



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall - Parkview Room
August 15, 2023
3:00 p.m.

A. Call to Order:

Zoning Administrator: Adam Finestone, City Planner

Staff Present:

Public Present:

B. Agenda Item:

1. [Conditional Use Permit Modification – PL22-0655](#)

REQUEST: A modification to a previously approved Conditional Use Permit (Previous Case No. PHG15-0033) to remodel the interior and exterior of the former H Johnson building and parking area to support education facilities for John Paul the Great Catholic University.

Location: 131 S. Broadway (APN: 233-062-10-01)

Applicant: John Paul the Great Catholic University, Kevin Meziere

Planner: Jay Paul, Senior Planner

ENVIRONMENTAL STATUS: The proposed project is categorically exempt from environmental review in conformance with CEQA section 15301(e), Class 1, "Existing Facilities."

DECISION OF THE ZONING ADMINISTRATOR:

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

2. [Eagle Scout Lake Bridge Replacement Project \(Final Initial Study/Mitigate Negative Declaration – PL23-0033\)](#)

REQUEST: Adoption of a Final Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP).

Location: 3341 Bear Valley Parkway

Decisions of the Zoning Administrator may be appealed to the Planning Commission pursuant to Zoning Code Section 33-1303

(APNs: 271-030-12-00, 760-170-44-00, 760-244-37-00 and others)
Applicant: City of Escondido
Planner: Jay Paul, Senior Planner

ENVIRONMENTAL STATUS: A Final IS/MND was prepared for the project in conformance with CEQA.

DECISION OF THE ZONING ADMINISTRATOR:

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

C. Adjournment:

I certify that these actions were taken at the Zoning Administrator meeting on August 15, 2023.

Zoning Administrator

Witness

ZONING ADMINISTRATOR

CASE NUMBER: PL22-0655

APPLICANT: John Paul the Great Catholic University (Kevin Meziere)

PROJECT LOCATION: 131 S. Broadway (Assessor Parcel Number: 233-062-10-01)

REQUEST: Modification to a Conditional Use Permit

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: Specific Plan (SP) Downtown Specific Plan (SPA 9)

ZONING: Historic Downtown District (HD)

BACKGROUND/PROJECT DESCRIPTION:

The City Council previously approved a Conditional Use Permit (City File No. PHG13-0005) in 2013 for John Paul the Great Catholic University to operate an adult school/university within the two-story, 23,370 square foot former JC Penney/Mingei Museum building located at 155 W. Grand Avenue. The CUP was modified in 2015 (City File No. PHG15-0033) to expand the number of students from 300 up to 1,200, and to allow various school operations at two separate properties/buildings within the downtown area, which included the 30,000 square foot former H Johnson furniture store located at 131 S. Broadway. The furniture store has been shuttered since that time.

The University is requesting to modify the previously approved use permit for the former H Johnson building to include interior and exterior modifications, on-site circulation and parking lot reconfiguration, additional landscape areas/amenities and driveway closure/redesign. The existing 30,000 square foot single-story building would be separated into two separate buildings (Building A, - 17,590 SF and Building B - 9,560 SF) with a new interior courtyard and separate mechanical equipment area. Proposed exterior modifications to the red brick building include a new paint scheme with off-white/light gray as the primary color with red accents to select entries, new metal awnings and the construction of a new upper wall area of the main Broadway facade. The loading dock would be secured with a new dark ash-gray metal walls along with the new access to the mechanical area accessibly from the alley. A decorative metal arch feature and logo would be placed at the entry to the new central courtyard. Three panels for future murals would be installed along the 2nd Avenue building facade and additional panels along the alley, along with new wall signage on Broadway and Maple Street. The parking lot would be reconfigured and up to 16 existing parking spaces removed to create a small outdoor parkette towards the southeast corner of the property. This space is proposed to be used for various outdoor uses and public events. The existing parking lot would maintain up to 22 parking spaces

and new landscaping installed throughout the parking lot and street frontage along 2nd Avenue. The interior of the building would be modified to accommodate various academic spaces to include classrooms, main lobby, offices, equipment spaces, restrooms and a small retail area.

