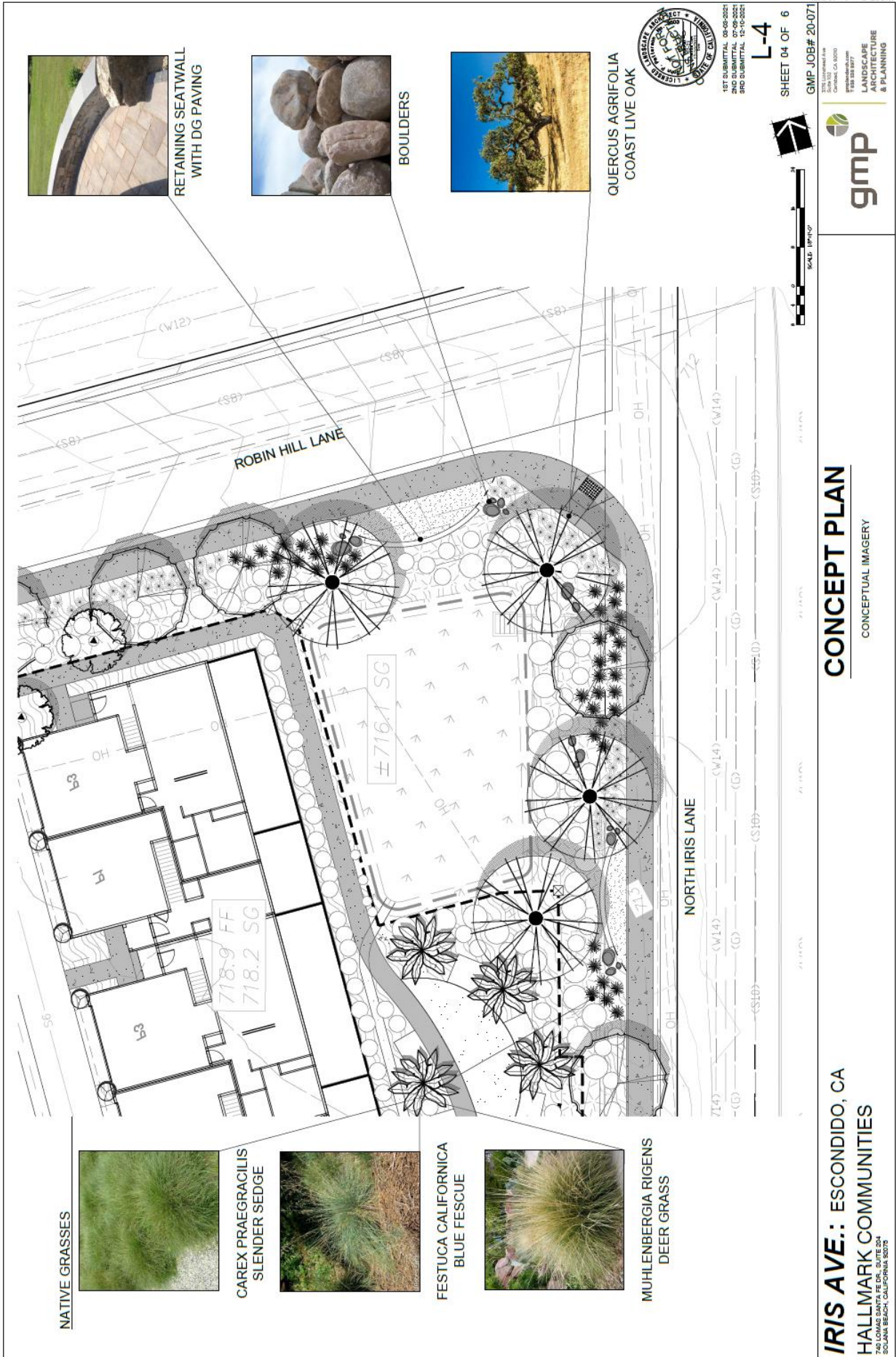
L-3
 SHEET 03 OF 6
 GMP JOB# 20-071



CONCEPT PLAN

ENLARGEMENTS

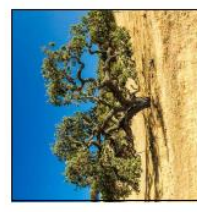
IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 TALLONAS SANTA FE DR., SUITE 204
 SOLANA BEACH, CALIFORNIA 92672



RETAINING SEATWALL WITH DG PAVING



BOULDERS



QUERCUS AGRIFOLIA COAST LIVE OAK



CAREX PRAEGRACILIS SLENDER SEDGE



FESTUCA CALIFORNICA BLUE FESCUE



MUHLENBERGIA RIGENS DEER GRASS



1ST SUBMITTAL 08-05-2021
 2ND SUBMITTAL 07-05-2021
 3RD SUBMITTAL 12-10-2021

L-4

SHEET 04 OF 6

GMP JOB# 20-071



CONCEPT PLAN
 CONCEPTUAL IMAGERY

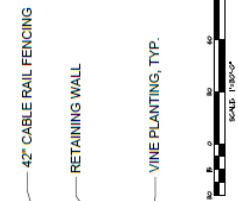
IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 740 LOMAS SANTA FE DR., SUITE 204
 SOLANA BEACH, CALIFORNIA 92075



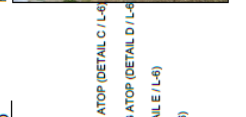
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 2ND SUBMITTAL 07-09-2021
 3RD SUBMITTAL 12-10-2021

L-5
 SHEET 05 OF 6
 GMP JOB# 20-071

7000 VAN ALLEN AVE
 SUITE 100
 SAN DIEGO, CA 92108
 (619) 594-8800
 WWW.GMP.COM
 LANDSCAPE ARCHITECTURE
 & PLANNING

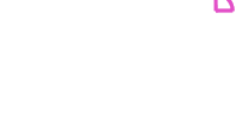


RETAINING WALL WITH VINE PLANTING AND CABLE RAIL FENCING ATOP
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HEIGHT VARIES

