

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. CALL TO ORDER: 7 p.m.**
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES: 06/22/21**

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

**Electronic Media:** Electronic media that members of the public want to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the applicable agenda item and the name and contact information of the person presenting the media.

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

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

If you wish to speak concerning an item not on the agenda, you may do so during the designated time for "Oral Communications." All persons addressing the Planning Commission are asked to state their names for the public record.

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

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

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

**E. WRITTEN COMMUNICATIONS:**

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

**1. Future Neighborhood Meetings**

**F. ORAL COMMUNICATIONS:**

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

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

**G. PUBLIC HEARINGS:**

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

**1. TENTATIVE SUBDIVISION MAP AND GRADING EXEMPTION – PL 21-0056:**

REQUEST: Tentative Subdivision Map for six single-family residential lots in the R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) zone. A Grading Exemption is requested for a fill slope up to 12 feet in height located towards the southwestern section of the project site.

PROPERTY SIZE AND LOCATION: The approximately 2.1-acre site is located on the southeastern corner of North Broadway and La Lomita Drive (Accessor's Parcel No. 227-180-27-00).

ENVIRONMENTAL STATUS: The Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15332 (In-Fill Development Projects).

APPLICANT: Michael Schweitzer

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

## **H. CURRENT BUSINESS:**

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

### **1. [Green Infrastructure Plan](#)**

The Green Infrastructure subcommittee will provide an information report and update to the Commission.

### **2. [Housing and Community Investment Study \(HCIS\) – East Valley Specific Plan](#)**

Staff will provide an informational report and status update to the Commission.

### **3. [Housing and Community Investment Study \(HCIS\) – Housing Element](#)**

Staff will provide an informational report and solicit feedback and information from the Commission.

## **I. ORAL COMMUNICATIONS:**

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

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

## **J. PLANNING COMMISSIONERS**

## **K. DIRECTOR'S REPORT**

## **L. ADJOURNMENT**

**CITY OF ESCONDIDO**

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

**June 22, 2021**

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

**Commissioners present:** Katharine Barba, Chair; Ingrid Rainey, Vice-Chair; Dao Doan, Commissioner; Rick Paul, Commissioner; Herminia Ramirez, Commissioner; Nathan Serrato, Commissioner; and Stan Weiler, Commissioner.

**Commissioners absent:** None.

**Staff present:** Mike Strong, Director of Community Development; Kurt Whitman, Senior Deputy City Attorney; Adam Finestone, City Planner; Owen Tunnell, Assistant City Engineer; and Joanne Tasher, Minutes Clerk.

**MINUTES:**

Moved by Chair Barba, seconded by Commissioner Weiler to approve the Action Minutes of the June 8, 2021, Planning Commission meeting. Motion carried unanimously (7-0). Ayes: Barba, Doan, Paul, Rainey, Ramirez, Serrato, and Weiler.

**WRITTEN COMMUNICATIONS:** Received.

Communication from Laura Hunter, Chair, Sierra Club North County Group, dated June 15, 2021, regarding the Community Choice Energy program on City Council agenda.

Communication from Laura Hunter, Chair, Sierra Club North County Group, dated June 9, 2021, and June 17, 2021, regarding a New York Times article “As Disasters Worsen, California Looks at Curbing Construction in risky Areas.”

**FUTURE NEIGHBORHOOD MEETINGS:** None.

**ORAL COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

**1. PROPOSITION S CONSTRAINT ANALYSIS AND HOTEL CONVERSION ORDINANCE - PLANNING CASE NO. PL 21-0228:**

REQUEST: Receive and file the Proposition S constraint analysis and amend the Zoning Code so that existing hotels and motels in all zoning districts as well as those located in specific plans may be converted to supportive housing, transitional housing, single-room occupancy, multi-family housing, or a combination thereof. The Project requires an amendment to Article 1 (General Provisions and Definitions) and Article 63 (Transient Lodging) of the Zoning Code to establish the regulations to authorize hotel or motel conversions.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: The Project is categorically exempt from further environmental review pursuant to California Environmental Quality Act (“CEQA”) Guidelines section 15301 (Existing Facilities).

STAFF RECOMMENDATION: Approval to City Council

**COMMISSION DISCUSSION:**

Commissioner Weiler identified the following concerns: maximum unit count of 75% for the existing hotel rooms; definition of SRO, specifically related to provision of kitchen and bath facilities, and difference between that and an efficiency unit; parking requirements for affordable SROs and guest parking; and open space provisions.

Commissioner Paul also identified parking requirements as an area of concern, as well as a desire to have City Council action on the Proposition S determination taken separately from action on the Hotel Conversion Ordinance, and identified a clerical error in the Zoning Code Amendment text.

Director of Community Development Strong responded to the inquiries regarding maximum unit count, SRO definition, parking, and open space. He and Senior Deputy City Attorney Whitman also addressed the ability for the Proposition S determination to be bifurcated from the Hotel Conversion Ordinance when presented to City Council.

The Planning Commission discussed the various issues raised.

PUBLIC SPEAKERS: None.

**COMMISSION ACTION:**

Motion by Chair Barba, seconded by Vice-Chair Rainey, to approve Planning Commission Resolution No. 2021-05, with modifications as shown (strike-out/underline) in Exhibit “B” related to maximum unit count, parking, open space, and a clerical error, and direction to bifurcate the Proposition S determination and Hotel Conversion Ordinance for consideration by City Council. Motion carried 7-0. Ayes: Barba, Doan, Paul, Rainey, Ramirez, Serrato, and Weiler.

**2. DOWNTOWN SPECIFIC PLAN AMENDMENT – PLANNING CASE NO. PL 21-0227:**

REQUEST: A proposed amendment to the Downtown Specific Plan to change zoning regulations to require ground-floor commercial uses only at key locations or preference areas based on context or planning objectives rather than as a blanket requirement to ensure future projects are feasible and the desired community character is preserved. The project consists of a map amendment to Figure II-4 of the Downtown Specific Plan to eliminate the ground-floor retail requirement in areas where standalone residential uses would not be detrimental to the surrounding commercial districts and goals of the Downtown Specific Plan. The proposal also includes a request to adopt an Addendum to the previously certified Final EIR for 2012 General Plan Update, Downtown Specific Plan Update, and Climate Action Plan (“Final EIR”).

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: An Addendum to the Final EIR was prepared to meet the requirements of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”), the regulations promulgated thereunder (14 California Code of Regulations section 15000 et seq.) (“CEQA Guidelines”), and the City’s Environmental Review Guidelines (Article 47 of the Escondido Zoning Code). The Addendum is appropriate pursuant to CEQA Guidelines section 15164 because only minor changes and additions to the Final EIR are necessary to address the Project changes and no circumstances exist calling for the preparation of a subsequent or supplemental EIR pursuant to CEQA Guidelines sections 15162 and 15163.

STAFF RECOMMENDATION: Approval to City Council

**COMMISSION DISCUSSION:**

The Commissioners discussed the proposed amendment and identified an inadvertently omitted word on the map legend attached to draft Resolution No. 2021-07 (“residential” missing from “Interim Ground Floor Residential Allowed.”

Commissioner Paul addressed concerns with the requirement to design ground floor residential space in the “Interim Ground Floor Residential Allowed” area to accommodate conversion to commercial space at a future date.

**COMMISSION ACTION**

Motion by Chair Barba, seconded by Commissioner Serrato, to approve Planning Commission Resolution No. 2021-07, with a minor modification to the legend on Exhibit “B” to insert the word “residential” where unintentionally omitted. Motion approved 6-1. Ayes: Barba, Doan, Rainey, Ramirez, Serrato, and Weiler. Noes: Paul.

**CURRENT BUSINESS:**

1. **Housing and Community Investment Study (HCIS)**

Staff provided an informational report and status update to the Commission on the Housing Element.

**COMMISSION DISCUSSION:**

Commissioners had a brief discussion.

**COMMISSION ACTION:**

No action was taken; information was presented and discussed.

**ORAL COMMUNICATIONS:** None.

**PLANNING COMMISSIONERS:**

Chair Barba would like the Planning Commission to have the opportunity to review the Community Choice Energy Program.

Chair Barba stated that she attended the APA webinar on Public Benefits Planning and found it to be educational.

Chair Barba gave a very brief update on the Green Infrastructure Subcommittee.

**DIRECTOR'S REPORT:**

The Housing Element Update, East Valley Specific Plan, the Mercedes Benz expansion, and Design Review for the Escondido Creek Trail will be heard at upcoming Planning Commission meetings.

Director Strong stated he was leaving the City of Escondido and introduced Adam Finestone, AICP, as the new Secretary of the Planning Commission and Interim Director of Community Development.



**COMMISSION COMMUNICATION:**

Commissioner Weiler thanked Director Strong for his leadership over the last several years and greatly appreciates everything he has done for the Commission and the City. Commissioner Weiler thanked Director Strong for the tremendous job he did creating the Climate Action Plan.

Vice-Chair Rainey thanked Director Strong for his service and all he has done.

Chair Barba thanked Director Strong and appreciated his leadership.

**ADJOURNMENT:**

Chair Barba adjourned the meeting at 10:08 p.m.

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Adam Finestone, Secretary to the  
Escondido Planning Commission

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Joanne Tasher, Minutes Clerk

## PLANNING COMMISSION

Agenda Item No.: G.1  
Date: July 13, 2021

**PROJECT NUMBER / NAME:** PL 21-0056 / La Lomita Subdivision

**REQUEST:** Tentative Subdivision Map for the development of six single-family residential lots within the R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) zone. A Grading Exemption is requested for a fill slope up to 12 feet in height.

**LOCATION:** Southeastern corner North Broadway and La Lomita Drive

**APN / APNS:** 227-180-27-00

**GENERAL PLAN / ZONING:** Suburban (S) / R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size)

**APPLICANT:** Michael D. Schweitzer, SWS Engineering, Inc.

**PRIMARY REPRESENTATIVE:** Michael Schweitzer

**DISCRETIONARY ACTIONS REQUESTED:** Tentative Subdivision Map and Grading Exemption

**PREVIOUS ACTIONS:** N/A

**PROJECT PLANNER:** Jay Paul, Senior Planner

**CEQA RECOMMENDATION:** Approve the Categorical Exemption pursuant to CEQA Guidelines section 15332 (In-fill Development Projects)

**STAFF RECOMMENDATION:** Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2021-11.

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

Mike Strong, Community Development Director  
 Adam Finestone, City Planner

**BACKGROUND:**

The approximately 2.1-acre Project site is undeveloped and generally slopes and drains to the east. The property fronts onto North Broadway on the west and La Lomita Drive on the north. North Broadway is classified as a Major Road on the General Plan Circulation Element Map. La Lomita Drive is a private road. Surrounding land uses include single-family residential development on the north, south and east, and Escondido High School to the west across North Broadway. Vegetation on the site primarily consists of various grasses and weeds, and a variety of trees. The site does not contain any sensitive habitat or resources.

**A. SUMMARY OF REQUEST:**

Michael Schweitzer (“Applicant”) submitted an application for a Tentative Subdivision Map to subdivide the property into six single-family residential lots with an overall density of 2.8 dwelling units per acre on approximately 2.1 acres of land (net acres) with a General Plan land-use designation of Suburban (see Attachment 1 to this staff report, which is incorporated herein by this reference). Net lot sizes range from 10,000 square feet to 18,020 square feet. North Broadway is developed with curb, gutter and sidewalk across the project frontage in conformance with Collector Road standards. The existing roadway condition is shown on the Tentative Subdivision Map exhibit included with this report. The North Broadway frontage would need to be widened an additional nine feet in accordance with Major Road standards and the project has been conditioned accordingly. There is sufficient existing right-of-way to accommodate the necessary roadway improvements and no additional dedication is required. La Lomita Drive would be widened across the project frontage to provide a minimum paved width of 28 feet, to include curb, gutter and sidewalk. A cul-de-sac street (private street) would provide access to four of the lots (Lots 2, 3, 4 and 5), and access to Lots 1 and 6 would be provided from La Lomita Drive. Lot 6 is a panhandle shaped lot and the Project’s storm water basin would be located within a drainage easement in the northwestern corner of this lot. Grading includes a combination of cut and fill, with retaining walls up to approximately five feet in height on Lots 4, 5, and 6. A Grading Exemption is requested for a fill slope up to approximately 12 feet in height towards the southwestern corner of Lot 2. A new 8-inch public water main would be installed within La Lomita Drive. The developer will be required to relocate the existing water meters within the N. Broadway right-of-way to the individual properties they serve and reconnect the residences with new service laterals to the 8-inch main.

**B. SUPPLEMENTAL DETAILS OF REQUEST:**

- |                    |   |
|--------------------|---|
| 1. Property Size:  | 2.1 acres (net lot area)  |
| 2. Number of Lots: | Six single-family residential lots  |
| 3. Lot Size:       | 10,000 SF to 18,020 SF (net lot area). R-1-10 zone requires min. 10,000 SF net lot area and average lot width of 80 feet. |

4. Density: 2.8 du/ac (Six lots/2.1 net acres)
5. Yield: Six lots maximum based on Suburban land-use designation of 3.3 du/ac x 2.1 net acres = 6.93 lots. Fractional numbers rounded down.
6. Required Setbacks: Subject to underlying R-1-10 zone  
Front: 15' to building, 20' to garage  
Side: 5' and 10'  
Street Side: 10'
7. Grading: Cut: 5,200 cubic yards  
Fill: 5,600 cubic yards  
Import or Export: 400 cubic yards import
8. Parking: Project conditioned to provide a minimum of 6 spaces on each lot. A minimum of 2 spaces must be covered per code requirements.

**C. PROJECT ANALYSIS:**

1. General Plan Conformance:

The City's General Plan land-use designation for the project site is Suburban (S). Single-family residential development of up to 3.3 dwelling units per acre is permitted within the Suburban land-use designation. Based on the size of the project site (2.1 net acres), the underlying land-use designation would allow up to 6 lots. The request to subdivide the 2.1-acre site into six lots with a density of 2.8 dwelling units per acre is consistent with the land use density and development requirements.