ENVIRONMENTAL STATUS:

The California Environmental Quality Act (“CEQA”) Guidelines list classes of discretionary projects that have been determined not to have a significant effect on the environment and as a result are exempt from further review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities) as described further in the Findings of Fact, attached as Exhibit “B” to Zoning Administrator Resolution No. 2023-06.

REASON FOR STAFF RECOMMENDATION:

1. All of the requirements of CEQA have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15301, “Existing Facilities.” The Project qualifies for the “Existing Facilities” exemption because it is located in area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species; approval of the project, as conditioned, would not result in any significant effects on the environment; and the site is connected to City sewer and water services and can adequately be served by all required utilities and public services (refer to Attachment 2).
2. The project is consistent with land use policies that support walkability, and the re-use of existing buildings for new commercial/institutional uses, which ensure that the proposed use economically supports and compliments the adjacent downtown area. Granting the Minor Conditional Use Permit will not result in any conflicts with surrounding land uses and would not materially degrade the level-of-service on adjacent streets, utilities or public facilities.
3. The project is located within Downtown Parking District 1 that provides several public parking lots. The University will provide parking spaces on the site to serve the operations and also maintains a separate private parking lot adjacent to City parking lot No. 2 that is in close proximity to the subject site along 2nd Avenue. Therefore, sufficient on- and off-site parking is available to serve the project.