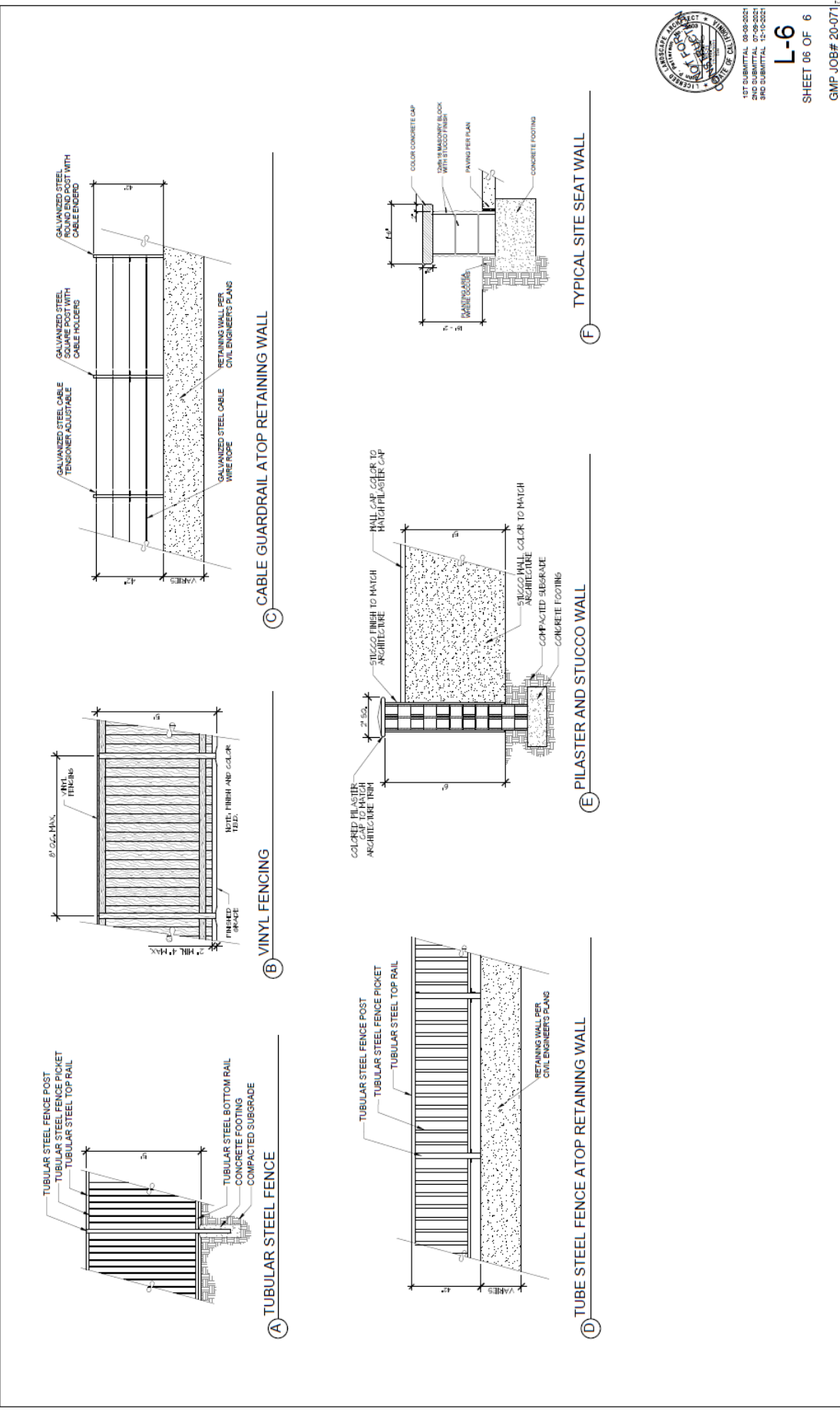
RETAINING WALL WITH VINE PLANTING AND CABLE RAIL FENCING ATOP



ELEVATION, NOT TO SCALE

CONCEPT PLAN
 FENCE & WALL PLAN

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 740 LONG SANTA FE DR., SUITE 204
 SOLANA BEACH, CALIFORNIA 92075



1ST SUBMITTAL 02-08-2024
 2ND SUBMITTAL 02-08-2024
 3RD SUBMITTAL 02-08-2024

L-6
 SHEET 06 OF 6

GMP JOB# 20-071

gmp

2700 LYONS AVENUE
 ESCONDIDO, CA 92029
 761.933.8777
 GMP ARCHITECTURE
 & PLANNING

IRIS AVE.: ESCONDIDO, CA
HALLMARK COMMUNITIES
 240 LOMAS SANITO, P.O. BOX 204
 ESCONDIDO, CALIFORNIA 92029

CONCEPT PLAN
 FENCE & WALL PLAN



Typical
2 & 3-Story Conventional Homes

- Plan 1: ± 1,679 SF, 3 Bedroom, 2.5 Bath, Den
- Plan 2: ± 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 3: ± 1,911 SF, 4 Bedroom, 3 Bath, Loft
- 2-car side-by-side garages
- Private rear yards

Typical
2 & 3-Story Interlocking Alley Homes

- Plan 1: ± 1,228 SF, 2 Bedroom, 2 Bath
- Plan 2: ± 1,463 SF, 3 Bedroom, 3 Bath
- Plan 3: ± 1,933 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 4: ± 1,840 SF, 4 Bedroom, 3.5 Bath
- 2-car side-by-side garages

Project Summary

Total Site Area: ± 7.7 Acres
 Total Units:
 • 102 Homes
 • 52 2 & 3-Story Interlocking Alley Homes
 • (14) Plan 1: ± 1,228 SF, 2 Bedroom, 2 Bath
 • (14) Plan 2: ± 1,463 SF, 3 Bedroom, 3 Bath
 • (8) Plan 3: ± 1,933 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
 • (16) Plan 4: ± 1,840 SF, 4 Bedroom, 3.5 Bath
 • (50) 2 & 3-Story Conventional Homes
 • (16) Plan 1: ± 1,679 SF, 3 Bedroom, 2.5 Bath, Den
 • (18) Plan 2: ± 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
 • (16) Plan 3: ± 1,911 SF, 4 Bedroom, 3 Bath, Loft

Gross Density: 13.2 Homes per Acre
 Net Density: 14.6 Homes per Net Acre

Parking:
 Required:
 • 226 Spaces (2.21 spaces per home)
 • (14) 2 Bedroom x 1.75 Spaces = 24.5 Spaces
 • (30) 3 Bedroom x 2.0 Spaces = 76 Spaces
 • (58) 4 Bedroom x 2.0 Spaces = 100 Spaces
 • (102) Guest x 0.25 Spaces = 25.5 Spaces

Provided:
 • 233 Spaces (2.26 spaces per home)
 • Garage: 204 Spaces
 • Head In: 25 Spaces (8.5 x 18')
 • ADA: 2 Spaces (8' x 18')
 • *EV* = Future EVCS

Open Space:
 Provided:
 • 97,040 SF Total (± 951 SF per home)
 • Private Open Space (Patios & Decks): 21,634 SF (5' Min. Dimension)
 • Common Area w/ Grades less than 10%: 64,247 SF (10' Min. Dimension)
 • Recreational Areas: 11,359 SF (10' Min. Dimension)

Setbacks:
 Front Yard: 15.6' Min.
 Interior Side Yard: 13.1' Min.
 Street Side Yard: 33.4' Min.
 Rear Yard: 15.4' Min.

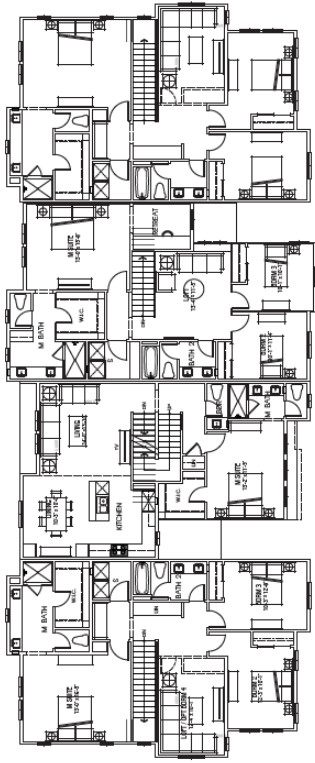
- Notes:**
1. See plan 1 for conventional setbacks only.
 2. Setbacks are shown for all buildings.
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Conceptual Site Plan