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City's share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction's Regional Housing Needs Allocation ("RHNA"), especially for lower- and moderate-income households. Jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels "lost" as a result of the approval. The so-called "no net loss" provisions apply when a site is included in the jurisdiction's Housing Element's inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density than shown in the Housing Element.

As noted previously, the Applicant proposes to subdivide the Project site into six single-family residential lots and the underlying Suburban land-use designation would allow up to six lots. The Project site is identified in the vacant/underutilized sites land inventory of the City's Fifth Cycle (current) Housing Element. Because the provision of "no net loss" applies to housing located on any site listed in the City's Housing Element, the City is required to determine if this Project or a decision related to this Project would be subject to No Net Loss Law and its remedies. The proposed Project is consistent with the General Plan Housing Element density projection for the property and therefore would be in conformance with "no net loss" provisions pursuant to Government Code section 65863(b).

## 2. Site Design:

### a) Lot Design, Access and Parking:

The Applicant proposes to subdivide the property into six single-family residential lots with net lot sizes ranging from 10,000 square feet to 18,020 square feet. Proposed access to two of the lots (Lots 1 and 6) would be provided from La Lomita Drive. A new cul-de-sac street would provide access to the remaining four lots (Lots 2 through 5). Lot 1 would include a storm water feature/basin towards the northwestern corner of the lot to serve the project and street widening. Noise attenuation walls (up to 6 feet in height) would be provided along the western side of Lots 1, 2 and 6 due to the proximity to North Broadway and associated traffic noise. The storm water basin, parkway landscaping along North Broadway, and slope landscaping along the western and southern side of Lot 1 would be required to be maintained by the Project homeowners' association.

On-street parking would be limited within the cul-de-sac due to its relatively short length. However, on-street parking would be allowed along La Lomita Drive and North Broadway along the frontage of the Project. Due to the limited parking available along the cul-de-sac, the project has been conditioned for the future design of the homes to accommodate a minimum of 6 cars on each lot. A concept design has been included with the project plans demonstrating how on-site parking could be accomplished for each lot by providing a three-car garage for each home and paved parking for a least 3 cars in the driveway. Project plans are attached to this staff report as Exhibit "B" to draft Planning Commission Resolution No. 2021-11.

### b). Grading Exemption:

The proposed grading design includes a combination of cut and fill slopes, with retaining walls up to approximately five feet in height. The design includes a fill slope of approximately 12 feet in height towards the southwestern corner of Lot 2. A Grading Exemption is required for any fill slope in excess of 10 feet in height. The height of the fill slope is necessary to create a pad elevation for Lot 2 with sufficient gradient (slope) to drain and sewer to the proposed new cul-de-sac street. The slope would be landscaped with appropriate materials including trees to mitigate views towards the

slope from existing residences on the south and to provide screening to reduce potential overlooking from the higher pad elevation.

#### **D. FISCAL ANALYSIS**

The proposed Project is a private development project that will require the payment of fees in effect at the time permits are requested. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency's general fund and the city or county's ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself.

In 2019, the City of Escondido hired a financial consultant who conducted a Fiscal Impact Analysis ("FIA") and determined that future ongoing revenue received as a result of new residential units throughout the City is less than the cost to provide municipal services, including police, fire and infrastructure maintenance, to those new units. In January 2020, the results of the FIA were presented to the City Council. On April 8, 2020, a Resolution was passed declaring the City's intent to form a Community Facilities District (collectively referred to herein as the "CFD") to offset the cost of governmental services associated with new development, as identified in the FIA.

CFD No. 2020-1, CityWide Services, was formed by the City Council on May 13, 2020. The special tax that will be assessed on properties as a result of the development of new residential units is based upon the FIA that was prepared to support the creation of CFD No. 2020-01. Developers to whom these residential project entitlements are assigned are responsible to establish a funding mechanism to provide a source of funds for the on-going municipal services required for the project. The benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

The Project Applicant has signed a letter of consent agreeing to enter into the CFD. The letter of consent is attached to this Planning Commission staff report as Attachment 2 and incorporated herein by this reference. Therefore, a condition has been included in the Project's Conditions of Approval, which are attached as Exhibit "C" of draft Planning Commission Resolution No. 2021-11, to reflect the Applicant's submission of the unanimous consent form and interest to annex the Project into the CFD. In accordance with the adopted Resolution, the subject property falls under the "Category 1" rate of \$536 per unit per year through June 30, 2021. Based on a six-unit development, the current estimated annual amount for ongoing services is \$3,216 subject to annual adjustments. The special tax for CFD 2020-1 will escalate at the maximum rate of inflation as determined by the Consumer Price Index ("CPI") and at a minimum rate of 2% per year.

**E. ENVIRONMENTAL STATUS:**

California Environmental Quality Act (“CEQA”) Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The Project qualifies for an exemption under CEQA Guidelines section 15332 (In-Fill Development Projects). The CEQA Notice of Exemption prepared for the Project is attached to this staff report as Attachment 3 and incorporated herein by this reference. The Notice of Exemption demonstrates that the Project qualifies for the exemption and will not have a significant effect on the environment.

**F. PUBLIC INPUT:**

Staff has not received any correspondence from the public regarding the Project as of the writing of this report.

**G. CONCLUSION AND RECOMMENDATION:**

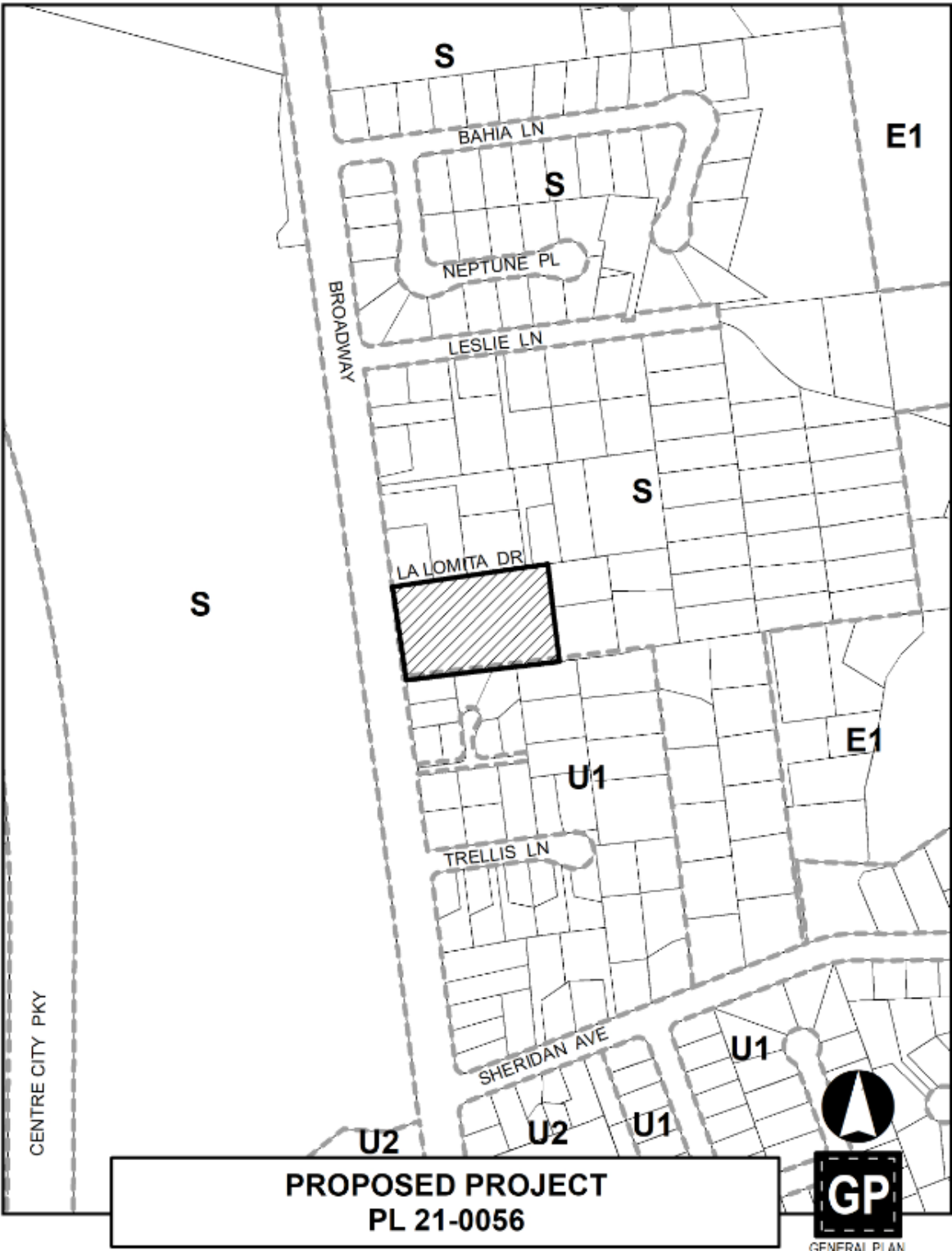
The proposed Project is consistent with the General Plan land use designation (Suburban) and the R-1-10 zoning standards. The Planning Commission is the final decision-maker for all land use development applications that consist of a Tentative Subdivision Map and Grading Exemptions, unless appealed. The proposed Project provides for a well-designed residential development that will be beneficial to its future residents.

Staff recommends that the Planning Commission adopt draft Planning Commission Resolution No. 2021-11, approving the proposed Tentative Subdivision Map and Grading Exemption, as described in this staff report and as detailed in Exhibits “A” through “D” to the draft resolution.

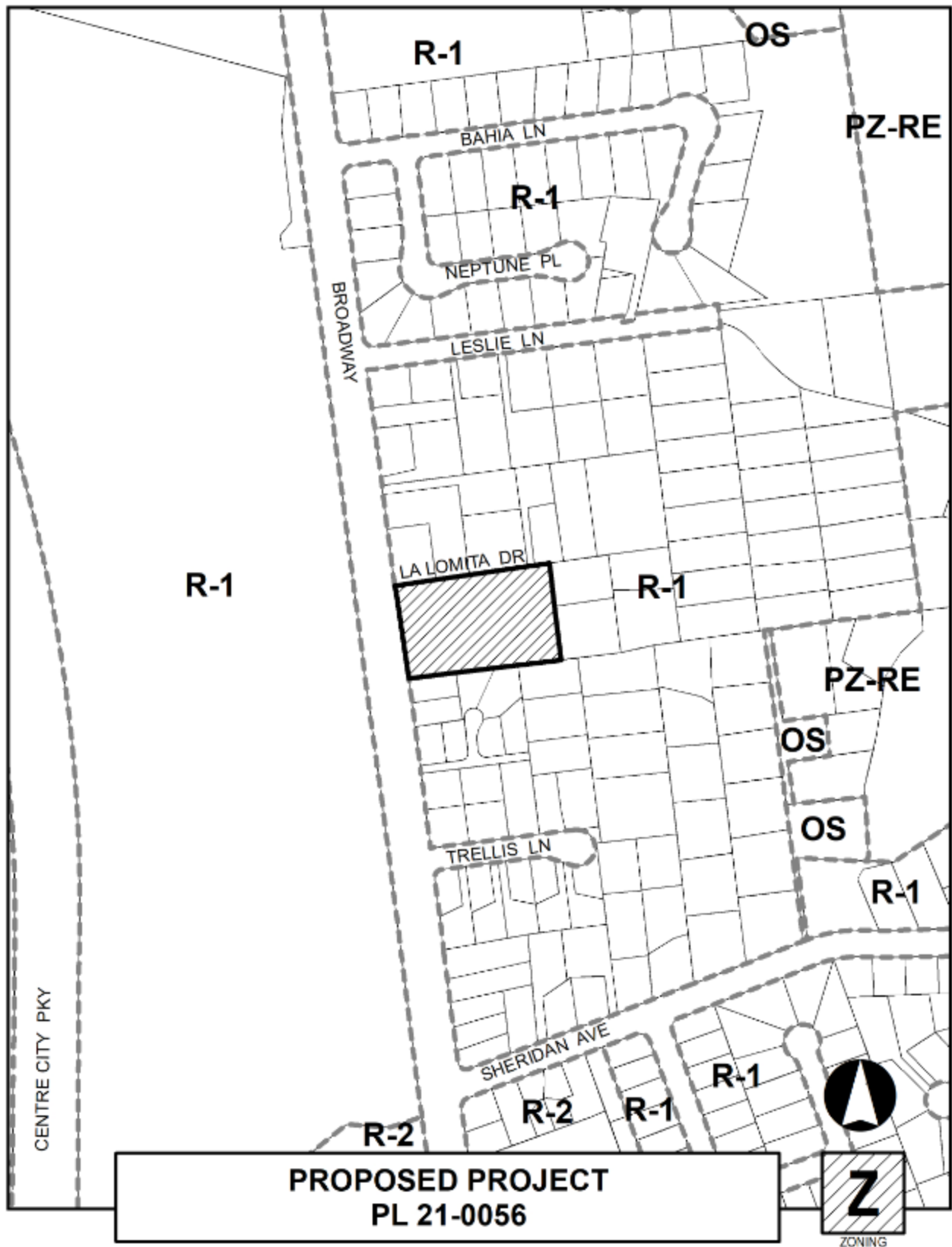
**ATTACHMENTS:**

1. Attachment 1 - Location and General Plan Map;
2. Attachment 2 - CFD Letter of Intent;
3. Attachment 3 - Categorical Exemption; and
4. Draft Planning Commission Resolution No. 2021- 11, including:
  - a. Exhibit A – Legal Description of Property;
  - b. Exhibit B – Plan Set;
  - c. Exhibit C – Factors to be Considered / Findings of Fact; and
  - d. Exhibit D – Conditions of Approval.