Respectfully submitted,

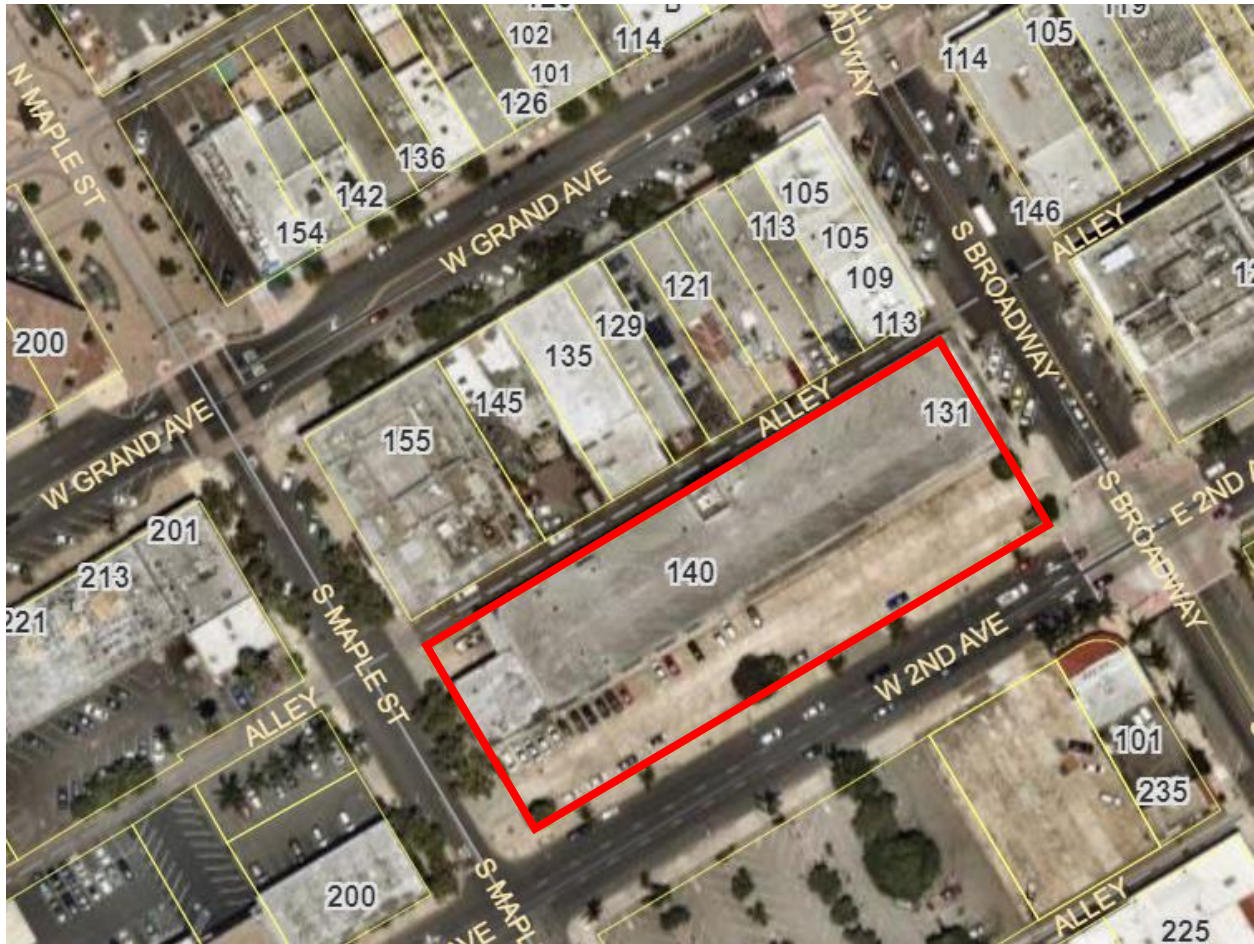
Jay Paul
Senior Planner

ATTACHMENTS:

1. Project Location
2. CEQA Notice of Exemption
3. Zoning Administrator Resolution No. 2023-06, Including Exhibits A, B, C, and D

ATTACHMENT 1

Project Location, Specific Planning Area



ATTACHMENT 2



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

Notice of Exemption

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

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

Project Title/Case No: John Paul the Great Catholic University / PL22-0655

Project Location - Specific: The subject site is located on the north side of Second Avenue, between S. Broadway and Maple Street, addressed at 131 S. Broadway (APN: 233-062-10-01)

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

Description of Project: Modification to a previously approved Conditional Use Permit for the former H Johnson building to include interior and exterior modifications, on-site circulation and parking lot reconfiguration, additional landscape areas/amenities and driveway closure/redesign. The existing 30,000 square foot single-story building would be separated into two separate buildings (Building A, - 17,590 SF and Building B - 9,560 SF) with a new interior courtyard and separate mechanical equipment area. The interior of the building would be modified to accommodate various academic spaces to include classrooms, main lobby, offices, equipment spaces, restrooms and a small retail area.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: John Paul the Great Catholic University (Kevin Meziere)
Address: 220 W. Grand Avenue, CA 92025
Telephone: 858-653-6740

[X] Private entity special district [] School district [] Local public Agency [] State agency [] Other

Exempt Status: The Project is categorically exempt pursuant to CEQA Guidelines section 15301 ("Existing Facilities").

Reasons why project is exempt The Project is a request to remodel an existing commercial property to accommodate adult school activities associated with John Paul the Great Catholic University. The Project does not include the physical expansion of the building. This exemption is appropriate for the Project due to negligible expansion of the former and entitle use of the site/building. The Project is in an area where all public services and facilities are available, and the project site is fully developed and has no potential of supporting environmentally sensitive habitat.

Lead Agency Contact Person: Area Code/Telephone/Extension: 760-839-4544

Signature JP Paul Jay Paul, Senior Planner Date: August 15, 2023

[X] Signed by Lead Agency Date received for filing at OPR:
[] Signed by Applicant

ATTACHMENT 3

Zoning Administrator

Hearing Date: August 15, 2023

Effective Date: August 26, 2023

RESOLUTION NO. 2023-06

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO A CONDITIONAL
USE PERMIT FOR JOHN PAUL THE GREAT
CATHOLIC UNIVERSITY AT 131 S. BROADWAY