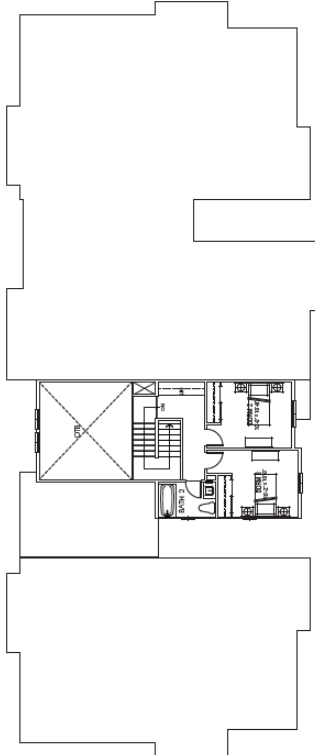
IRIS
 ESCONDIDO, CA

SP-1
 CITY SUBMITTAL 3
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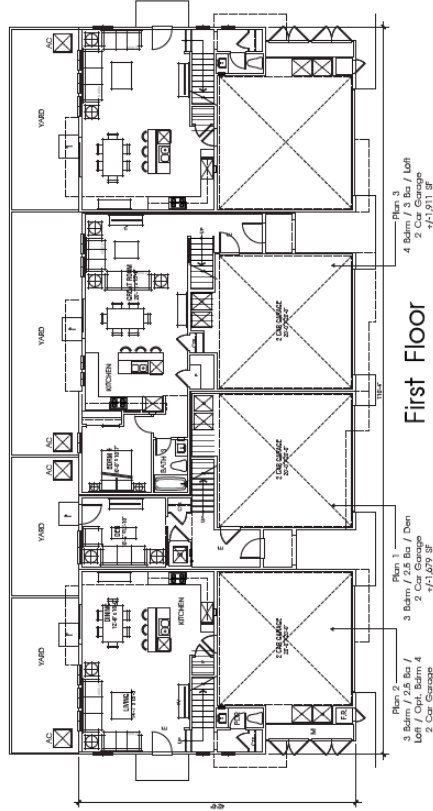




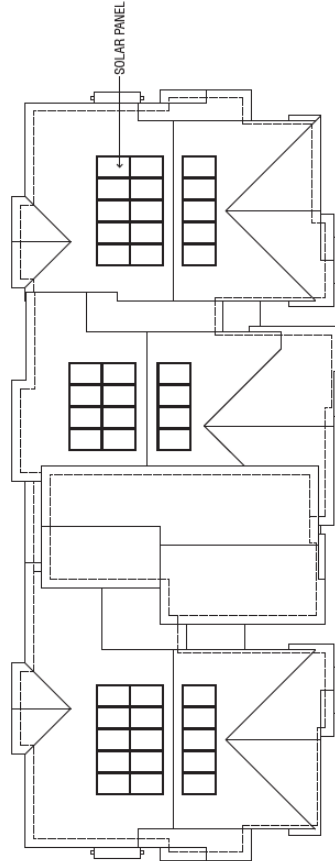
Second Floor



Third Floor



First Floor



Roof

OVERALL BUILDING AREA: ±8,890 SF

OCCUPANCY: R2

CONSTRUCTION TYPE: VB

SPRINKLER SYSTEM: Full 13

- NOTE: THESE COULDS MAY VARY DUE TO METHOD OF CALCULATION
- FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
 - SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

4 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA



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Front Perspective



Rear Perspective

4 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

IRIS
ESCONDIDO, CA

A-3

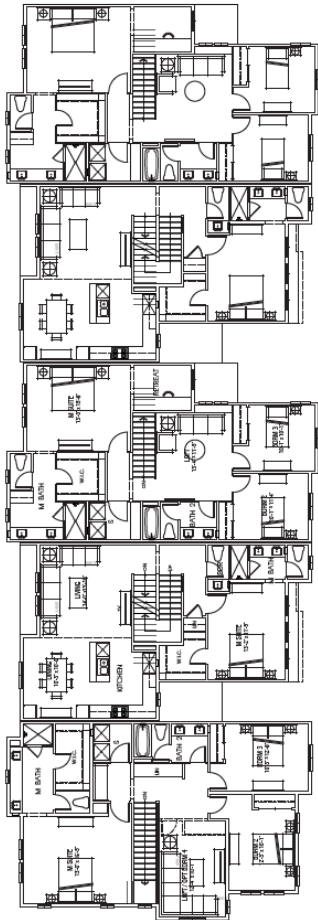
CITY SUBMITTAL 3

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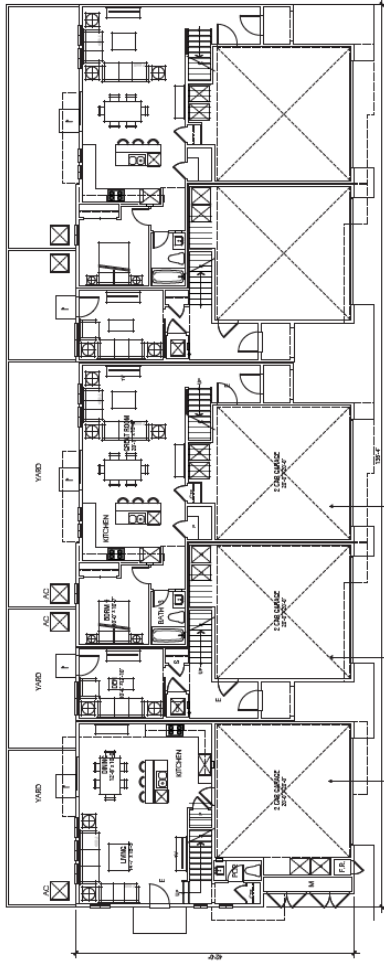




A-4
 CITY SUBMITTAL 3
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Second Floor



First Floor

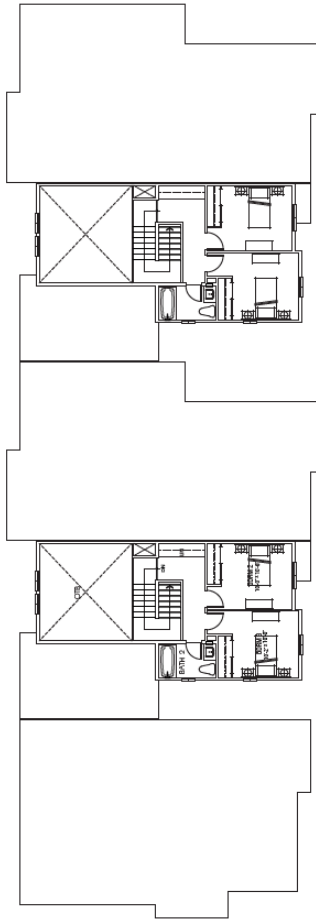
OVERALL BUILDING AREA: ±11,205 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. UTILITY FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND COORDINATION PER SOLAR CONSULTANT

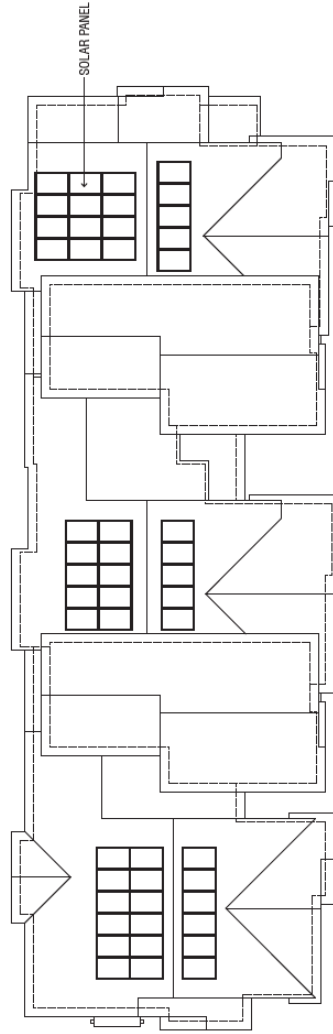
5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA





Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND
 CONFIGURATION PER SOLAR CONSULTANT

5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans



IRIS
 ESCONDIDO, CA

A-5
 CITY SUBMITTAL 3
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Right



Rear



Left



Front

Color Scheme 1 Shown,
 Refer to Sheet CM-1

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

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco with Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