ATTACHMENT 1







ATTACHMENT 2



**Letter of Intent to Offset and Fund Ongoing Public Services**

The City of Escondido has determined that the cost to serve new residential development exceeds the revenue generated from such development. Therefore, in order to ensure new residents within the City continue to receive public services at their current level, each development will need to offset and fund ongoing public services costs required for the development. As one option, each new residential unit constructed within the City may annex into the Citywide Services Community Facilities District (CFD 2020-1), which has been created to fund municipal services associated with new residential development. If a development elects not to annex into CFD 2020-1, the development will need to demonstrate to the City how the development otherwise will offset and fund the ongoing public services costs required for the development.

CFD 2020-1 has established special tax rates for residential projects, which are provided in the following table:

Density Range	Less than 5.5 units/acre	5.5 to less than 18 units/acre	18 to less than 30 units/acre	30 or greater units/acre
General Plan Designation	Urban I Suburban Estate I / II Rural I / II	Urban II Urban III	Urban IV Urban V	SPA (Downtown Specific Plan)
Annual Special Tax Rate per Dwelling Unit	\$536	\$743	\$725	\$783

**PLEASE COMPLETE THE FOLLOWING INFORMATION:**

- 1) Project Name: LA LOMITA TSM
- 2) Property Address(es): —
- 3) APN(s): 227-180-2700
- 4) Applicant: MICHAEL D. SCHWEITZER
- 5) Applicant Phone Number and Email: 760.744.0011 michael@sns-engr.com

(continued on next page ...)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA ]

COUNTY OF San Diego ]

On April 21, 2021, before me,

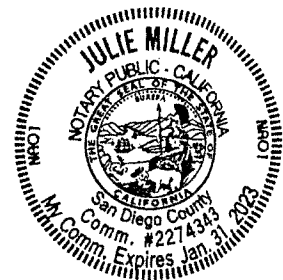
Julie Miller, a Notary Public, personally appeared Michael Schweitzer,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Julie Miller (Seal)



**6) Funding Mechanism (Please check the one option below that applies):**

a) Applicant agrees to annex into CFD 2020-1 to offset and fund the development project's ongoing public services costs.

b) Applicant agrees to provide the City with an upfront deposit, to be calculated by the City, sufficient to offset and fund the development project's ongoing public services costs.

c) Applicant advises that a special rate and method of apportionment is required for property uses that do not fit the above General Plan designations and/or the property is outside the current city limits. Applicant agrees to offset and fund the development project's ongoing public services costs at the special rate and method of apportionment and shall fund a fiscal impact analysis specific to the development project to determine the rate and method of apportionment.

d) Applicant agrees to offset and fund ongoing public services costs required for the development project through an alternative mechanism:

Description of how the proposed development project will offset ongoing public services costs (attach additional sheets as necessary):

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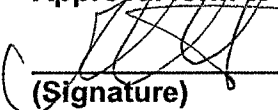
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**Applicant agrees, on behalf of itself and its successors or assigns, to offset and fund the ongoing public services costs required for the Project in the manner provided above, which shall be made a condition of approval of the Project. This Letter of Intent shall be binding on Applicant and its successors or assigns, but only to the extent the Project is approved. Within 30 days prior to annexation proceedings Property Owner shall submit an executed wet signed copy of the Unanimous Approval form to the City.**

  
\_\_\_\_\_  
(Signature)

MICHAEL D. SCHWEITZER  
\_\_\_\_\_  
(Print First and Last Name)

4/21/21  
\_\_\_\_\_  
(Date)

CEO  
\_\_\_\_\_  
(Title)

**(Above signature must be notarized; Acknowledgment page follows.)**



ATTACHMENT 3

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

Notice of Exemption

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

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

Project Title/Case No.: La Lomita Subdivision / PL21-0056

Project Location - Specific: The approximately 2.1-acre site is located on the southeastern corner of N. Broadway and La Lomita Drive (Assessor Parcel No. 227-180-27-00).

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

Description of Project: Tentative Subdivision Map for six single-family residential lots on a vacant 2.1-acre parcel. A Grading Exemption also is requested for a fill slope up to 12 feet in height towards the southwestern area of the parcel. Primary access to the project site would be provided from La Lomita Drive, which is a private street.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Michael D. Schweitzer Telephone: (760) 744-0011

Address: 41635 Lake San Marcos Drive, Suite 200, San Marcos, CA 92078

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

Exempt Status: The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects).

Reasons why project is exempt:

The 2.1-acre project site is within City limits and is surrounded by urban/suburban uses. The design of the project is consistent with the applicable Suburban (S) General Plan land-use designation (density and yield) and all applicable general plan policies as well as with applicable R-1-10 zoning designation and regulations. It has been determined the project would not result in any significant impacts to traffic, noise, air quality, or water quality. The project site does not contain any sensitive habitat and all required utilities and public services can be provided to the site with existing facilities located within adjacent streets or easements.

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

Signature: JP Paul
Jay Paul, Senior Planner

6-28-2021
Date

Signed by Lead Agency

Date received for filing at OPR: N/A

## ATTACHMENT 4

Planning Commission  
Hearing Date: July 13, 2021  
Effective Date: July 24, 2021

### PLANNING COMMISSION RESOLUTION NO. 2021-11

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A 6-LOT TENTATIVE SUBDIVISION MAP AND GRADING EXEMPTION

APPLICANT: Michael Schweitzer

CASE NO: PL 21-0056

WHEREAS, Michael Schweitzer ("Applicant"), filed a land use development application, Planning Case No. PL 21-0056 ("Application"), constituting a request for a Tentative Subdivision Map consisting of six single-family residential lots and a Grading Exemption for a fill slope up to 12 feet in height ("Project") on an approximately 2.1-acre Project site located on the southeastern corner of North Broadway and La Lomita Drive (APN 227-180-27-00), in the R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) zone; and

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

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits

specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”); and

WHEREAS, single-family residential development is a permitted use within the R-1-10 zone, subject to the approval of a Tentative Subdivision Map, in accordance with Chapter 32 of the Escondido Municipal Code and Article 6 of the Escondido Zoning Code; and

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

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the Project as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

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

WHEREAS, on July 13, 2021, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the

Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated July 13, 2021, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.
2. The Planning Commission, in its independent judgment, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines section 15332 (In-fill Development Projects). All of the requirements of CEQA have been met.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the substantive findings and determinations attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the



Findings of Fact and the foregoing, the Planning Commission reached a decision on the matter as hereinafter set forth.

4. The Application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "D," is hereby **approved** by the Planning Commission. The Planning Commission expressly declares that it would not have approved this Application except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

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

6. The development plans for the Project are on file in the Planning Division of the Community Development Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is conditionally approved as set forth on the Application and Project drawings, all designated as approved by the Planning Commission, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

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

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 13<sup>th</sup> day of July, 2021, by the following vote, to wit:

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

\_\_\_\_\_  
Katharine Barba, Chair  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
ADAM FINESTONE, Secretary to the  
Escondido Planning Commission

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

\_\_\_\_\_  
JOANNE TASHER, Minutes Clerk  
Escondido Planning Commission

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

**EXHIBIT "A"**  
**Legal Description**  
**PL21-0056**

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

PARCEL 1:

ALL THAT PORTION OF LOT 4 IN BLOCK 422 OF RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP NO. 723](#), MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

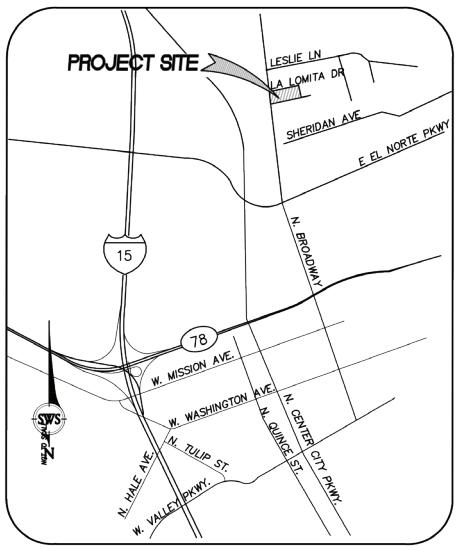
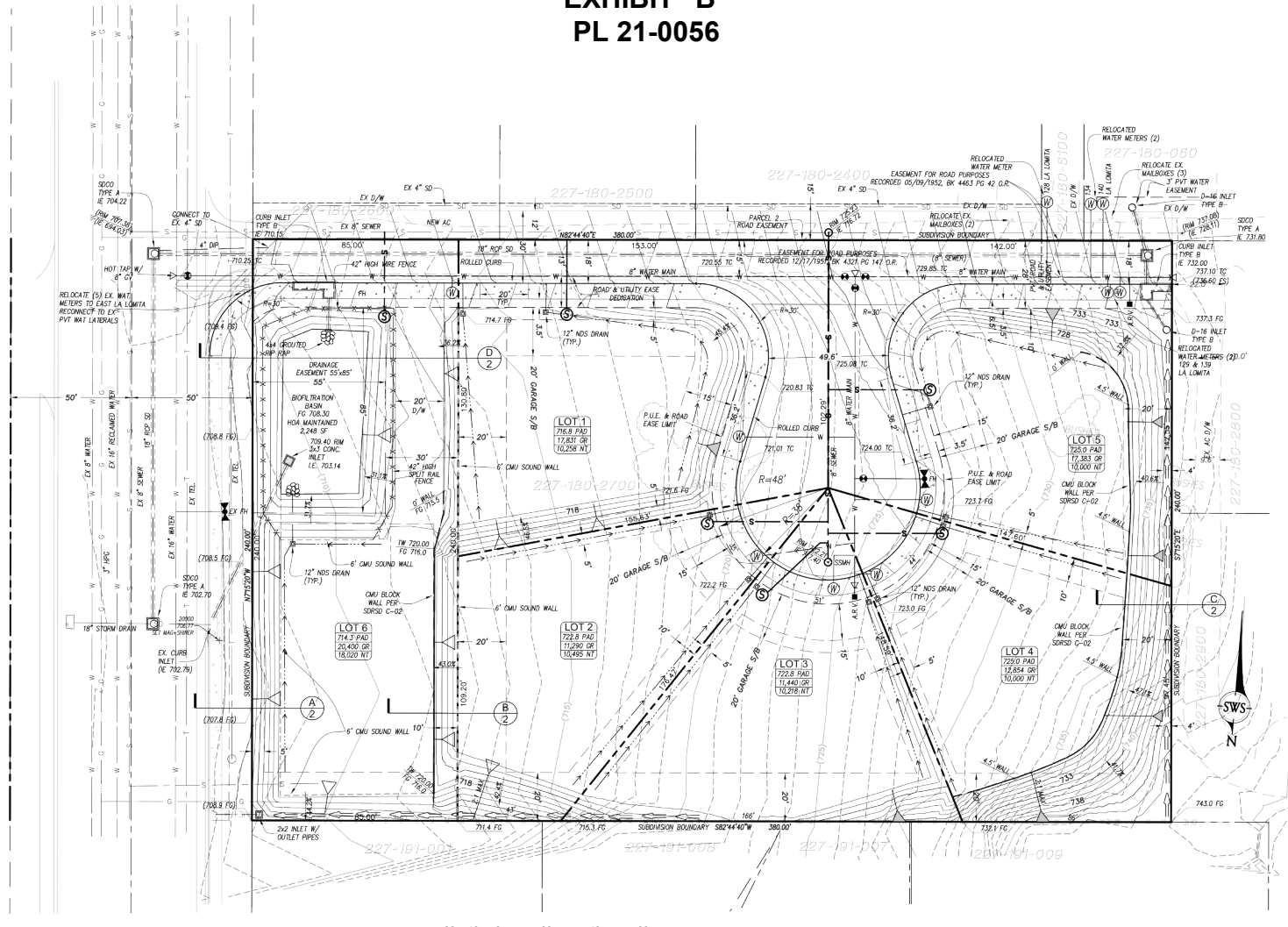
BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 4 IN BLOCK 422; RUNNING THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 240 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 380 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT, A DISTANCE OF 240 FEET TO A POINT IN THE SOUTHERLY LINE OF LOT 4; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, A DISTANCE OF 380 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR ROAD PURPOSES OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 4 IN BLOCK 422; THENCE RUNNING NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 240 FEET, WHICH IS THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG SAID WESTERLY LINE A DISTANCE OF 15 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 4 A DISTANCE OF 326 FEET; THENCE SOUTHERLY PARALLEL WITH THE WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 15 FEET; THENCE WESTERLY PARALLEL WITH SAID SOUTHERLY LINE OF LOT 4, A DISTANCE OF 326 FEET TO THE TRUE POINT OF BEGINNING.

# EXHIBIT "B" PL 21-0056



**VICINITY MAP**  
NOT TO SCALE

## LEGEND

- RIGHT OF WAY
- PROPERTY LINE/RIGHT OF WAY
- CENTER LINE
- CURB (PUB)
- DRIVEWAY
- CURB RAMP (PUB)
- BIOFILTRATION BASIN (PVT)
- CONCRETE (PVT)
- 1x1 AREA DRAIN (PVT)
- STORM DRAIN PIPE (PUB)
- STORM DRAIN PIPE (PVT)
- 8" SEWER MAIN (PUB)
- SEWER MANHOLE (5' DIA) (PUB)
- 4" SEWER LATERAL (PVT)
- 8" WATER MAIN (PUB)
- 1" WATER SERVICE W/ 1" METER & BFP (PUB)
- WATER GATE VALVE (PUB)
- FIRE HYDRANT (PUB)
- EX. TREE
- WOOD FENCE
- CHAIN LINK FENCE
- IRON FENCE
- SEWER MANHOLE
- WATER METER
- WATER VALVE
- EX. STREET LIGHT PIPE
- EX. STORM DRAIN PIPE
- EX. WATER LINE (PUBLIC)
- EX. SEWER LINE (PUBLIC)
- EX. GAS LINE (PUB)
- EX. ELECTRICAL LINE (PUB)

NOTES:  
1. EXISTING OVERHEAD LINES TO BE UNDERGROUND.