APPLICANT: John Paul the Great Catholic University

CASE NO: PL22-0655

WHEREAS, the Zoning Administrator of the City of Escondido did, on August 15, 2023, hold a public hearing to consider a request for a modification to a previously approved Conditional Use Permit (Previous Planning Case No. PHG15-0033) for John Paul the Great Catholic University to operate an adult school/university and modify the building and site to accommodate the proposed uses ("Project") on property addressed as 131 S. Broadway (APN 233-062-10-01), more particularly described in Exhibit "A," and all persons desiring to speak did so; and

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written information, and the staff report dated, August 15, 2023, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines section 15301 “Existing Facilities”; and

WHEREAS, a staff report was presented discussing the issues in the matter.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Administrator of the City of Escondido:

1. That the above recitations are true and correct.

2. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities). The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects.

3. That, considering the Findings of Fact attached as Exhibit “B” hereto, and applicable law, the Zoning Administrator hereby approves Planning Case No. PL22-0655, subject to the Conditions of Approval attached as Exhibit "C" hereto, as depicted in the Project Plans attached as Exhibit “D” hereto.

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 24 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido’s Development Fee Inventory on file in the

Development Services Department. The project also is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

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

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 15th day of August 2023.

ADAM FINESTONE, AICP
Zoning Administrator,
City of Escondido

WITNESS

Note: This action may be appealed to Planning Commission
pursuant to Zoning Code Section 33-1303

EXHIBIT "A"

LEGAL DESCRIPTION

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

PARCEL A:

LOTS 1 THROUGH 8 INCLUSIVE, IN BLOCK 79 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886.

APN: 233-062-10-01; APN: 233-062-10-02

EXHIBIT “B”

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), 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. All of the requirements of CEQA have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15301, “Existing Facilities.” The Project qualifies for the “Existing Facilities” exemption because it is utilizing an existing structure with only minor interior and exterior improvements. Further, the Project located in area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species; approval of the project, as conditioned, would not result in any significant effects on the environment; and the site is connected to City sewer and water services and can adequately be served by all required utilities and public services.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the August 15, 2023, Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. 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 any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Conditional Use Permit (Escondido Zoning Code Section 33-1203)

The Zoning Administrator has reviewed the record, including applicable CEQA findings, and makes the following findings for a Conditional Use Permit:

1. Granting the proposed modification to the Conditional Use Permit (CUP) would be based upon sound principles of land use. The subject site is located within the Historic Downtown District of the Downtown Specific Plan that allow the establishment of a secondary school subject to a CUP. A CUP previously was approved (City Case No. PHG15-0033) authorizing use of the subject site/building for adult school activities and Findings were adopted to support the CUP (Planning Commission Resolution No. 6059). The project involves renovation of an existing commercial structure and site to support a variety of adult school/university operations associated with John Paul the Great Catholic University in conformance with the previous CUP approval. The Project is designed to accommodate appropriate on-site circulation, parking, lighting and landscaping that conforms to the requirements contained in the Escondido Zoning Code. The proposed use of the existing building for educational purposes would be an appropriate use of the site and would be compatible with the variety of

commercial, retail, restaurant, entertainment, office, assembly and institutional uses located throughout the downtown area.

2. The Conditional Use Permit will not cause deterioration of bordering land uses or create special problems for the area in which it is located because the site and surrounding area is zoned for commercial uses and there are adequate utilities, access and on- and off-site parking available to serve the proposed project.
3. The proposed Project will meet the standard requirements of the Municipal Code and the project is subject to conditions necessary and desirable to preserve the public health, safety and general welfare. The Project site is located in an area where existing public services are readily available.
4. A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located. As noted in the findings above, the proposed project would be based on sound principles of land use and would not cause deterioration of bordering land uses or create special problems for the surrounding area. The proposed modification to the CUP is consistent with the goals and policies of the General Plan and the Downtown Specific Planning Area (SPA 9). The Downtown vision embraces a dynamic, attractive, economically vital city center with a balance of uses providing a social, cultural, economic and residential focus that foster and 18-hour atmosphere. The University, with its resident student base nearby provides this balance through occupancy of a historically vacant and/or underutilized building while providing spin-off activities for other businesses throughout the area during the day, evening and weekend hours. The proposed operation and design features incorporated into the building and site would be consistent with the Downtown Specific Plan strategic goals to improve the pedestrian orientation by incorporating street-level elements along the project frontages. The location of the University within the downtown retail core would provide additional educational opportunities in Escondido in a location that is easily accessible by public transit, commercial amenities and nearby residential neighborhoods.