5 PLEX CONVENTIONAL HOMES | Conceptual Elevations



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A-6
 CITY SUBMITTAL 3





Front Perspective



Rear Perspective

5 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

IRIS

ESCONDIDO, CA

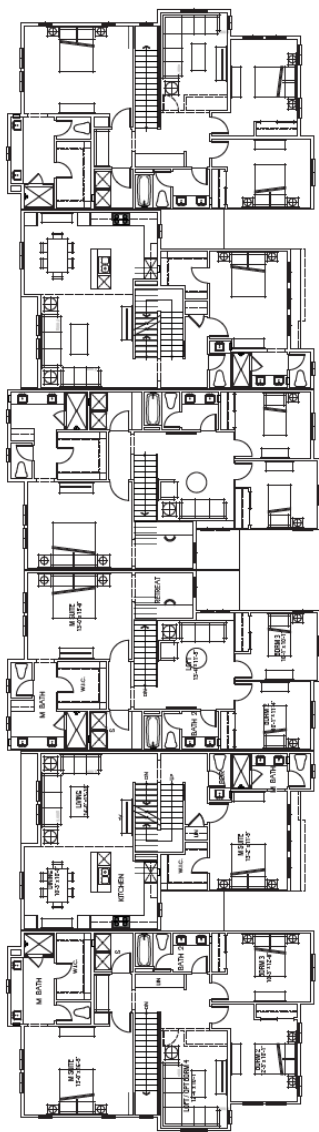
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CITY SUBMITTAL 3
A-7



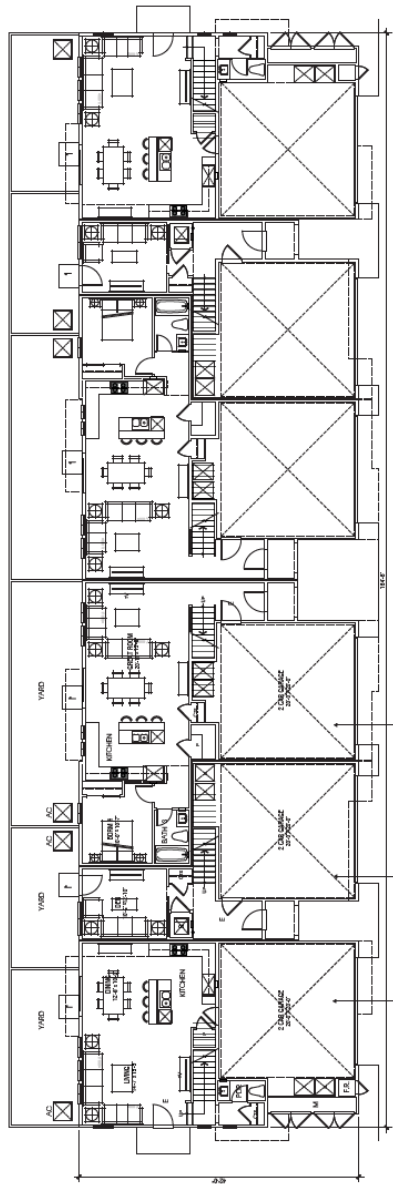


A-8
 CITY SUBMITTAL 3

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Second Floor



First Floor

Plan 1
 3 Bedm / 2.5 Ba / Loft / Opt. Bath 4
 2 Car Garage
 +/-1,642 SF

Plan 2
 3 Bedm / 2.5 Ba / Den
 2 Car Garage
 +/-1,642 SF

Plan 3
 4 Bedm / 3 Ba / Loft
 2 Car Garage
 +/-1,911 SF

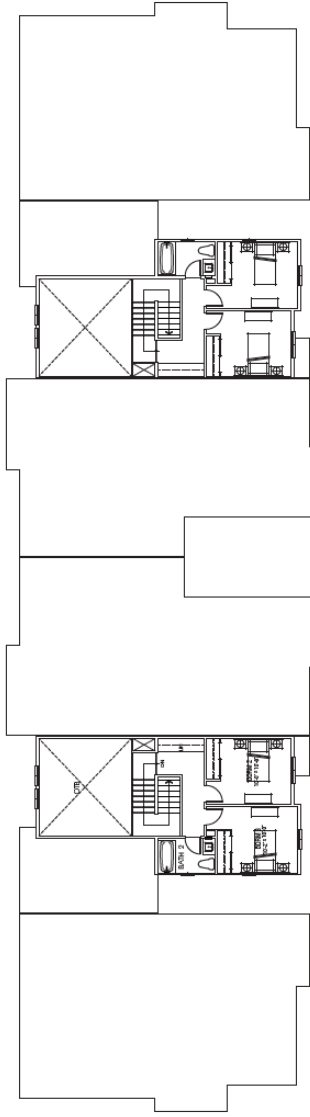
OVERALL BUILDING AREA: ±13,360 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
 3. CONCEPTUAL LAYOUT. USE CONCEPTUAL, FINAL LAYOUT AND CONSTRUCTION PER SOLAR CONSULTANT

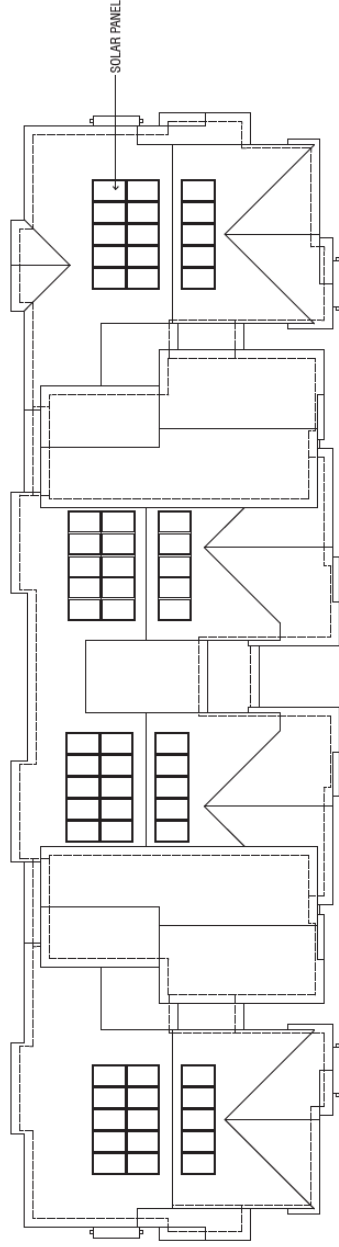
6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA





Third Floor



Roof

OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL DESIGN.
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS
 ESCONCIDO, CA



A-9
 CITY SUBMITTAL 3
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Right



Rear



Left



Front

Color Scheme 1 Shown,
 Refer to Sheet CM-1

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

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



6 PLEX CONVENTIONAL HOMES | Conceptual Elevations

IRIS
 ESCONDIDO, CA

A-10

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Front Perspective



Rear Perspective

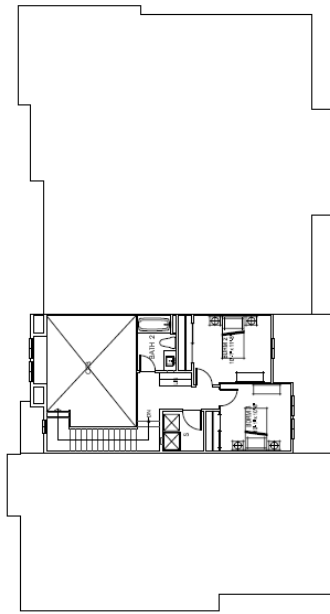
6 PLEX CONVENTIONAL HOMES | Conceptual Perspectives