# PROPOSED PROJECT: PL 21-0056 TENTATIVE SUBDIVISION MAP

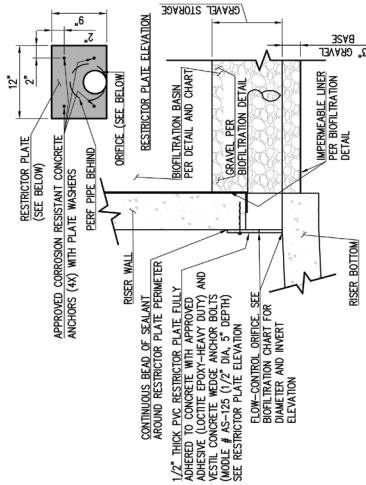
# PROPOSED PROJECT: PL 21-0056 DETAILS

ROSEBUD AREA, SAN MATEO COUNTY, CALIFORNIA. PL 21-0056, SHEET 21. PLANTING NOTES:  
50% SHARP SAND, 30% TOP SOIL AS RECOMMENDED BY THE SOIL REPORT, 15% MOSS THOROUGHLY BLENDED, PROVIDE 3-INCH HARDWOOD MULCH, AND 5% FEAT MOSS THOROUGHLY BLENDED. PROVIDE 3-INCH MULCH. BSM SHALL BE COMPOSED OF THE FOLLOWING:

BSM COMPOSITION	SAND	SANDY LOAM	SILT	CLAY	COMPOST
VOLUME	65%		20%		15%
WEIGHT	75-80%	10% MAX	3% MAX	9% MAX	1% MAX

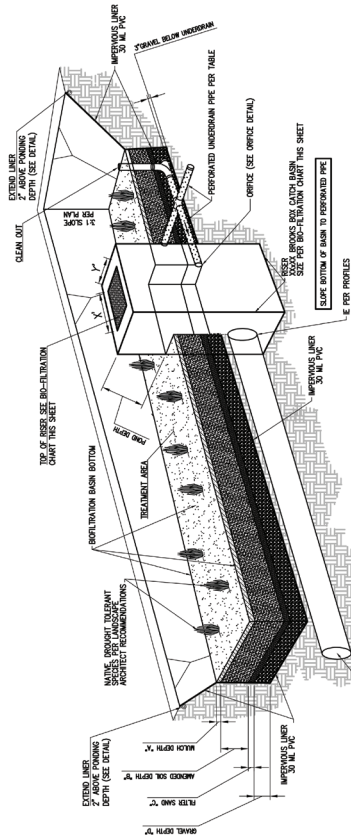
1.5% COMPOST BY WEIGHT RESULTS IN APPROXIMATELY 5% ORGANIC MATTER BY WEIGHT.

ROSEBUD SOIL MEDIA (BSM) SHALL MEET REQUIREMENTS OF THE COUNTY OF SAN DIEGO LOW IMPACT DEVELOPMENT HANDBOOK, APPENDIX G AND ALLOW FOR A MINIMUM OF 100 GALLONS OF WATER PER HOUR PER HOUR. BSM SHALL BE COMPOSED OF THE FOLLOWING:



**RESTRICTOR PLATE AND ORIFICE DETAIL**

Scale: NTS



1. PROVIDE WATER TIGHT SEAL FOR LINER TO CONCRETE STRUCTURES 3\"/>
- 2. PROVIDE PHOTO DOCUMENTATION OF ALL STAGES OF BIOPFILTRATION FACILITY CONSTRUCTION TO ENGINEER OF RECORD FOR FINAL APPROVAL.

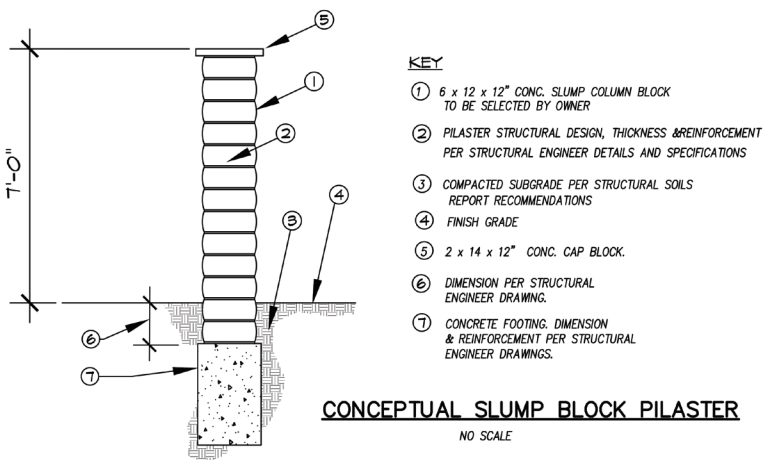
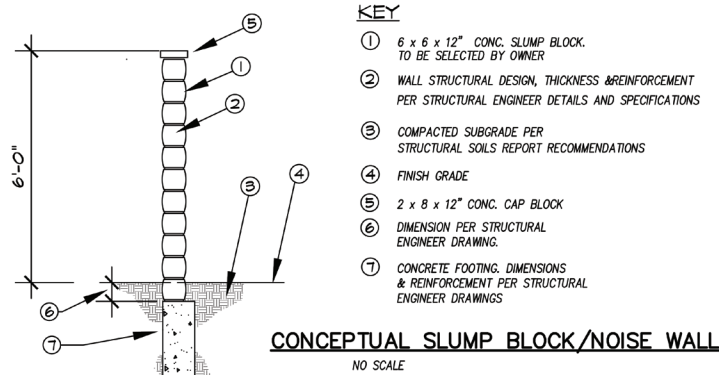
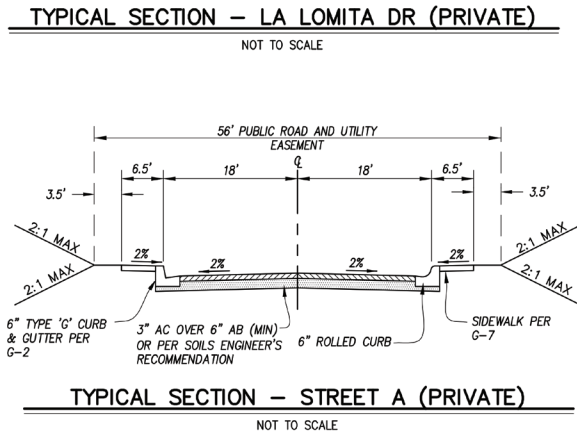
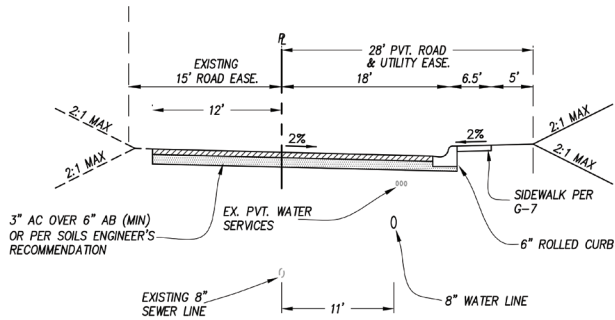
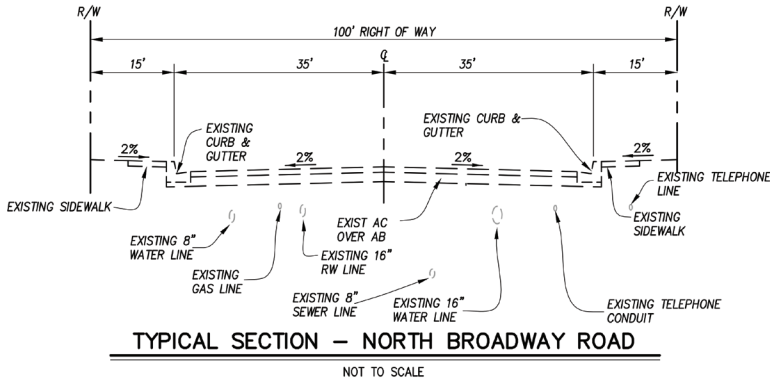
**BIOPFILTRATION FACILITY**

Scale: NTS

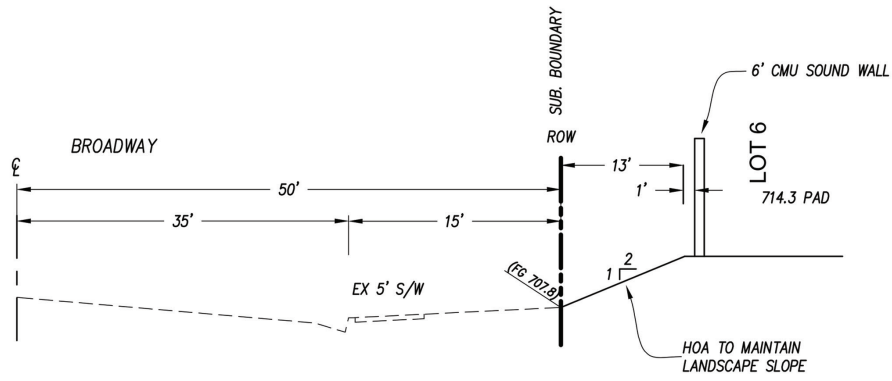
**BIO-FILTRATION CHART**

CITY BMP ID	ORIFICE #	ORIFICE DIAMETER (IN)	BASIN AREA (SF)	BASIN BOTTOM ELEVATION (FT)	INVERT ELEVATION (FT)	OUTFLOW PIPE (IN)	# OF RISERS	GRAVEL SIZE (IN)	IN-BASIN DEPTH (IN)	TOTAL MULCH DEPTH (IN)	AMENDED SOIL DEPTH (IN)	SAND FILTER DEPTH (IN)	GRAVE DEPTH (IN)	BOTTOM BASIN ELEVATION (FT)	TOP OF GRAVE ELEVATION (FT)	100-YR POND DEPTH (FT)	TOP OF BERM ELEVATION (FT)	PROVIDED FREE BOARD (IN)
1	1	1.1"	1,600	2,248	705.05	18	1	3"	3"	3"	18"	6"	12"	708.3	709.55	709.97	710.97	12"