EXHIBIT “C”

PLANNING CASE NO. PL22-0655 CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on November 21, 2022, and the Project drawings consisting of Site Plans, Floor Plans, Colored Architectural Elevations, and Concept Landscape Plans; all designated as approved on August 15, 2023, and shall not be altered without express authorization by the Development Service Department.

For the purpose of these conditions, the term “Applicant” shall also include the Project proponent, owner, permittee, and the Applicant’s successors in interest, as may be applicable.

A. General:

1. **Acceptance of Permit.** If the Applicant fails 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 or Planned Development application, 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 or Planned Development application, the Permit shall automatically expire after two years 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 Development Services, or their 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. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. 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 use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b.** Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c.** Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. 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 Development Services 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 Development Services or their designee.

7. Availability of Permit Conditions.

- a.** Prior to building permit issuance, 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 Development Services or their designee.
- 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 Development Services or their designee. 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 Development Services Department.

Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code.

11. **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.

12. **Clerk Recording.**

- a. **Exemption.** If the environmental determination prepared for the Project is a categorical 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 period 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.

13. **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.

14. **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.

15. **Revocation, Suspension, Modification.** At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Development Services or their designee for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates or constitutes a nuisance.

16. 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 Development Services, 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 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.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Divisions. 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 Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.
16. **Phasing.** A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from

mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

C. Parking and Loading/Unloading.

1. As indicated on the plans, the Applicant shall provide a minimum of 22 on-site parking spaces, including ADA compliant spaces in conformance with the code requirements. On-site parking spaces shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
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 management company assumes all responsibility for maintaining all on-site landscaping; any landscaping in the public right-of-way adjacent to the property; 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 or adjacent property, shall be replaced/repared and landscaping/irrigation brought into compliance with current standards 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 within the street/public right-of-way shall be installed and maintained by the property owner or Management Company.
7. Appropriate screening landscaping shall be required around any transformers (new or existing) and shall be shown on the site plan and to the satisfaction of the Planning Division.
8. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
 - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
 - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e., planting and irrigation) is to be provided prior to final occupancy.
 - c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
 - d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services or their designee.
 - e. New or retrofitted trash enclosure shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast-growing shrubbery that will screen the enclosures wall surface. The Director of Development Services

or their designee shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

E. Specific Planning Division Conditions:

1. All previous conditions of approval associated with Planning Case No. PHG15-0033 shall apply to this permit, unless specifically modified by this Conditional Use Permit and approved plans.
2. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning and Building Divisions, Fire Department and Engineering Services Division have been completed.
3. The plans submitted for building permit(s) shall include notes or details containing the necessary work involved in complying with these Project conditions.
4. The Project will be required to obtain a demolition permit for the required modifications and enhancements, and shall comply with construction waste management requirements.
5. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
6. Proposed pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
7. All vehicles parked in the parking lot shall be in operable condition. At no time shall any vehicle being repaired or serviced associated with this approval be stored outdoors in the parking lot.
8. The existing freestanding pole sign (located at the southwestern corner of the site) shall be removed.
9. All signage shown on the plans are for reference purposes only. A final sign permit shall be submitted.

F. Fire Department Conditions:

1. Fire Underground plans, Fire Sprinkler and Fire Alarms plans shall be a deferred submittal to Escondido Fire Department.