IRIS
ESCONDIDO, CA

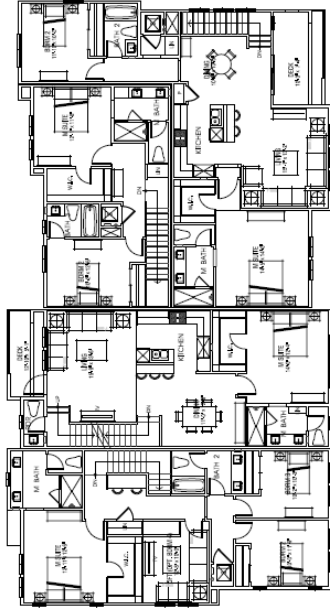
A-11
CITY SUBMITTAL 3

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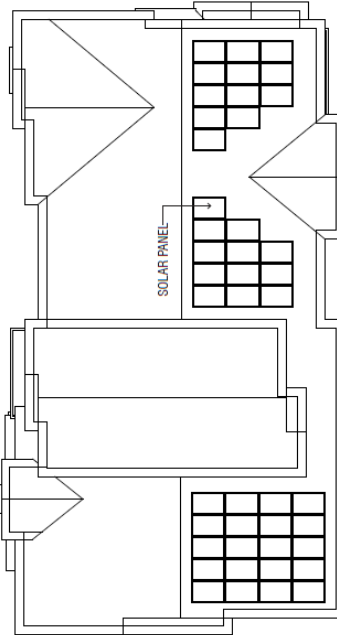




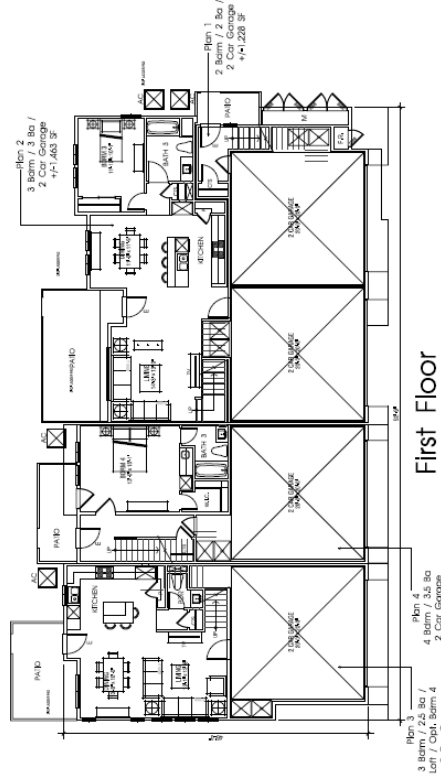
Third Floor



Second Floor



Roof



First Floor

OVERALL BUILDING AREA: ±8,034 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN
 3. SOLAR PANEL FOOTPRINT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

4 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA



A-12

CITY SUBMITTAL 3

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Rear



Front



Right



Left

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

Color Scheme 1 Shown, Refer to Sheet CM-1

BUILDING MATERIAL

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accents: Fiber Cement Trim
- Deck Accents: Metal Pallets
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

4 PLEX ALLEY HOMES | Conceptual Elevations



IRIS
 ESCONDIDO, CA

A-13
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Front Perspective



Rear Perspective

4 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

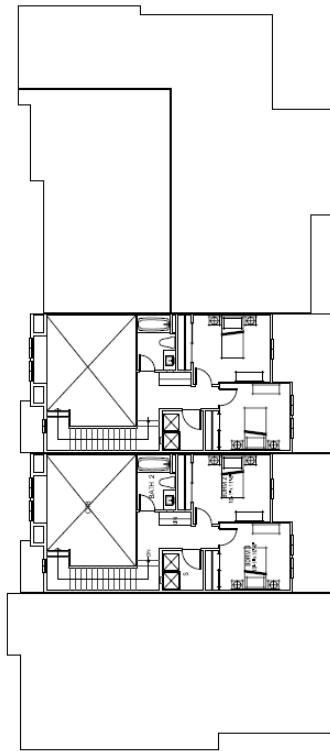
ESCONDIDO, CA

A-14

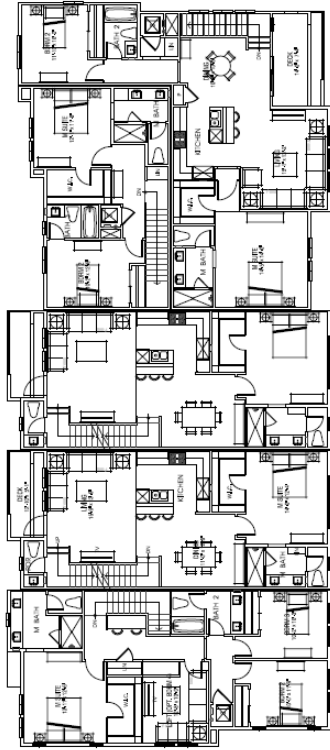
CITY SUBMITTAL 3

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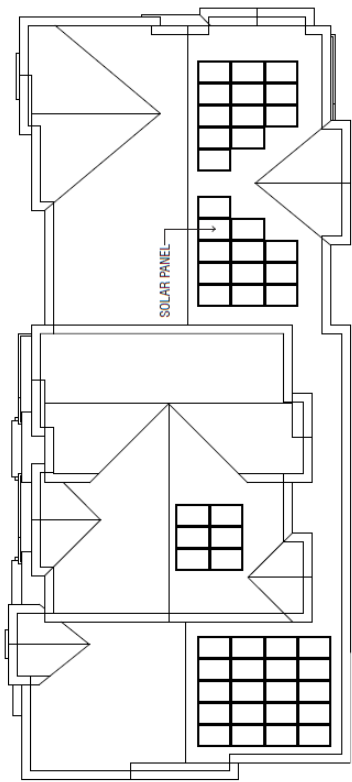




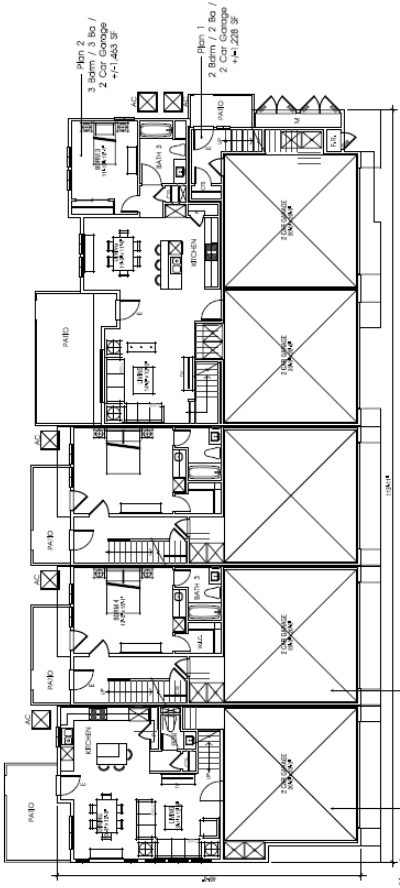
Third Floor



Second Floor



Roof



First Floor

OVERALL BUILDING AREA: ±10,200 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: FUI T3

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. ROOMS WITH SHADING NEED FURTHER REFINEMENTS TO REFLECT
 ELEVATION DESIGN
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND
 CONFIGURATION PER SOLAR CONSULTANT