\* 3" SAND & 3" PEA GRAVEL \*\* 3/4" CRUSHED ROCK \*\*\* (15') POND DEPTH IS REQUIRED FOR HMP

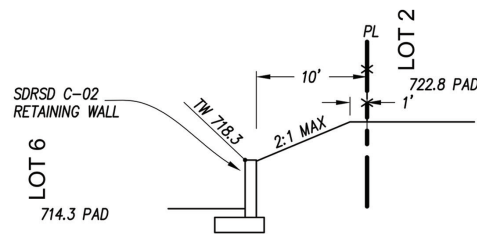


**PROPOSED PROJECT: PL 21-0056**  
**SECTIONS**



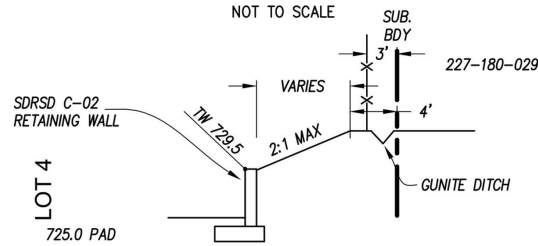
**SECTION A**

NOT TO SCALE



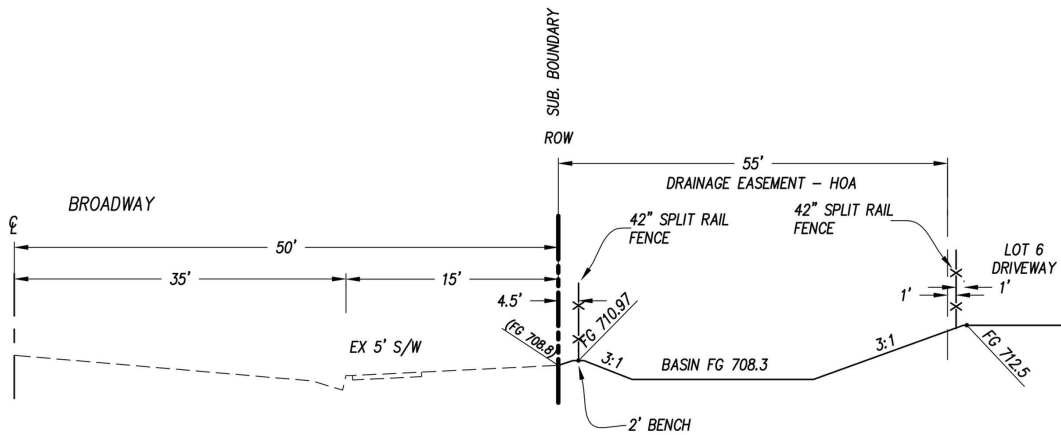
**SECTION B**

NOT TO SCALE



**SECTION C**

NOT TO SCALE

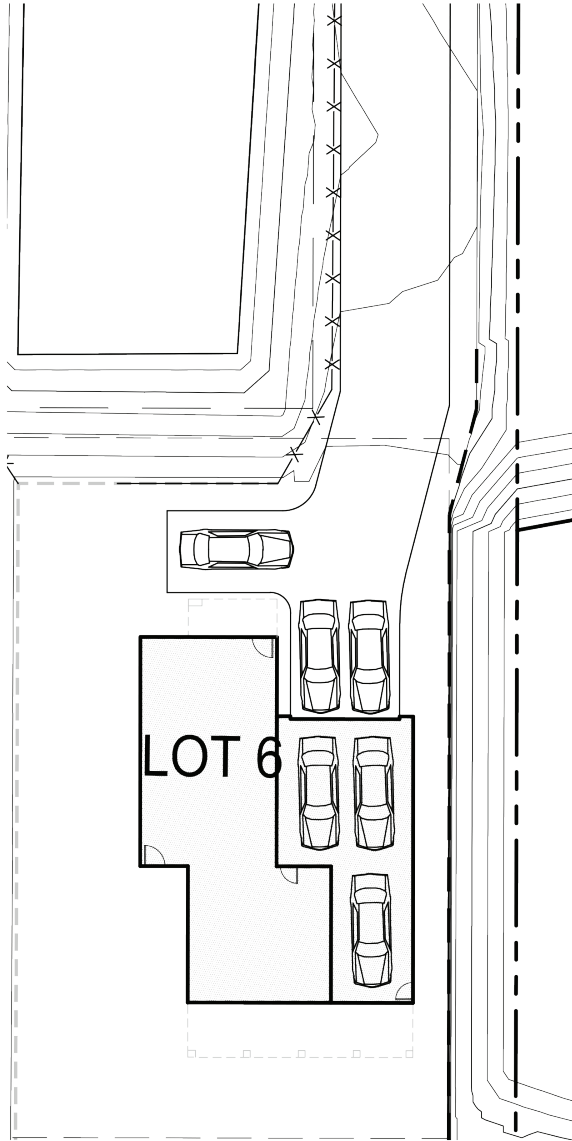


**SECTION D**

NOT TO SCALE

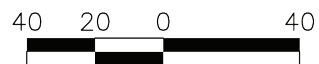
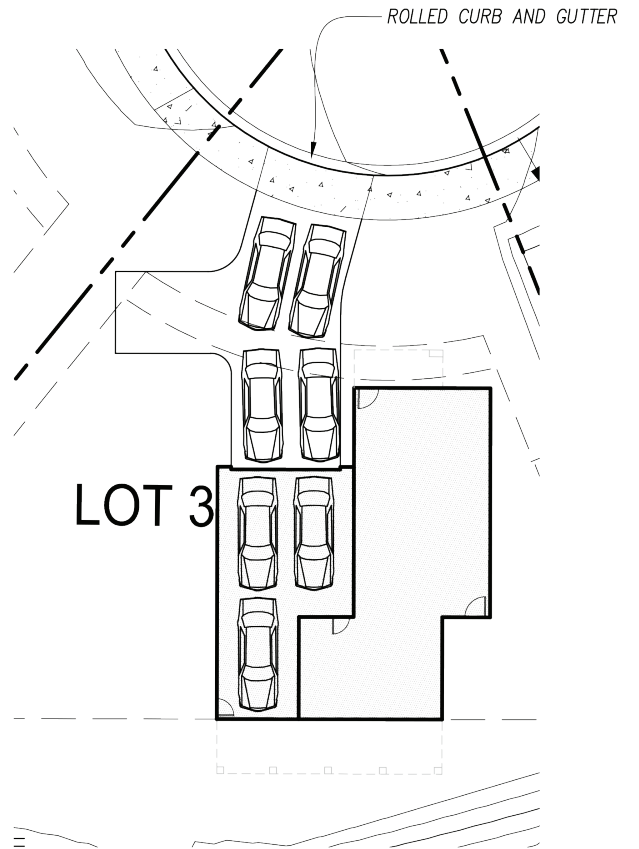
**PROPOSED PROJECT: PL 21-0056**  
**SECTIONS**





**PARKING**

SIX (6) CARS PER LOT  
 14 STREET PARKING SPACES - 2.33 PER LOT



**PROPOSED PROJECT: PL 21-0056  
 PARKING CONCEPT PLAN**

## **EXHIBIT “C”**

### **PLANNING CASE NO. PL 21-0056**

#### **FACTORS TO BE CONSIDERED / FINDINGS OF FACT**

##### **Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project is categorically exempt pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects) because:
  - a. The Project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations;
  - b. The Project occurs within City limits on no more than five acres substantially surrounded by urban uses;
  - c. The Project has no value as habitat for endangered, rare or threatened species;
  - d. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
  - e. The Project site can be adequately served by all required utilities and public services.
3. The Project does not trigger any exceptions to the categorical exemption listed in CEQA Guidelines section 15300.2.
4. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the July 13, 2021 Planning Commission Agenda Report; testimony by City staff and the public; and other materials and evidence submitted or provided to it regarding the Project. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that the above-described exemption requirements have not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

**Tentative Subdivision Map Determinations:**

1. The location, design, and residential density of the proposed six-lot single-family residential development are consistent with the goals and policies of the Escondido General Plan because single-family residential development is permitted and encouraged in the within the suburban land-use designation. The proposed infill residential Project is in conformance with General Plan Housing Goals and Policies to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities.
2. The Project site is physically suitable for the proposed density of development because the Project site is within an urban area that is developed with a mix of similar single-family residential uses. The suburban land-use designation allows up to 3.3 dwelling units per acre. Based on the Project site (2.1 acres), the underlying land-use designation would allow up to six lots with a minimum lot size of 10,000 square feet. The request to subdivide the Project site into six lots with a minimum lot size of 10,000 square feet is consistent with the land use density and development requirements envisioned for this area. Furthermore, the proposed Tentative Subdivision Map is consistent with applicable provisions of the General Plan that addresses growth management and maintaining the fiscal stability of the City because the Project applicant minimizes ongoing costs to taxpayers through annexation into a CFD or establishment of another funding mechanism.
3. The approval of the proposed Project would be based on sound principles of land use and is well-integrated with its surroundings near similar residentially developed properties because adequate access, parking, utilities and landscaping would be provided (as detailed in the staff report). The residential Project also would not be out of character for the area which contains other single-family residential development. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
4. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The proposed grading design would not result in any manufactured slopes or pad elevations that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views.
5. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the Tentative Subdivision Map for the Project would not violate the requirements, goals, policies, or spirit of the General Plan. The Project site is

suitable for the proposed residential type of development and density as detail in the Planning Commission staff report dated July 13, 2021 and also noted in the above sections.

6. The Project would be compatible with the surrounding uses because the Project site is within an urban residential area developed with a variety of residential developments of varying density, lot sizes and design. The topography of the site slopes from east to west with a majority of the site with a slope of 10 percent or less. Extensive grading is not proposed. The topography of the Project site allows for appropriate access and the creation of buildable pad areas without the need to export or import significant quantities of dirt. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. Appropriate noise attenuation would be provided for the new lots. The proposed Project also would not result in a significant impact to biological or natural resources.
7. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot configuration; traffic and emergency access; and grading; were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage and would avoid injury to fish or wildlife, or their habitat because the Project site is located within an infill urban setting and does not contain any sensitive or protected biological or natural resources.
8. The design of the Tentative Subdivision Map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
9. The design of the Tentative Subdivision Map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provide opportunities for passive/solar heating.
10. All permits and approvals applicable to the proposed Tentative Subdivision Map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) will have been obtained prior to the recordation of the map.
11. The proposed Tentative Subdivision Map will not conflict with regional or local housing goals because the proposed infill residential Project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The proposed Project would not diminish the Quality-of-Life Standards of the General Plan as the

Project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site. The Project would comply with all development standards of the applicable zone and observe the density of the General Plan and area plans, as noted in the sections above.

12. In consideration of the above, the proposed Project meets all of the requirements of section 66474 of the California Government Code and the proposed Tentative Subdivision Map meets all of the requirements or conditions imposed by the Subdivision Map Act and the Escondido Zoning Code, as detailed in the staff reports, the Escondido General Plan and above findings.

### **No Net Loss**

1. The purpose of Government Code section 65863 (“No Net Loss Law”), is to ensure development opportunities remain available throughout the planning period to accommodate a jurisdiction’s regional housing need allocation (“RHNA”), especially for lower- and moderate-income households. Jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels “lost” as a result of the approval.
2. The Project complies with the Housing Element portion of the General Plan and California State No Net Loss Zoning Law, in that:
  - a. The City’s Fifth RHNA Cycle consists of 4,175 total units, including 733 moderate-income units and 1,873 lower-income units. The Housing Element Residential Site Inventory identified a total capacity for 4,561 units to accommodate extremely/very low, low, moderate, and above moderate-income affordability levels.
  - b. Since 2012, the City has produced 1,866 total housing units during the course of the Fifth RHNA Cycle. As of January 1, 2021, the total remaining RHNA obligation is 2,309 total units, including 655 moderate-income units and 1,634 lower-income units.
  - c. The Project site, consisting of APN 227-180-27-00 is identified in the City’s General Plan Housing Element Residential Sites Inventory as vacant/underutilized sites for meeting the City’s Fifth RHNA Cycle. The Project site was identified to provide the potential of 6 net units based on the underlying Suburban land-use designation. The unit yield of the Project (6 units) is the same as the assumed yield capacity of the Housing Element and consistent with the maximum number of units/lots allowed by the Suburban General Plan land-use designation. The Project will sell the units at market-rate, which is assumed to be at an above moderate-income rate.

- d. Government Code section 65583(a)(3) requires local governments to prepare an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. The City performed this analysis in March 2021 and identified suitable sites that can be developed for housing. Overall, vacant and underutilized properties throughout the City can accommodate 3,939 new lower-income units.
  
- e. With the entitlement of the Project, there are available sites in the Housing Element Residential Site Inventory adequate to meet the City's RHNA for very low and low-income categories.

### **Grading Exemption**

1. The project includes a request for a Grading Exemption for a proposed fill slope up to 12 feet in height along a portion of the southwestern property line. The slope would be designed in accordance with current building code and grading design requirements, which will ensure the stability of the surrounding slopes/topography. The fill slope is necessary to support the appropriate pad elevation for Lot 2 in order to provide sufficient gradient for drainage and sewer to the proposed new cul-de-sac street. The overall height and location of the slope and adjacent pad would not create any adverse visual impacts or block adjacent views. The fill slope would be landscaped in accordance with the City's Grading Ordinance and Landscape Ordinance.

## EXHIBIT “D”

### PLANNING CASE NO. PL 21-0056

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **February 2, 2021**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as recommended for approval on **July 13, 2021**, and shall not be altered without express authorization by the Community Development 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 approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

**3. Certification.** The Director of Community Development, 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 Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to the Grading Exemptions for the slope 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.** The Applicant shall fund all on-going operational costs of providing municipal services required for the Project. Such funding shall occur through either an agreement to form or annex into a Community Facilities District (“CFD”) or the establishment of another lawful funding mechanism reasonably acceptable to the City (“Public Services Funding Agreement”). 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. Exemption.** The City of Escondido hereby notifies the Applicant that the County Clerk’s Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (“CEQA”) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the “County Clerk” in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency’s decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

**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. 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 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.

**C. Parking and Loading/Unloading.**

1. Parking within the cul-de-sac will be restricted due to the short length of the cul-de-sac and requirements to maintain appropriate turning radius within the bulb of the cul-de-sac for emergency vehicles.

2. A minimum of six parking spaces shall be provided on each lot. This may be accomplished with appropriate spaces for two or three cars in an enclosed garage or carport and paved parking for four cars within a deeper driveway (minimum 40 feet in depth); three paved spaces in front of a three-car garage; or circular driveway, or any combination that provides parking for six cars on each lot.
3. 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; 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 Planning 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 If 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 Community Development.

**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 parkway landscaping within the public right-of-way along the North Broadway frontage and on-site landscaping along the western and southern side of the noise/screen wall on Lot 6 shall be maintained by the Project HOA.
3. 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.

4. If the fill slope located towards the southwestern corner of Lot 2 is fenced to limit access by the property owner, then the fill slope shall be maintained by the Project HOA. The slope shall be landscaped with an appropriate mix of ground cover, shrubs, and trees.
5. Noise attenuation walls up to six feet in height shall be installed along the western sides of Lots 1, 2, and 6. Decorative pilasters shall be incorporated into the noise attenuation walls at the ends and corners. This shall be demonstrated on either the grading or landscape plans. Decorative block shall be used along with a masonry cap.

**F. Specific Building Division Conditions:**

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

**G. 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 public 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 Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
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 Department a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

#### **STREET IMPROVEMENTS AND TRAFFIC**

1. Public street 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:

<b><u>STREET</u></b>	<b><u>CLASSIFICATION</u></b>
N. Broadway	Major Road (41' CL to curb face)
La Lomita Drive (private road)	Residential (18' CL** to curb face)

\*\* the centerline of La Lomita Dr. shall be a min. of 10' off the northerly edge of pavement

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. Structural section in accordance with the Escondido Design Standards shall be installed for the entire paved width of La Lomita Drive, along the project frontage.
5. The La Lomita Drive access entrance shall be designed as a street intersection with curb returns, cross gutters and spandrels, sidewalk ramps, etc. with a minimum throat width of 28 feet. The required North Broadway street widening improvements to Major Road width standard shall include the southerly curb return of La Lomita Drive and the existing PCC spandrel here shall be removed with the southerly 12' being reconstructed to Major Road Standard width and the northerly portion reconstructed as transition to the existing curb line in the vicinity of the existing pedestrian ramp on the northeast corner.
6. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
7. 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 (one side only), street lights, paving and base.
8. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
9. All cul-de-sacs shall conform to the current Escondido Design Standards.

10. 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.
11. 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.
12. The developer may be responsible for an overlay of N. Broadway 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.
13. 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.
14. The improvement of N. Broadway shall include a bicycle path. The width, design and precise location of the bicycle path shall be shown on the signage and striping plan and to the satisfaction of the City Engineer.
15. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
16. 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.
17. The developer shall be required to construct a LED street light in accordance with Escondido Standard Drawing No. E-1-E on North Broadway at the curb return on the southeasterly corner.

## **GRADING**

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

3. 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. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
9. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
10. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.
11. 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.

### **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 Home 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 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. Treatment of storm water runoff from the N. Broadway frontage improvements shall be in compliance with the City's latest adopted Storm Water Design Manual and be included in the SWQMP.
6. 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.
7. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
8. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
9. Drainage ditches shall be sized for all tributary drainage. Catch basins located at the downstream end of drainage ditches shall be Type F per San Diego Regional Standard Drawing D-07. Details and calculations for the ditches and inlets shall be submitted in the Drainage Study and approved as part of the Grading Plan check.