G. Engineering Conditions:

GENERAL

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading Plans.
3. The location of any 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.
4. 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 online 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 and likewise submitted for review through the City's online plan review portal.
5. 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. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
6. All improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
2. The existing concrete driveway apron off Broadway shall be removed and replaced with full height PCC curb and gutter and sidewalk in accordance with City standards. This replacement PCC sidewalk shall match the surrounding pavers and decorative concrete sidewalk.
3. The existing driveway off Maple Street shall have signage installed designating it as Right Turn Only.
4. The Developer may be responsible for an overlay of portions of the adjacent public alley due to the many utility trenches necessary to serve this project. The determination of the extent of any required overlay shall be to the satisfaction of the City Engineer.

5. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
6. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths and/or restrictions on landscaping may be required at the discretion of the City Engineer.
7. Any requested gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
8. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
9. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.
10. Prior to Issuance of Building Permits, the Developer shall execute with the City a Continuing Encroachment Agreement together with any insurance requirements as approved by the City Engineer, City Real Property Manager, and City Attorney to cover the proposed private fiber optic conduit crossing of the adjacent public alley.

GRADING and SITE IMPROVEMENTS

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by a copy of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of asphalt Base (AB) or 7" Portland Concrete Cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.
4. 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.

5. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.

DRAINAGE

1. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
2. Any onsite storm water conveyance and treatment facilities and drains including any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water facilities shall be that of the Property Owner.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main.
2. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
3. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines shall be shown for reference and review on the various final engineering plan sets.
4. All on-site water lines and backflow prevention devices beyond the City water meter or DCA shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
5. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or on private drive areas.
6. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.
7. There shall be no permanent structures located within the City's Public utility Easements.
8. Improvement plans for all proposed water mains shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.
9. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
10. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
11. All water services, 2-inches or less, proposed to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution

Department. If any water service 3-inches or larger is to be abandoned or relocated, the existing tee and valve shall be removed from the existing water main and a straight piece of pipe shall be installed to the nearest joint in the water main with a minimum length of five feet.

12. Any fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.
13. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.

SEWER

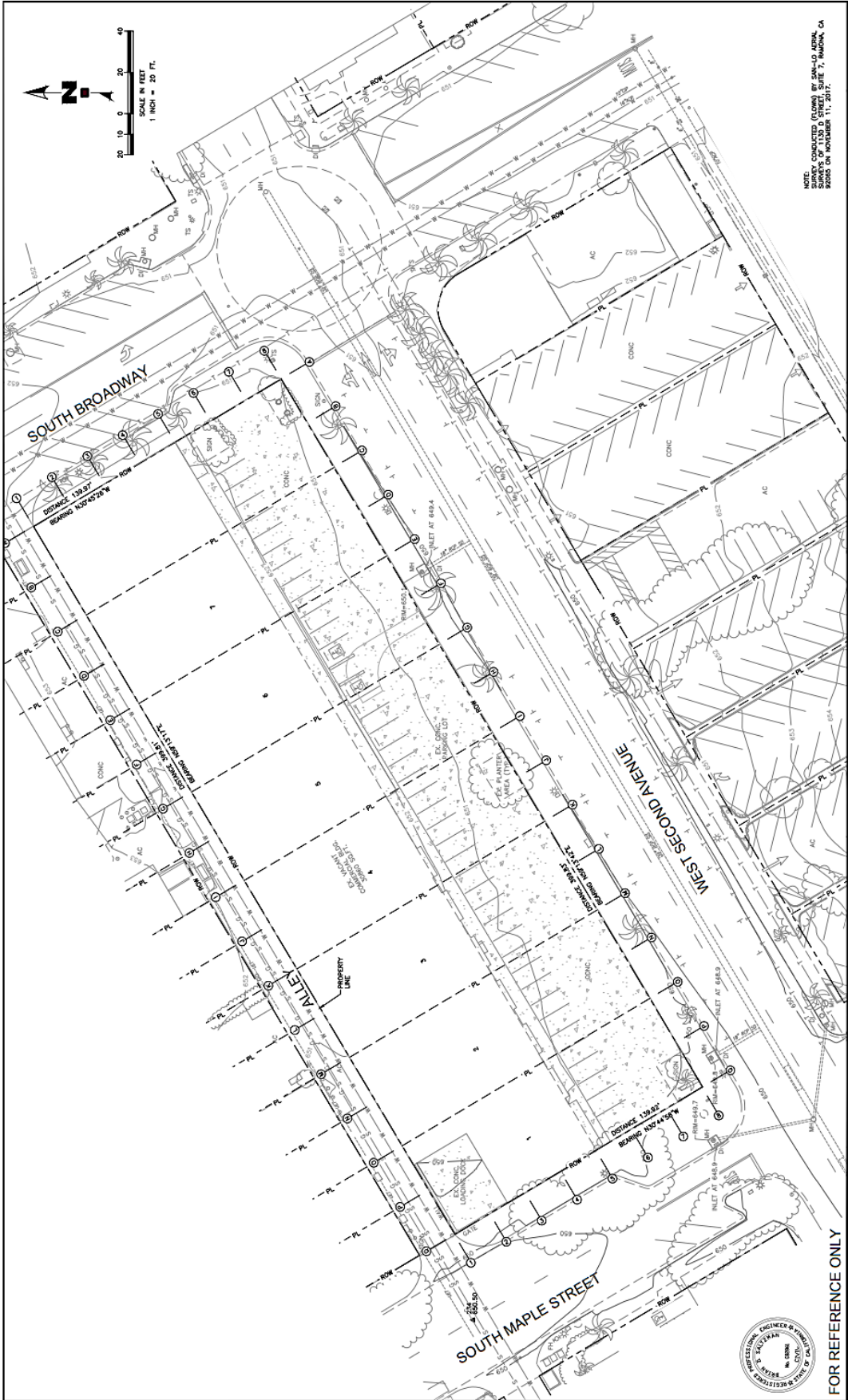
1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utility Easement or ROW shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye or Inserta-Tee.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.
5. Any sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
6. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vector trucks for maintenance.
7. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.
8. The location of all sewer laterals shall be shown on the grading and improvement plans.