5 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA



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Front Perspective



Rear Perspective

5 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

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A-17

CITY SUBMITTAL 3

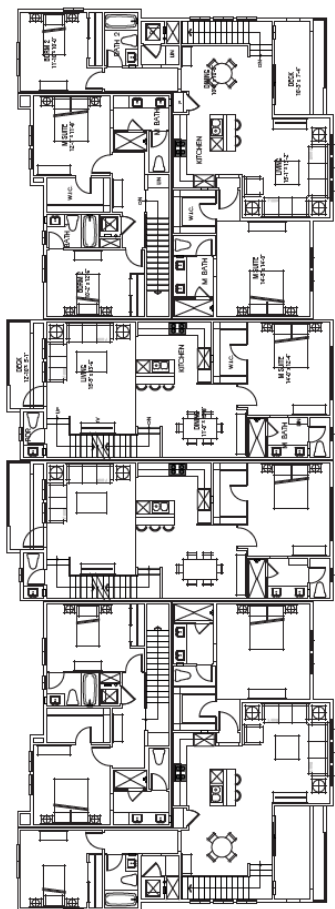
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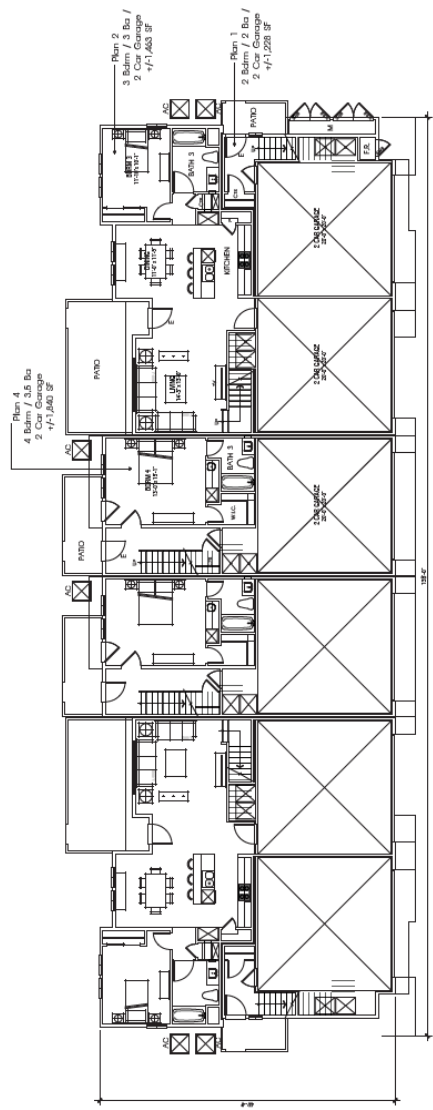


A-18
 CITY SUBMITTAL 3

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Second Floor



First Floor

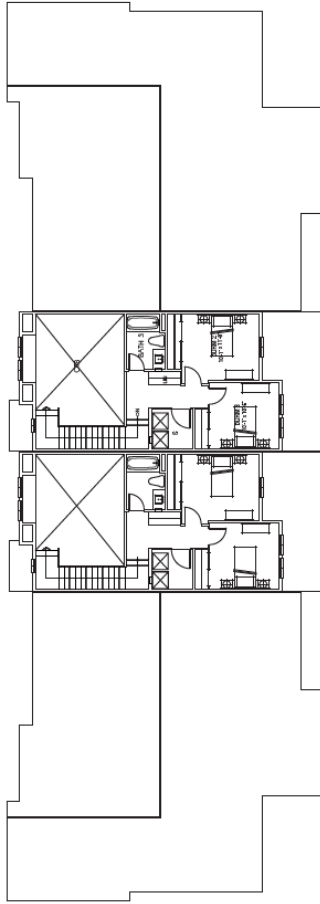
OVERALL BUILDING AREA: ±11,850 SF
 OCCUPANCY: R2
 CONSTRUCTION TYPE: VB
 SPRINKLER SYSTEM: Full 13

NOTE:
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT
 3. SEE PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND
 CONFIGURATION PER SOLAR CONSULTANT

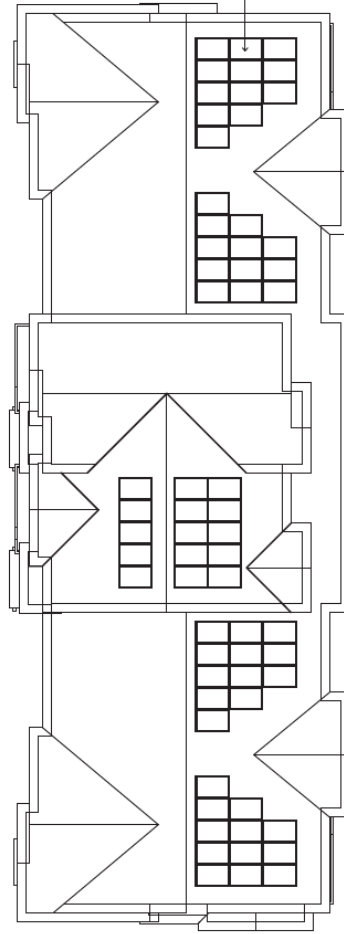
6 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS
 ESCONDIDO, CA





Third Floor



Roof

OCCUPANCY: R2
CONSTRUCTION TYPE: VB
SPRINKLER SYSTEM: Full 13
NOTE:
1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL LAYOUT
3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

6 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS
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Front Perspective



Rear Perspective

6 PLEX ALLEY HOMES | Conceptual Perspectives

IRIS

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A-21

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EXHIBIT "D"

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Ordinance No. 2023-03

PLANNING CASE NUMBERS: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127
and PL21-0128

Prezone Determinations:

1. The proposed Prezone to Planned Development-Residential (PD-R 14.6) would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Prezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Division regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building Division regulations. The proposal would be consistent with the established rules of the proposed zoning districts and as permitted pursuant to Article 19 (Planned Development) of the Escondido Zoning Code. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2021060702), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.
2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Prezone would establish a zoning designation of PD-R-14.6 (Planned Development-Residential; maximum 14.6 dwelling units per acre). Upon annexation to the City of Escondido, the Project site would be zoned PD-R 14.6. A General Plan Amendment to change the land use designation of the subject parcels from Suburban (S) to Urban III (U3) is also proposed as part of this Project to maintain consistency with the Prezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 102 air-space condominium units.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. Development in the vicinity of the project site is characterized by a mix of single-family residences on a variety of lot sizes, planned residential development and a residential/independent care facility. The Project has been designed to limit extensive grading and slopes. Street frontage improvements and off-site improvements, as required by the EIR, would benefit non-residents of the project as much as the residents, including payment of fees for pedestrian improvements at five intersections (Centre City Parkway/Iris Lane, El Norte Parkway/South Iris Lane, North Broadway/Vista Avenue, El Norte Parkway/Morning View Drive, and Country Club Lane/North Broadway). The open space system provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties, as detailed in the staff report dated January 11, 2022.

4. The site's proposed zoning classification of Planned Development-Residential (PD-R-14.6) would not be consistent with the existing General Plan designation of Suburban (S), that allows a maximum density of 3.3 dwelling units per acre, but is consistent with the underlying County land-use designation of Village Residential (VR-24), that allows a maximum density of 24 dwelling units per acre. In conjunction with the proposed Prezone to PD-R-14.6, the Project proposes to amend the land use designation of the site to Urban III (U3) which the ultimate City zoning designation of PD-R 14.6 would be consistent with. The U3 designation is intended for multi-family projects with a maximum density of 18 dwelling units per acre.
5. The proposed Prezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land zoned for R-3 type development. The Project would establish a zoning designation of PD-R-14.6, which would allow a maximum density of 14.6 dwelling units per acre. A density of 14.6 dwelling units per acre would be within the required 70 percent (12.6 minimum dwelling units per acre) of the maximum allowed 18 dwelling unit per acre of the Urban III land-use designation.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

Master and Precise Development Plan Determinations:

1. The location, design, and residential density of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido City Council, or in the process of being prepared and adopted. The proposed Master and Precise Development Plan would create 102 air-space condominium units on 6.98 net acres for a density of 14.6 dwelling units per acre. This would be in conformance with the densities allowed by the land-use designation and zoning classification proposed under the concurrent General Plan Amendment to Urban III and Prezone to PD-R-14.6. The project site is not covered under any existing or proposed specific plans.
2. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is adjacent to a variety of residential development and densities, including single-family residential, planned residential developments that utilize small single-family lots with attached homes and common space areas, and a multi-story residential/independent living care facility. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential) zone. The design of the proposed structures would incorporate a range of building materials and a subdued color palate that would be compatible with existing development in the area. Landscaping has been proposed for aesthetic purposes and to buffer the development from surrounding roads and development.
3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was prepared for the project and mitigation measures have been proposed in the EIR to reduce potential impacts to less than significant level.
4. The proposed location and design allow residents within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact

on existing public facilities and services. All utilities intended for the site are already in place or can be extended to serve the site. Police and Fire services are available and sufficient for the development.