### **WATER SUPPLY**

1. All water main locations and sizing shall be to the satisfaction of the City Engineer. Required water main improvements for the project shall include the design and construction of an 8-inch public water main in La Lomita Drive, from the 16-inch water main in N. Broadway along the project frontage to a termination point to the satisfaction of the Utilities Engineer.

Improvement plans for the existing 16-inch water main in N. Broadway are not available. The applicant shall be required to pothole the main to verify depth, Size and material. Water main improvements shall be in accordance with the current City of Escondido Design Standards and Standard Drawings.

2. The Developer shall relocate all existing water meters that are situated in the North Broadway right-of-way and that serve properties that do not front on North Broadway. These meters shall be relocated to the properties they serve and within public utility easements and shall be re-connected with new service laterals to the required new 8-inch water main in La Lomita Drive to the satisfaction of the Utilities Engineer. The Developer shall reconnect these relocated water meters to the private water systems of each of these residences per current Plumbing Code.
3. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
4. Fire sprinklers are required by the Fire Department. A 1-inch minimum water meter, 1-inch minimum water service, and back flow prevention device shall be required for each lot. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.
5. Trees or deep-rooted plants shall not be planted within 10 feet of any water service.
6. All water services shall be installed per current City of Escondido Design Standards and Standard Drawings.

### **SEWER**

1. All sewer main locations and sizing of mains shall be to the satisfaction of the City Engineer and Utilities Engineer. Required sewer main improvements include construction of minimum 8-inch sewer mains to serve the project.
2. Private 4" minimum PVC sewer laterals with standard clean-outs within 18" of the Public Utilities Easement/right-of-way shall be constructed for each Lot and shown on the Improvement and Grading plans. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.
3. All sewer mains, laterals and appurtenances shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
4. Trees or deep-rooted bushes shall not be planted within 10-feet of any sewer lateral, or within 15-feet of any sewer main.



5. All sewer laterals will be considered a private sewer system. The property owners will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.

### **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. All easements, both private and public, affecting subject property shall be shown, delineated, dimensioned, and clearly labeled on the Final Map.
2. 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.
3. A public utility easement shall be dedicated over the private streets. The public utility easement shall extend a minimum of five (5) feet beyond the improved, curb-to-curb roadway width. When sidewalks are required, the public utility easement shall extend a minimum of four (4) feet behind the back of sidewalk.
4. 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.
5. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the Final Map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.
6. The developer shall grant additional access easement across the project's La Lomita frontage to all parcels that currently have legal access on La Lomita Drive. This intent shall be noted on the Final Map and these grant of easement shall occur by separate deeds. The

Developer's engineer/surveyor shall prepare and submit for City review plats and legals for these additional access easement areas, provide valid legal descriptions for the recipient properties, and pay current City dedication of easement fees in effect at the time each easement is submitted to the City for review.

### **FEES**

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

### **CC&Rs**

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the Home Owners' Association of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, private street lighting, storm drains, basins, storm water treatment BMPs (onsite and in the right-of-way), and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The developer shall make provisions in the CC&Rs for Home Owner's Association maintenance, repair and access to all brow ditches which pass from one lot through an adjacent lot. Copies of an approved wording and format for this section of the CC&R's may be obtained from the Engineering Department.
4. The CC&Rs must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association when repair or replacement of private utilities is done.

5. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the Home Owners' Association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.
6. 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.
7. The CC&Rs must state that sewer laterals are a private sewer system and that each home owner will be responsible for all maintenance of their individual sewer laterals to the sewer main.

#### **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. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. 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.

**Agenda Item No. H.1**  
**Date: July 13, 2021**

DATE: July 13, 2021  
TO: Planning Commission  
FROM: Adam Finestone, Interim Director of Community Development  
SUBJECT: Green Infrastructure Subcommittee Report

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Preparation of a Green Infrastructure Plan has been identified as a project on the Planning Commission's 2021 – 2022 work plan. At this point, preparation of the plan has not been authorized by City Council, and funding has not been allocated. The Planning Commission's Green Infrastructure subcommittee will be joining staff in making a presentation to the City Council at its July 21, 2021, meeting related to the Planning Commission's 2021 – 2022 work plan.

The intent of tonight's agenda item is for the subcommittee to solicit input from the full Planning Commission on their work done to-date.



# PLANNING COMMISSION

Agenda Item No.: H.2  
Date: July 13, 2021

**PROJECT NUMBER / NAME:** PHG 20-0028, East Valley Specific Plan

**REQUEST:** Receive and file the informational report and status update

**LOCATION:** East Valley Specific Plan Area

**APPLICANT:** Community Development Department

**APN / APNS:** N/A

**PRIMARY REPRESENTATIVE:**  
Darren Parker, Associate Planner

**GENERAL PLAN / ZONING:** SP

**DISCRETIONARY ACTIONS REQUESTED:** N/A

**PREVIOUS ACTIONS:** Previous informational presentations to the Planning Commission as described in the staff report.

**PROJECT PLANNER:** Darren Parker, Associate Planner

**CEQA RECOMMENDATION:** The informational presentation qualifies for exemptions pursuant to CEQA Guidelines section 15262 (Feasibility and Planning Studies) and section 15306 (Information Collection).

**STAFF RECOMMENDATION:** Receive and file

**REQUESTED ACTION:** None

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

Adam Finestone, Interim Director of Community Development

**A. BACKGROUND:**

The City of Escondido (“City”) was awarded grant funding to develop three different housing plans/studies: 1) a Housing Element Update, 2) a Sector Feasibility Study, and 3) a Specific Plan for the East Valley target area. These three housing studies and plans will be linked together, through a common work program theme, called the Housing Community and Investment Study (“HCIS”). The HCIS is a coordination of related studies intended to identify a comprehensive vision for maintaining, preserving, and developing housing to address Escondido’s quality of life needs. Background Project material and is provided on the City’s project website at: <https://www.escondido.org/hcis.aspx>

**B. SUMMARY OF REQUEST:**

Review and file the informational report and status update specifically related to the East Valley Specific Plan (“EVSP”). A map of the EVSP area is attached to this staff report as Attachment 1 and incorporated herein by this reference.

**C. SUPPLEMENTAL DETAILS OF REQUEST:**

During the course of the HCIS work program it is anticipated that the Planning Commission would continue to receive regular status updates about the plans and studies. An overview of the remaining project milestones and study session schedule is provided below. The “review meetings” schedule is reflected below, in Table 1.

**Table 1: HCIS Planning Commission Review Schedule**

<b>Meeting No.</b>	<b>Topic or Discussion Item Covered</b>	<b>Milestone or Target Date</b>
1	General overview about the process	March 23, 2021
2	RHNA Overview	April 13, 2021
3	Draft 2021-2029 Housing Element Goals, Policies, and Programs Review	April 27, 2021
4	Sector Feasibility Study Overview	June 8, 2021
5	Anticipated changes to the draft Housing Element to address HCD review and other state law requirements	June 22, 2021
6	Housing Element discussion	July 13, 2021
<b>7</b>	<b>Draft East Valley Specific Plan Overview</b>	<b>July 13, 2021</b>
8	Planning Commission public hearing and recommendation to the City Council to consider the Housing Element and Sector Feasibility Study	June 27, 2021
9	Draft East Valley Specific Plan EIR Overview	Summer 2021
10	Planning Commission public hearing and recommendation to City Council and East Valley Specific Plan and adoption of the EIR.	Fall 2021

**D. PROJECT ANALYSIS:**

Existing law requires that the Housing Element include, among other things, an inventory of land suitable and available for residential development. If the inventory of sites does not identify adequate sites to accommodate the need for groups of all households pursuant to specified law, existing law requires the local government to rezone sites within specified time periods and that this rezoning accommodate 100% of the need for housing for low- and very low-income households on sites that will be zoned to permit owner-occupied and rental multifamily residential use by right for specified developments.

The City has historically met, and will continue to meet, the need for low- and very low-income housing through the designation of appropriately zoned land. However, additional sites are needed to meet the full Regional Housing Needs Allocation (“RHNA”) obligation for all income categories. Since the City has limited land use and zoning categories that already permit multi-family housing development, new or revised zoning code standards are needed in order to meet the RHNA obligation.

The Land Use Element portion of the 2012 General Plan calls for new housing growth to be directed into the area immediately adjacent to the downtown to be a “target” area for new growth. The East Valley area of Escondido is directly east of downtown, centered on Valley Boulevard, and generally bounded by Escondido Creek to the north, Harding Street to the east, East Grand Avenue and East Second Avenue to the south, and Hickory and Fig Streets to the west. Due to previous zoning that largely precluded residential uses, existing uses consist primarily of strip commercial, big box retailers, and small medical and professional office uses along the East Valley Parkway corridor.

The EVSP is a policy and regulatory document being prepared to guide redevelopment of the underutilized residential and commercial land of low-intensity general retail, office, restaurants, and small-scale service businesses into a new neighborhood with a mix of residential, commercial, public, and open space uses. It would accommodate increased housing density along with other transit-supportive uses and improvements. Through the proposed draft EVSP, the City will re-designate and rezone much of the 191-acre area (127 acres excluding rights-of-way) from commercial and office uses to mixed-use (commercial/residential) and high-density residential uses.

The initial goal of the HCIS was to utilize the 2012 General Plan policies to accommodate the RHNA shortfall. Therefore, the development of the EVSP is a very important component to the HCIS, as well as the need to secure a certified Housing Element. Overall, the City is anticipating approximately 6,100 residential units once the EVSP area is built out. Recognizing that not all of the up zoned properties are underutilized or likely to develop within the planning period, only 2,226 units are being counted towards the 2021-2029 sites inventory. However, even though this draft analysis supports a realistic, residential-capacity assumption for the near term

(i.e. 2021-2029 Housing Element cycle), the City will proactively monitor housing production in the planning area and determine to the extent that the EVSP inventory can accommodate a larger portion of its share of the regional housing need by income level during future planning periods, pursuant to Government Code section 65584.

The following table provides a snapshot of the potential growth by land use type over the next 20 years of which this plan will be implemented.

**Table 3-2 Development Potential by Type**

DEVELOPMENT TYPE	2035 SPECIFIC PLAN BUILDOUT	EXISTING CONDITIONS (2020) <sup>1</sup>	DIFFERENCE BETWEEN SPECIFIC PLAN & EXISTING CONDITIONS
Residential	6,164 dwelling units	581 dwelling units	+ 5,583 du
Multifamily Housing	5,516 dwelling units	321 dwelling units	+ 5,195 du
Office	274,848 sf	47,778 sf	+ 227,070 sf
Medical Offices	370,124 sf	259,722 sf	+ 110,402 sf
Retail	571,169 sf	405,905 sf	+ 165,264 sf
Parks	25 ac	0 ac	+ 25 ac
Community Services	64,004 sf	2,100 sf	+ 61,904 sf

<sup>1</sup> Existing conditions data comes from 2010 Census Data and 2012-2016 American Community Survey 5-year Estimates used by Urban Footprint.

To ensure high quality housing and mixed-use neighborhoods that are compatible with existing community design character, new zoning and design guidelines are necessary. These new rules apply only to new residential or mixed-use development within the proposed specific plan area (“EVSP”). These new rules are strongly focused on clearly setting the expectations for quality projects that are compatible with and complementary to surrounding, existing neighborhoods. Although three-story development is necessary to achieve the density required by State Housing Element Law, the new rules allow some of the districts to go up to 75 feet in height to provide for additional densities and to allow for transitions in height, scale and design to achieve compatibility and higher quality designs.

The draft EVSP is accessible electronically through the link provided below.

[https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/EVSP\\_PublicReview\\_Web\\_Version\\_031721.pdf](https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/EVSP_PublicReview_Web_Version_031721.pdf)

**E. FISCAL ANALYSIS:**

The action before the Planning Commission is an overview and status update on the EVSP in anticipation of the document being formally considered by the Planning Commission and City Council in fall 2021. There is no fiscal impact associated with this overview. The cost associated with the preparation of the report is included within the Community Development Department budget.



HCD has supported the overall HCIS planning effort by awarding the City \$310,000 through an SB 2 Planning Grant; and \$500,000 through a Local Early Action Planning (“LEAP”) Grant Program. Preparation of the EVSP and facilitation of additional public outreach related to the project will be covered by the existing Community Development Department budget, which was recently augmented to account for planning grant awards

**F. ENVIRONMENTAL STATUS:**

The action before the Planning Commission is statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15262 (Feasibility and Planning Studies) and section 15306 (Information Collection). This item involves ongoing studies related to the project scheduling, public participation, etc. Public input received and technical information prepared during the process will be utilized to further preparation of the EVSP and associated Environmental Impact Report.

**G. PUBLIC INPUT:**

In June 2020, the City embarked on a process to update the City’s Housing Element and develop a specific plan for the East Valley area. A goal of the HCIS is to link these two efforts together under the cover of a consolidated work program to ensure that the overall work program could comprehensively assess the extent to which future housing accommodation strategies can continue to embrace the distinct identity and character of Escondido where one can live their entire life with housing for all ages, incomes and abilities. For that purpose, a Public Participation Plan was developed to help create meaningful outreach engagement activities. During the course of the Study, the City worked with development experts, community-based interest groups, stakeholders, and the community at large to achieve the best draft plans possible through engagement tools including meetings, virtual community workshops, and online engagement. The first phase of outreach occurred during the summer 2020 and the second phase of outreach occurred during the fall of 2020. The input received helped describe collective preferences, interests and concerns on the type of land use, density, and character of new housing development needed to accommodate future growth, and has been utilized by City staff and the consultant in preparation of the draft document. Information about the first and second phase of outreach is available and provided on the City’s website and summarized below. The Public Participation Plan can be accessed through the link provided below.

[https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EastValleySpecificPlan2020/HCI\\_SPPPJune102020.pdf](https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EastValleySpecificPlan2020/HCI_SPPPJune102020.pdf).