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 \$30,000, 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.

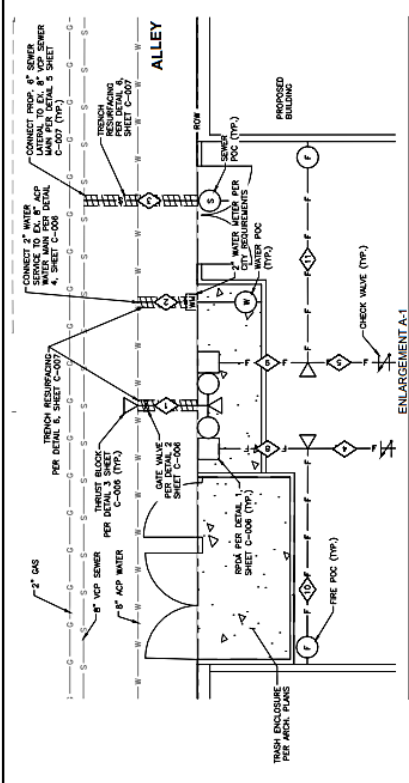
EXHIBIT "D" Project Plans



FOR REFERENCE ONLY

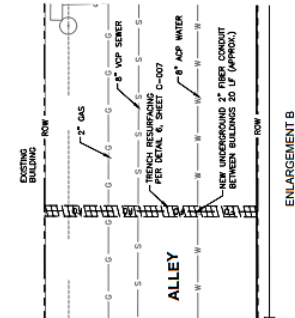
DESIGNED BY:	KEVIN MEZIERE	DATE:	03-29-2023
DRAWN BY:			
CHECKED BY:			
DATE:			
DESCRIPTION:	EXISTING CONDITIONS		
SCALE OF ORIGINAL:	SCALE OF ORIGINAL		
ORIGINAL DRAWING:	ORIGINAL DRAWING		
SCALE OF PLOTS:	SCALE OF PLOTS		
DRAWING NO.:	C-002		
SHEET:	2		
131 SOUTH BROADWAY JOHN PAUL THE GREAT CATHOLIC UNIVERSITY		PRELIMINARY NOT FOR CONSTRUCTION	
TSAC ENGINEERING 1375 TORREY SUMMIT DR. SUITE 102, LOS GATOS, CA 95030 TEL: 408.352.1001 FAX: 408.352.1002			
NOTE: SURVEY CONDUCTED (FLOWING) BY DONALD ADRIAN, LICENSED SURVEYOR, STATE OF CALIFORNIA, LICENSE NO. 17, NATIONAL, CA, 8025 ON NOVEMBER 11, 2017.			