5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The proposed residences include two- and three-story units that incorporate a subdued color palette and a mixture of exterior finishes to be compatible with the surrounding built environment and mix of development types. A conceptual landscape plan has been provided that includes a mix of common and private open space areas and amenities, along with attractive and regionally appropriate plantings for recreation areas, bioretention basins, and street trees.
6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the development has been designed to coordinate with the existing topography of the site, and the Project's effects on views from surrounding streets and residences has been analyzed within the Project EIR.
7. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. The Project site requires a General Plan Amendment and zoning designation to accomplish the Project objectives to provide 102 condominium units. The proposed Planned Development zoning designation would help the City increase its supply of for-sale housing. California law requires each city and county to develop local programs within their housing element in order to meet their "fair share" of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (RHNA) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.

EXHIBIT "E"

CONDITIONS OF APPROVAL

Planning Case Numbers: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

This Project is conditionally approved as set forth on the application received by the City of Escondido on **August 6, 2020**, and the Project drawings consisting of Civil Plans/Grading, Sections, Site Plans, Floor Plans, Architectural Elevations, Landscape Plans and Colored Elevations; all designated as approved on **January 11, 2023**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

A. General:

1. **Acceptance of Permit.** Should the Applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map, the Permit shall expire 36 months from the effective date of City Council approval of the Tentative Map, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code.
3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.
4. **Conformance to Approved Plans.**
 - a. The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.

- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to any Grading Exemptions for the slopes up to an additional one foot in height, and modifications to retaining wall heights. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

5. Limitations on Use. Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.

6. Certificate of Occupancy.

- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Community Development.

7. Availability of Permit Conditions.

- a. Prior to Final Map recordation, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Community Development.
- b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

8. Right to Entry. The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.

- 9. Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. During Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

- 10. Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.

- 11. Community Facility District or Funding Mechanism.** In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with City Ordinance 2020-10, unless another amount is approved by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into Services CFD 2020-1 or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

- 12. Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

13. Clerk Recording.

- a.** State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance

with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increases after the date of this approval, the Applicant shall be responsible for the increase.

- b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

14. Legal Description Adequacy. The legal description attached to the application has been provided by the Applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.

15. Application Accuracy. The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.

16. Enforcement. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, the City of Escondido shall have the right to deny or withhold subsequent permit approvals or permit inspections that are derived from the application entitlements herein granted; issue stop work orders; pursue abatement orders, penalties, or other administrative remedies as set forth in state and local laws; or institute and prosecute litigation to compel compliance with said conditions or seek damages for their violation. The applicant/developer shall be notified in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

17. Indemnification, Hold Harmless, Duty to Defend.

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all

consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may

provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

- 1. Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of Community Development, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of the property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

- 2. Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

- 3. Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
- 4. Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code, unless modified by this Project Planned Development. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
- 5. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).

- 6. Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
- 7. General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
- 8. Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
- 9. Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
- 10. Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- 11. Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Services Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

15. Construction Equipment Emissions. Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Community Development that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary Project-generated functional equivalencies in the diesel PM emissions level are achieved.

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

C. Parking and Loading/Unloading.

1. As shown on the plans, an enclosed two-car garage shall be provided for each condominium unit. A minimum of 25 open guest spaces also shall be provided. The garages shall be maintained to provide parking for two cars and storage or other use of the garage space shall not impede the use of the garages for parking of vehicles.
2. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

D. Landscaping: The property owner or owners' association assumes all responsibility for maintaining all on-site landscaping; storm water facilities, any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
 - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
 - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
 - c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
 - d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also

be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.

E. Specific Planning Division Conditions:

1. The Project shall be managed by a professional management company. A self-managed Home Owners Association ("HOA") shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project Covenants, Conditions, and Restrictions ("CC&Rs").
2. The storm water basin and any fencing associated with the basin shall be maintained by the Project HOA. The basin and landscaping shall be design to be a visual amenity for the Project with an appropriate mix of shrubs, ground cover and grasses. If fencing is provide to restrict access to the basin, the fencing shall be an open decorative design (e.g., tubular steel, split rail or other type of decorative fencing). The height of any fencing associated with the basin shall not exceed 42 inches and shall not limit sight distance at the intersection.

F. Mitigation Measures:

MM-BIO-1. Trimming, grubbing, and clearing of vegetation shall be avoided during the avian breeding season, which generally runs from February 15 to August 31 (as early as January 1 for some raptors) to the extent feasible. If trimming, grubbing, or clearing of vegetation is proposed to occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist no more than seven days prior to vegetation clearing to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, trimming, grubbing, and clearing of vegetation shall be allowed to proceed. If active bird nests are confirmed to be present during the pre-construction survey, a buffer zone will be established by the biologist. Construction activities shall avoid any active nests until a qualified biologist has verified that the young have fledged, or the nest has otherwise become inactive.

MM-BIO-2. Prior to impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit.

MM-BIO-3. Prior to any project impacts to potentially jurisdictional resources, demonstration that regulatory permits from USACE, RWQCB, and CDFW have been issued or that no such permits are required shall be provided to the City. Permanent impacts to 0.05 acre of USACE/RWQCB jurisdictional non-wetland waters of the United States/State, 0.10 acre of CDFW jurisdictional habitat, and 0.02 acre of CDFW jurisdictional streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following off-site options, unless otherwise required by the USACE, RWQCB, and/or CDFW during the regulatory permitting process:

- Purchase of establishment/re-establishment, rehabilitation, enhancement, and/or preservation credits from an off-site mitigation bank with a service area that overlaps the project and that is approved by the USACE, RWQCB, and CDFW, such as the San Luis Rey Mitigation Bank, and Brook Forest Conservation/Mitigation Bank; and/or
- Acquisition or use of other off-site mitigation lands in the region to include establishment/re-establishment, rehabilitation, enhancement, and/or preservation of USACE, RWQCB, and CDFW jurisdictional resources.

Mitigation for RWQCB-jurisdictional waters shall include a minimum 1:1 establishment/ reestablishment to ensure no-net-loss. Final mitigation requirements shall be determined during the permitting process in coordination with the USACE, RWQCB, and CDFW, as appropriate.

MM-BIO-4. The project applicant shall replace impacted mature trees at a minimum 1:1 ratio, unless otherwise determined by the City. The project applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development. This condition can be satisfied on-site if the project's landscape plans include the appropriate number of oak trees and other tree species.

MM-BIO-5. The project applicant shall prepare an infectious tree disease management plan for the project. This plan should include a description of how the infectious tree disease management plan will be implemented. All trees that would be removed by the project should be inspected for contagious tree diseases including, but not limited to, thousand canker fungus (*Geosmithia morbida*), polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agilus auroguttatus*). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the project site without first being treated using best available management practices relevant for each tree disease observed.