The City has also developed a periodic review page that can be accessed online at the link below to help the public access key documents. Informational reports and data generated during the review will be available for the public to view online:

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

Project Name: East Valley Specific Plan  
Planning Commission Meeting  
Date: July 13, 2021

Up to this point, public outreach has been heavily emphasized in the planning process to make sure the HCIS reflects the community's vision for the future. For the Planning Commission and City Council to make informed decisions about the Project, it will be important to continue to engage the public in this effort. The next opportunity anticipated for members of the public to provide formal input on the draft EVSP will be upon release of the draft Environmental Impact Report, anticipated to be in the fall. Public comments before the release of the draft EIR are welcome at any time.

**CONCLUSION AND RECOMMENDATION:**

Receive report and file

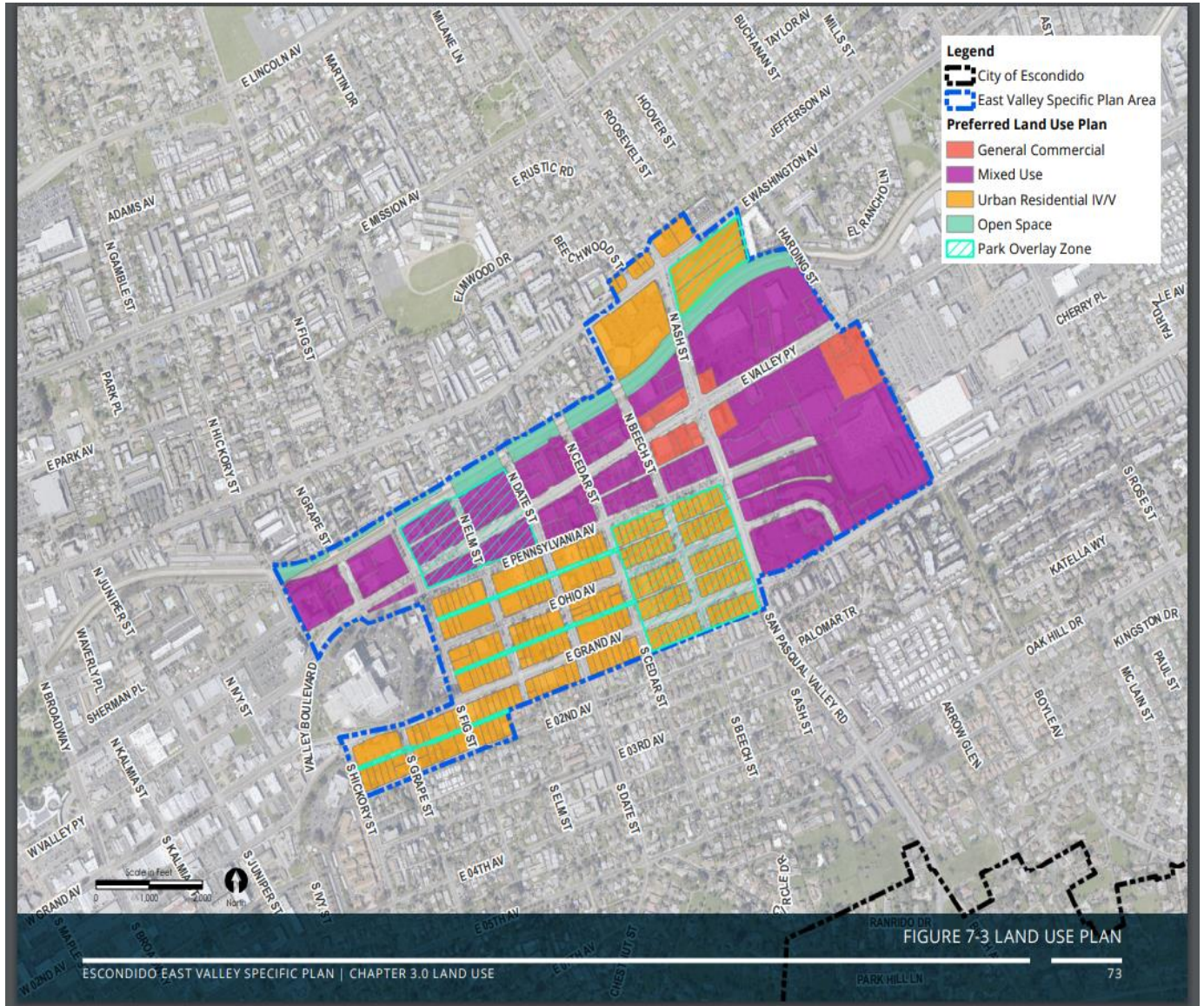
**ATTACHMENTS:**

- 1) Map of the East Valley Specific Plan area

# ATTACHMENT 1

## PHG 20-0028

### East Valley Specific Plan Map





# PLANNING COMMISSION

Agenda Item No.: H.3  
Date: July 13, 2021

**PROJECT NUMBER / NAME:** PHG 20-0030 / Housing Element Update

**REQUEST:** Receive and file the informational report and status update

**LOCATION:** CityWide

**APN / APNS:** N/A

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

**APPLICANT:** Community Development Department

**PRIMARY REPRESENTATIVE:**  
Adam Finestone, Interim Director of Community Development

**DISCRETIONARY ACTIONS REQUESTED:** N/A

**PREVIOUS ACTIONS:** Previous informational presentations to the Planning Commission as described in the staff report.

**PROJECT PLANNER:** Adam Finestone, Interim Director of Community Development

**CEQA RECOMMENDATION:** The informational presentation qualifies for exemptions pursuant to CEQA Guidelines section 15262 (Feasibility and Planning Studies) and section 15306 (Information Collection).

**STAFF RECOMMENDATION:** Receive and file

**REQUESTED ACTION:** None

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

Adam Finestone, Interim Director of Community Development

**A. BACKGROUND:**

The City of Escondido (“City”) was awarded grant funding to develop three different housing plans/studies: 1) a Housing Element Update, 2) a Sector Feasibility Study, and 3) a specific plan for the East Valley Target Area. These three housing studies and plans will be linked together, through a common work program theme, called the Housing Community and Investment Study (“HCIS”). The HCIS is a coordination of related studies intended to identify a comprehensive vision for maintaining, preserving, and developing housing to address Escondido’s quality of life needs. Background Project material is provided on the City’s project website at <https://www.escondido.org/hcis.aspx>.

**B. SUMMARY OF REQUEST:**

Review and file the informational report and status update specifically related to the draft Housing Element.

**C. SUPPLEMENTAL DETAILS OF REQUEST:**

During the course of the HCIS work program it is anticipated that the Planning Commission would continue to receive regular status updates about the plans and studies. An overview of the remaining project milestones and study session schedule is provided below. The “review meetings” schedule is reflected below, in Table 1.

**Table 1: HCIS Planning Commission Review Schedule**

<b>Meeting No.</b>	<b>Topic Or Discussion Item Covered</b>	<b>Milestone or Target Date</b>
1	General overview about the process	March 23, 2021
2	RHNA Overview	April 13, 2021
3	Draft 2021-2029 Housing Element Goals, Policies, and Programs Review	April 27, 2021
4	Sector Feasibility Study Overview	June 8, 2021
5	Anticipated changes to the draft Housing Element to address HCD review and other state law requirements	June 22, 2021
<b>6</b>	<b>Housing Element discussion</b>	<b>July 13, 2021</b>
7	Draft East Valley Specific Plan Overview	July 13, 2021
8	Planning Commission public hearing and recommendation to the City Council to consider the Housing Element and Sector Feasibility Study	June 27, 2021
9	Draft East Valley Specific Plan EIR Overview	Summer 2021
10	Planning Commission public hearing and recommendation to City Council and East Valley Specific Plan and adoption of the EIR.	Fall 2021

Project Name: Housing Element Update  
Planning Commission Meeting  
Date: July 13, 2021

It is important to note that the Housing Element portion of the HCIS has been pulled from the overall Project timeline and is now scheduled to be considered by the Planning Commission on July 27, 2021. The purpose of this change is because jurisdictions on eight-year planning cycles must adopt their Housing Elements no later than 120 days after the statutory deadline or will be required to revise their Housing Elements every four years. To remain on an eight-year planning cycle, the City of Escondido must adopt its Housing Element within 120 calendar days from the statutory due date of April 13, 2021. If adopted after this date, Government Code section 65588(e)(4) requires the Housing Element be revised every four years until adopting at least two consecutive revisions by the statutory deadline.

For more information on Housing Element adoption requirements, please visit HCD's website at:

[https://hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](https://hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf)

#### **D. PROJECT ANALYSIS:**

At the request of the Planning Commission at its June 22, 2021 meeting, the Planning Commission asked to have a general discussion about the proposed draft 2021-2029 Housing Element. The purpose of the July 13, 2021 Planning Commission meeting is to allow for an open and non-binding discussion about the proposed goals, policies, and programs, which may also include HCD's May 25, 2021 comment letter and other comments provided during the public review period, and more recent revisions to the 2021-2029 Housing Element. (The most recent version of the Housing Element Update is provided in the link below, which shows tracked changes from the March 18, 2021 version, in strikeout/underline format.) Chair Barba will facilitate the discussion of this item at the July 13, 2021 meeting.

- Superseded draft 2021-2029 Housing Element, dated March 18, 2021:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf>

- Revised draft 2021-2029 Housing Element, dated June 17, 2021:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HousingElement/2ndHCDRevisedEscondidoHE06-17-21.pdf>

**E. FISCAL ANALYSIS:**

The action before the Planning Commission is a general discussion of the Housing Element and its proposed content, as well as an overview of the next steps toward developing an HCIS work program in order for the HCIS to be considered by both the Planning Commission and City Council for action. There is no fiscal impact associated with this overview. The cost associated with the preparation of the report is included within the Community Development Department budget.

HCD has supported the HCIS planning effort by awarding the City \$310,000 through an SB 2 Planning Grant; and \$500,000 through a Local Early Action Planning (“LEAP”) Grant Program. Preparing the draft Housing Element, Sector Feasibility Study, and East Valley Specific Plan and facilitating additional public outreach of the HCIS will be covered by the existing Community Development Department budget, which was recently augmented to account for planning grant awards.

**F. ENVIRONMENTAL STATUS:**

The action before the Planning Commission is exempt from further California Environmental Quality Act (“CEQA”) review pursuant to CEQA Guidelines section 15262 (Feasibility and Planning Studies) and section 15306 (Information Collection). This organizational and administrative activity relates to the ongoing study related to one or more General Plan amendments or adopting a new specific plan for the East Valley planning area. The Planning Commission will provide direction as appropriate to facilitate additional public review of all aspects of the HCIS. The July 13, 2021 Agenda Report is for information purposes only, and does not commit the City to a course of action that could adversely impact the environment.

Public input received and technical information prepared during the proposed process would be utilized in preparing a future environmental review document to support different elements of the HCIS work program. The City must prepare an environmental document prior to adopting the Housing Element Update and the East Valley Specific Plan portions of the HCIS. As of this writing, it is anticipated that a third Addendum to the 2012 Final EIR will be prepared to support the 2021-2029 Housing Element and an EIR will be prepared to support the adoption of the East Valley Specific Plan. The Sector Feasibility Study will be attached to the Housing Element staff report as background information.

**G. PUBLIC INPUT:**

The City is undertaking this public involvement process to help engage residents, businesses, and other community members in the development of three different housing studies and plans. On June 10, 2020, the City Council considered and endorsed a Public Participation Plan (“Outreach Plan”) and associated timeline to involve the community. Among other things, the proposed work plan and schedule proposes a series of meetings with the Planning Commission

Project Name: Housing Element Update  
Planning Commission Meeting  
Date: July 13, 2021

to discuss different aspects and components related to the HCIS. The Outreach Plan can be accessed through the link provided below:

[https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EastValleySpecificPlan2020/HCI\\_SPPPJune102020.pdf](https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EastValleySpecificPlan2020/HCI_SPPPJune102020.pdf).

The City has also developed a periodic review page that can be accessed online at the link below to help the public access key documents. Informational reports and data generated during the review will be available for the public to view online:

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

#### **H. CONCLUSION AND RECOMMENDATION:**

Receive report and file.

#### **ATTACHMENTS:**

Attachment 1 - Public Correspondence



**ATTACHMENT 1**  
**Public Correspondence**

**M E M O R A N D U M**

**TO: Members of the Escondido City Council and Escondido Planning Commission**

**FROM: Erik Felix and Lauren Harper**

**DATE: 06/11/2021**

**SUBJECT: Recommendations for Escondido's 6th Cycle Housing Element**

Dear members of the Escondido City Council and Planning Commission,

Upon reviewing your 6<sup>th</sup> Cycle Housing Element, we would like to share some thoughts and observations that we feel are critical to consider to meet the housing needs of Escondido residents. The city has experienced a demographic shift over the past ten years, with a growing Hispanic population and decreasing white population. Escondido's total Regional Housing Needs Allocation (RHNA) is 230% more than the previous cycle. Despite these demographic changes and large expectations, Escondido's Housing Element is riddled with vague and aspirational language and estimates that go against the standards set forth by the California Department of Housing and Community Development (HCD).<sup>1</sup> As urban planning graduate students, we find it imperative that the state grow in an equitable and inclusive manner. Escondido's growing Hispanic and low-income population gives the City Council and Planning Commission an integral role in achieving that goal. We've organized our comments under the following topics: updating programs for Escondido's growing low-income population, improving siting and tenant protections to Affirmatively Further Fair Housing (AFFH), mitigating development fee burdens, invalidating Proposition S, and designing a mid-cycle Accessory Dwelling Unit (ADU) development trigger.

*Updating programs for Escondido's growing low-income population*

Escondido's growing population of cost-burdened and low-income households is a signal to the City Council and Planning Commission that it must proactively address its stagnant housing production. Between 2010-2020, population growth increased 6.3%, yet housing units only grew 2.4%. This difference partly explains the growing rent burden your residents are experiencing. When compared to other jurisdictions in North San Diego, Escondido reported the most cost burdened residents, with 44.8% of all households paying more than 30% of their income on housing. Cost-burdened

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<sup>1</sup> "Affirmatively Furthering Fair Housing - California Department of ..." 27 Apr. 2021, [https://www.hcd.ca.gov/community-development/affh/docs/affh\\_document\\_final\\_4-27-2021.pdf](https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf). Accessed 26 May. 2021.

households are forced to spend less on basic necessities like healthcare and food.<sup>2</sup> Not actively meeting the housing needs of your residents will place them in increasing precarity. This is extremely important considering Escondido has a majority low-income community (53%) and the lowest median household income in North San Diego. Escondido has identified sites for a total capacity of 8,109 low-income units. Yet, Escondido's quantified objectives only plan to meet 45% of their low-income RHNA goal.<sup>3</sup> This is unacceptable. Worse, it appears that even this unaspiring estimation is inflated. Sixteen of your 21 programs from last cycle were not met and carried over into this housing element, and you have fewer programs this cycle, 18. Your last cycle yielded approximately 11% of its low-income RHNA goal, or 200 units.<sup>4</sup> For your 6<sup>th</sup> cycle, you estimate 795 low-income units will be built. How do you expect to build almost four times more low-income housing with essentially the same programs? Escondido should reconsider the design of its programs and incorporate mid-cycle triggers that facilitate by-right, multifamily development to house its growing cost-burdened and low-income residents.

### *Improving siting and tenant protections to Affirmatively Further Fair Housing*

AB 686 requires that housing elements include affirmatively furthering fair housing (AFFH) as part of their planning process. The goal of AFFH is to “combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians<sup>5</sup>.” More specifically, this includes a spatial analysis to ensure that low-income units are distributed across neighborhoods of all income levels, as well as ensuring investment in low-income neighborhoods.

We conducted an AFFH site score analysis to calculate the spatial distribution of low-income RHNA units by block group median household income. This analysis results in a value from 1 to -1, where 1 is perfectly distributed and -1 is perfectly segregated. Escondido scored a -0.69, indicating that a majority of low-income units are sited in low-income areas. The goal of AFFH is to break-up areas of concentrated poverty and affluence by siting low-income housing in higher income neighborhoods.

The Housing Element addresses this shortcoming, noting “many RHNA units are located in lower resource census tracts. However, through specific planning, the City is

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<sup>2</sup> National Low Income Housing Coalition. 2020. *The Gap: A Shortage of Affordable Homes*. National Low Income Housing Coalition. [https://reports.nlihc.org/sites/default/files/gap/Gap-Report\\_2020.pdf](https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2020.pdf)

<sup>3</sup> City of Escondido 6th Cycle Housing Element - Draft.” Page 123. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>4</sup> “5TH CYCLE REGIONAL HOUSING NEEDS ... - SANDAG.” [https://www.sandag.org/uploads/publicationid/publicationid\\_4647\\_27206.pdf](https://www.sandag.org/uploads/publicationid/publicationid_4647_27206.pdf). Accessed 27 May. 2021.

<sup>5</sup> “Affirmatively Furthering Fair Housing in California.” California Department of Housing and Community Development. <https://www.hcd.ca.gov/community-development/affh/index.shtml> Accessed 28 May. 2021.

actively pursuing improvements on neighborhoods with low resources<sup>6</sup>.” Indeed, the Downtown, East Valley, and South Centre City Parkway Specific plans do indicate future investment in neighborhood infrastructure in those areas. However, if greater investment makes these neighborhoods more attractive areas to live, how will the City ensure that low-income units are built and remain affordable? The Housing Element does not provide specific funding or incentive plans to develop low-income housing in these areas, beyond high-density zoning.

Additionally, the AFFH site score analysis may be skewed due to how the site inventory categorizes sites by income. A table titled “Summary of RHNA Status” shows how the City anticipates meeting the RHNA goals based on the site inventory<sup>7</sup>. However, the City lumps nearly all identified sites into the “very low” income category due to zoning density greater than 30 du/acre. This leaves other income categories well below the RHNA requirement. The City recognizes this shortfall and argues that “excess capacity on lower income sites can accommodate the remaining balance<sup>8</sup>”. Because this designation is based only on zoning density and not other programs directly incentivizing housing at certain income-levels, there is functionally no plan to ensure housing will be produced at lower income levels, and will likely skew toward above moderate market rate development. Escondido must design tenant protections and land use policies that will facilitate the development of affordable housing and maintain its accessibility for low-income households.

**Table 56: Summary of RHNA Status**

Site Category	Above Moderate	Moderate	Low	Very Low	Total
RHNA	4,967	1,527	1,249	1,864	9,607
Units on Identified Sites	1,005	388	0	7,268	8,661
Approved and Under Construction Projects	1,357	0	245	0	1,602
Projects Undergoing Entitlement	649	0	371	0	1,020
Accessory Dwelling Units	153	262	99	126	640
Total Identified Capacity	3,164	650	715	7,394	11,923

Source: Draft City of Escondido 6th Cycle Housing Element 2021-2029

In a further blow to AFFH goals, the housing element states that “the City retains certain amount of large-lot zoning to accommodate the housing needs and preferences of moderate and higher income households<sup>7</sup>”. Reserving large lots for high-income households while anticipating low-income development in low-resourced neighborhoods is antithetical to AFFH goals.

<sup>6</sup> “City of Escondido 6th Cycle Housing Element - Draft.” Page 105. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>7</sup> City of Escondido 6th Cycle Housing Element - Draft.” Table 56. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>8</sup> City of Escondido 6th Cycle Housing Element - Draft.” Page 97. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

### Mitigating development fee burdens

The Escondido Housing Element correctly recognizes that development fees can be a barrier to building housing, but its portrayal of its development fees being low to moderately priced compared to the region is misleading. The Housing Element compares Escondido to coastal cities in North San Diego like Carlsbad and Oceanside. Relative to these cities, Escondido generally has lower fees and total per unit costs. But these cities are twenty miles away from Escondido. Between them is San Marcos, a jurisdiction that is directly adjacent to Escondido. When compared to its direct neighbor, Escondido's planning fees are 33% to 400% higher than San Marcos.<sup>9</sup> Escondido's per unit permit and impact fees are also higher than San Marcos and another nearby city, Vista. For all four housing types – from single family homes to apartments - Escondido's total fees were \$5,500 - \$15,170 more expensive than San Marcos and Vista. Yet, Escondido claims that “these fees have not been found to act as a constraint” to development<sup>10</sup>. This appears to be false. When excluding above moderate housing, your last cycle yielded approximately 7% of its remaining RHNA goals.<sup>11</sup> Multi-family developments require grading exemptions (for grading exceeding requirements), precise development plans and variances. None of their costs are given in the Housing Element. Escondido should evaluate these and all their development and impact fees to ensure they are not deterring developers from contributing to its lower income housing stock.

### Invalidating Proposition S

Escondido's Proposition S is a potential barrier to development, but the City does not actually have to abide by it. Proposition S is an ordinance passed in 1998 that requires voter approval for changes made to the General Plan that alters or increases residential density and land use categories. To Escondido's credit, the Housing Element includes a program to monitor the effects Proposition S has on reaching the City's RHNA goals and will explore potential mitigation measures, if needed. But the City does not have to abide by Proposition S. According to SB-330, growth management ordinances, like Proposition S, are only valid if the county where the city is located consists of more than 550,000 acres of agricultural land or is at least one-half agricultural land.<sup>12</sup> San Diego

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<sup>9</sup> "Draft Housing Element — San Marcos General Plan Update." 12 Mar. 2021, <https://sanmarcos.generalplan.org/draft-housing-element>. Accessed 27 May. 2021.

<sup>10</sup> City of Escondido 6th Cycle Housing Element - Draft." Page 72. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>11</sup> "5TH CYCLE REGIONAL HOUSING NEEDS ... - SANDAG." [https://www.sandag.org/uploads/publicationid/publicationid\\_4647\\_27206.pdf](https://www.sandag.org/uploads/publicationid/publicationid_4647_27206.pdf). Accessed 27 May. 2021.

<sup>12</sup> Housing Crisis Act of 2019, SB-330, Senate (California 2019). [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB330](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330)

County consists of 250,000 acres of agricultural land, making it 9% agricultural.<sup>13 14</sup> Proposition S is no longer valid as a smart growth ordinance in Escondido. The city should analyze where Proposition S has been restricting development and leverage developable parcels to reach more than its stated goal of achieving 45% of its low-income RHNA.<sup>15</sup>

#### Designing a mid-cycle ADU development trigger

The housing element estimates that 80 ADU units per year will be constructed in the 6th cycle, for a total of 640 units.<sup>16</sup> Based on ADU permitting data from the previous three years (25, 40, and 74 permitted), the Safe Harbour calculation provided by the Housing Element estimates 45 units per year, for a total of 365 units. The Housing Element describes 80 ADUs per year as a “conservative production rate” and anticipates a growing trend in ADUs permitted. However, substantial evidence is not provided, beyond stating “City is considering adopting other incentives to encourage and promote ADUs, including allowing ADUs on religious properties.” The City needs more concrete evidence that ADU permitting will continue to increase and significantly exceed the Safe Harbour calculation. An automatic mid-cycle trigger should be considered to address any shortfalls in production.

Additionally, the City should consider a recent study by UCLA Ziman Center for Real Estate which found that up to 20% of ADUs permitted were not used as housing.<sup>17</sup> The City should not assume that all permitted ADUs will contribute toward housing production for the RHNA goals.

#### Conclusion

Over the past few years, legislation has given the state more tools to make sure each jurisdiction is doing their part in upholding the goals of AFFH through their housing elements. HCD is already reviewing housing element drafts for cities in San Diego County and, thus far, have found all of them deficient in AFFH. This cycle has already proven to be different from past cycles, and we encourage you to consider our recommendations to design a housing element that will guide Escondido in providing housing security to its residents.

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<sup>13</sup> "San Diego Agriculture – The San Diego County Farm Bureau." <https://www.sdfarmbureau.org/san-diego-agriculture/>. Accessed 26 May. 2021.

<sup>14</sup> "U.S. Census Bureau QuickFacts: San Diego County, California ...." <https://www.census.gov/quickfacts/fact/table/sandiegocountycalifornia,CA/PST045219>. Accessed 26 May. 2021.

<sup>15</sup> City of Escondido 6th Cycle Housing Element - Draft." Page 123. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>16</sup> City of Escondido 6th Cycle Housing Element - Draft." Page 95. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>17</sup> "How are ADUs Used? The Impact of Accessory Dwelling Units in Los Angeles." May 2021. [https://www.anderson.ucla.edu/documents/areas/ctr/ziman/2021/UCLA\\_Economic\\_Letter\\_Crane\\_052521\\_v3.pdf](https://www.anderson.ucla.edu/documents/areas/ctr/ziman/2021/UCLA_Economic_Letter_Crane_052521_v3.pdf)





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July 7, 2021

Ms. Kristina Owens  
Associate Planner  
City of Escondido  
201 North Broadway  
Escondido, CA 92025  
Submitted via email: [kowens@escondido.org](mailto:kowens@escondido.org)

**Re: Draft 6<sup>th</sup> Cycle Housing Element**

Dear Ms. Owens:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6<sup>th</sup> Cycle Housing Element for the City of Escondido.

The draft Housing Element contains several actionable items that will help Escondido make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

**Implementing State Legislation**

The San Diego Housing Federation was a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will help the city make progress toward the need for 3,113 low- and very-low income units for the Regional Housing Needs Allocation for the 2021-2029 cycle (p. 84). Identifying unused City-owned sites for housing can help to ensure the City is compliant with the State Surplus Land Act and helps support the development of affordable housing. We encourage Program 1.4 regarding City-owned land (p. 114) to include a provision to update city policies to comply with the Surplus Land Act.

We are pleased to see Program 1.6 to amend the City's zoning ordinance to comply with state law (p. 115). We recommend that the City move quickly to implement AB 1763, a bill we supported which provides a density bonus for developments that are 100 percent affordable, to serve as a tool for building affordable housing. The City should also work to implement AB 2345, a bill we supported that builds on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "[Equity and Climate for Homes](#)," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing.

### **Local funding for affordable housing**

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families and that federal and state funding is a critical piece to the resources puzzle. We strongly support Program 2.7 to pursue funding sources for the construction, acquisition and rehabilitation, and preservation of affordable housing (p. 119). We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ([SB 2, 2017](#)), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. As local gap financing is critical, we also strongly support the City including recycled RDA funds as a local financing source.

### **Affirmatively furthering fair housing and equity**

As noted in the housing element, there are two areas of poverty and racial concentration in Escondido (p. 99). As we know, housing development policies – how much and where new housing can be built – play a role in patterns of segregation within a community.

While Housing Policy 1.1 to expand the stock of all housing (p. 116) is laudable, the constraints created by the City's Proposition S, which requires voter approval of specified future changes to the Escondido General Plan, can hinder the goals of those policies and can play a role in creating exclusion. We recommend that Program 1.7, Monitoring of Growth Management Measure (p. 115) be updated to fully examine the impact of Proposition S on housing production and fair housing goals.

We further recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

### **Housing and Climate Change**

Our September 2016 report, "[Location Matters: Affordable Housing and VMT Reduction in San Diego County](#)," found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy. The City's Climate Action Plan calls for pursuing state grants such as the Affordable Housing and Sustainable Communities (AHSC) Grant to support affordable housing near transit (Climate Action Plan, March 2021, p. 3-14). However, the mentions of addressing climate change in the Housing Element are in relation to climate resilient homes and make no mention of dense, deed-restricted affordable housing as a greenhouse gas reduction tool nor pursuing AHSC funds. We urge the City to examine the role of affordable housing in helping the City to meet both its RHNA obligations and its Climate Action Plan goals.



We thank you for consideration of our feedback and comments. We appreciate the time and effort that staff have dedicated to the draft Housing Element document and look forward to supporting Escondido in adopting a robust plan that will help to meet the City's housing goals.

Sincerely,



Laura Nunn  
Chief of Policy & Education