MM-CR-1. Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-CR-2 through MM-CR-10, and the following information:

- Parties entering into the agreement and contact information.
- Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
- Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
- Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
- Treatment of identified Native American cultural materials.
- Treatment of Native American human remains and associated grave goods.
- Confidentiality of cultural information including location and data.
- Negotiation of disagreements should they arise.
- Regulations that apply to cultural resources that have been identified or may be identified during project construction.

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

The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

MM-CR-3. The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.

MM-CR-4. During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).

MM-CR-5. In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.

MM-CR-6. If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.

M-CR-7. All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource

or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

M-CR-8. As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.

MM-CR-9. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

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

any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.

MM-GEO-1. Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

MM-HAZ-1a. Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that an asbestos survey has been conducted on any buildings that are to be demolished or removed from the project site. If asbestos is found, the Applicant shall follow all procedural requirements and regulations of to properly abate and dispose of all on-site asbestos-containing materials before general demolition activities commence.

MM-HAZ-1b. Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the applicant shall follow all OSHA procedural requirements and regulations for its proper removal and disposal before general demolition activities commence.

MM-HAZ-2. Prior to construction activities on the project site, the Applicant shall submit verification that the undocumented fill material placed in front of 2039 North Iris Lane has been removed or evaluated for the potential for contaminants. If contaminated, the soil must be removed and disposed of according to local and state regulations. If contaminated soil is identified, the applicant shall follow all procedural and regulatory requirements for its proper removal and disposal before general construction activities commence.

MM-N-1. If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines. A noise mitigation plan based upon the location of the construction equipment, topography and construction schedule shall be prepared by an acoustical consultant. The noise mitigation plan shall identify measures to reduce sound levels to below 75 dBA. Such measures could include a temporary noise barrier along any property line where the impacts could occur. The proposed noise barrier shall be of solid non-gapping material to adequately reduce construction noise levels below the noise threshold of 75 dBA at the property lines. The noise mitigation plan shall determine the final height and location of a temporary barrier if one is necessary.] The mitigation plan may also identify location and timing restrictions on drilling equipment usage. The mitigation plan shall be submitted to the City for review and approval prior to initiation of rock drill staging activities within 160 feet of any occupied noise sensitive land use.

MM-TR-1a. The project shall implement CAPCOA reduction measure T-1 (Increase Residential Density).

MM-TR-1b. The project applicant shall pay the City of Escondido \$67,500 for pedestrian improvements at the following five intersections to reduce VMT impacts:

- Intersection of Centre City Pkwy at Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte at South Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of Broadway at Vista Ave (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte Parkway at Mountain View (Install pedestrian countdown timers on each corner (4 countdown timers).

- Intersection of Country Club Lane at Broadway (Install high visibility crosswalk on north, south and east legs (3 crosswalks).

G. Specific Building Division Conditions:

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

H. Specific Engineering Conditions of Approval:

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklist. Landscaping Plans shall be prepared by a Landscape Architect and submitted with the second review of the Grading Plans.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map and Grading Plan. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.

7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Division a copy of the Tentative Subdivision Map as presented to the Planning Commission and the City Council. The Tentative Subdivision Map will be signed by the Planning Division verifying that it is an accurate reproduction of the approved Tentative Subdivision Map and must be included in the first submittal for plan check to the Engineering Services Department.

STREET IMPROVEMENTS AND TRAFFIC

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

<u>STREET</u>	<u>CLASSIFICATION</u>
North Iris Lane	Local Collector Street (62'/42')
Robin Hill Lane (Private)	Residential Street (44'/32')

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

3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
4. All on-site failing sections of asphalt driveway and concrete gutter must be repaired and/or replaced to the satisfaction of the City Engineer.
5. Access to this project from N. Iris Lane shall be per alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
6. The major access entrance shall be designed per the approved Tentative Subdivision Map.
7. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
8. All on-site roads, driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks, street lights, paving and base.
9. For North Iris Lane and Robin Hill Lane the sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
10. Final street improvements shall be to the satisfaction of the City Engineer and shall be based on City of Escondido standard drawing Figure 3.

11. Plans for construction within any right-of-way or easement under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
13. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
14. The developer may be responsible for an overlay of North Iris Lane due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
15. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
16. The developer shall be required to construct an emergency access road through the project to the satisfaction of the City Engineer and City Fire Marshal.
17. The proposed street system shall be designed to align with other existing intersections to the satisfaction of the City Engineer.
18. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
19. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
20. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
21. The developer shall be required to construct LED street lights in accordance with Escondido Standard Drawing No. E-1-E along North Iris Lane.
22. All gated entrances shall be designed and improved to the satisfaction of the City Engineer.
23. The developer shall install trash capture devices on existing storm drain inlets along the project's frontage to the satisfaction of the City Engineer.
24. The project shall pay an in-lieu fee totaling \$67,500.00 at the time the first grading plan is submitted to the Engineering Department for VMT mitigation measures identified in the transportation study for the project. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.
25. The project shall pay a fair-share contribution for the widening of North Iris Lane for approximately 280 linear feet Northeast of City Centre Parkway. The fair share amount is calculated at 6.5% and requires a fee of \$10,075 and shall be paid with the first submittal of the grading plan to the Engineering Department. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.

26. The project shall pay a fair-share contribution for improvements to the intersection of City Centre Parkway and North Iris Lane which include modifying the signal operations and restriping the Westbound approach on North Iris Lane from a left and through right configuration to a left and left through configuration. This fair share amount is calculated at 3.1% and requires a fee of \$6,975 and shall be paid with the first submittal of the grading plan to the Engineering Services Division. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a digital copy of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
6. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
7. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
8. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the property owner's association. Provisions stating this shall be included in the CC&Rs.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin and any other post construction BMP's shall be submitted and approved as part of the grading plan check.
4. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to issuance of the grading permit or recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon Del Diablo Municipal Water District will sign approval of the improvement plans with respect to the water mains.

SEWER

1. The Developer is required at their sole expense to design and construct an 8-inch public sewer main. The 8-inch sewer main shall connect to the existing 10-inch sewer main in North Iris Lane and shall continue up Streets B, C, D and H. A minimum 20-foot Public Utility easement shall be provided for the public sewer mains. There shall be no permanent structures allowed within the Public Utility easement.
2. Private 6-inch PVC sewer laterals shall connect to the public sewer main and shall be shown on the improvement and grading plans.
3. All sewer laterals shall be constructed per current City of Escondido Design Standards and the current Uniform Plumbing Code.

4. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities and 10-feet clear from water mains.
5. All sewer laterals shall be considered a private sewer system. The Home Owners Association shall be responsible for all maintenance of sewer laterals to the public sewer main.
6. All sewer mains, laterals and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
7. The project design shall be such that all existing or new sewer manholes are accessible at all times by City vactor trucks for maintenance.
8. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.

FINAL MAP - EASEMENTS AND DEDICATIONS

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

STREET	CLASSIFICATION
North Iris Lane	Local Collector Street (62'/42')

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. A public sewer easement shall be dedicated over the private streets.
5. An emergency access easement shall be granted to the City on the Final Map. The minimum width of the easement shall be 24 feet and to the satisfaction of the City Engineer and Fire Marshal.
6. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the Final Map. All street vacations shall be accomplished by means of a separate public hearing if required. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval

of the Final Map. Building permits will not be issued until all conflicting easements are resolved, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS AND FEES

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

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Services Division and Planning Division for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, private street lighting, private storm drains, landscaping and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs must state that the property owners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
4. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

UTILITY UNDERGROUNDING AND RELOCATION

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