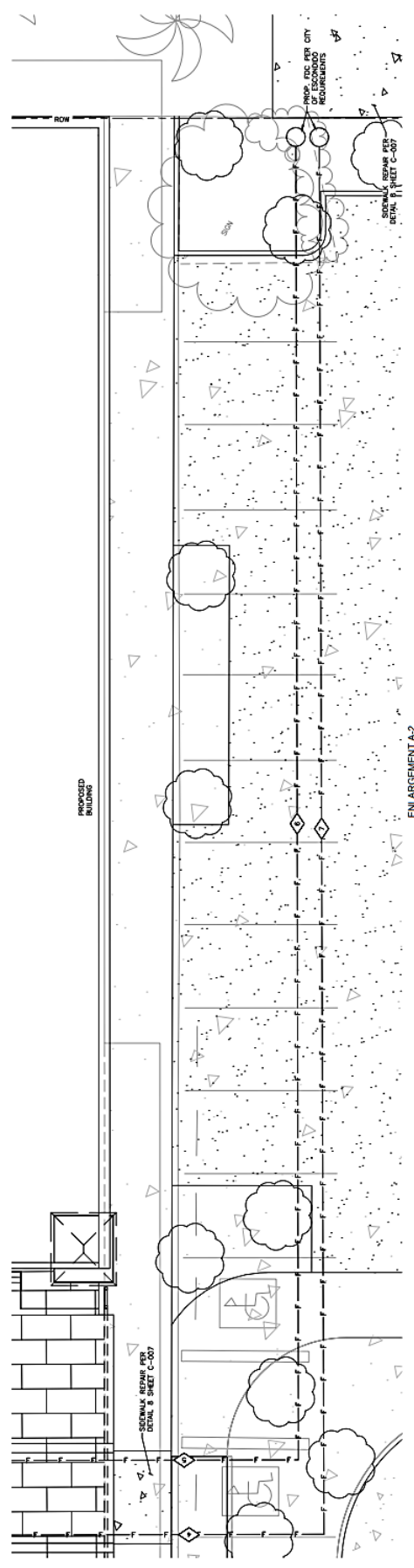
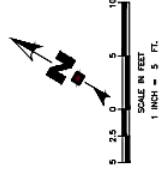


ENLARGEMENT A-1
SCALE: 1"=4'

NO.	DETA OR BKG.	LENGTH	REMARKS
1	N2074612.87M	8.56'	4" WATER SERVICE (P&E)
2	S2074612.87M	3.61'	2" WATER SERVICE (P&E)
3	N2074743.84M	10.47'	8" SEWER LATERAL
4	N2075141.17M	93.19'	4" WATER SERVICE (P&E)
5	N2075141.22M	90.45'	4" WATER SERVICE (P&E)
6	N2075141.27M	141.15'	4" WATER SERVICE (P&E)
7	N2075141.32M	8.31'	4" WATER SERVICE (P&E)
8	N2075141.37M	8.31'	4" WATER SERVICE (P&E)
9	N2075141.42M	20.24'	4" WATER SERVICE (P&E)
10	N2075141.47M	20.24'	4" WATER SERVICE (P&E)
11	N2075141.52M	20.24'	4" WATER SERVICE (P&E)



ENLARGEMENT B
SCALE: 1"=4'

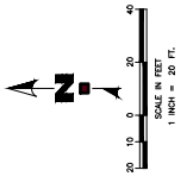
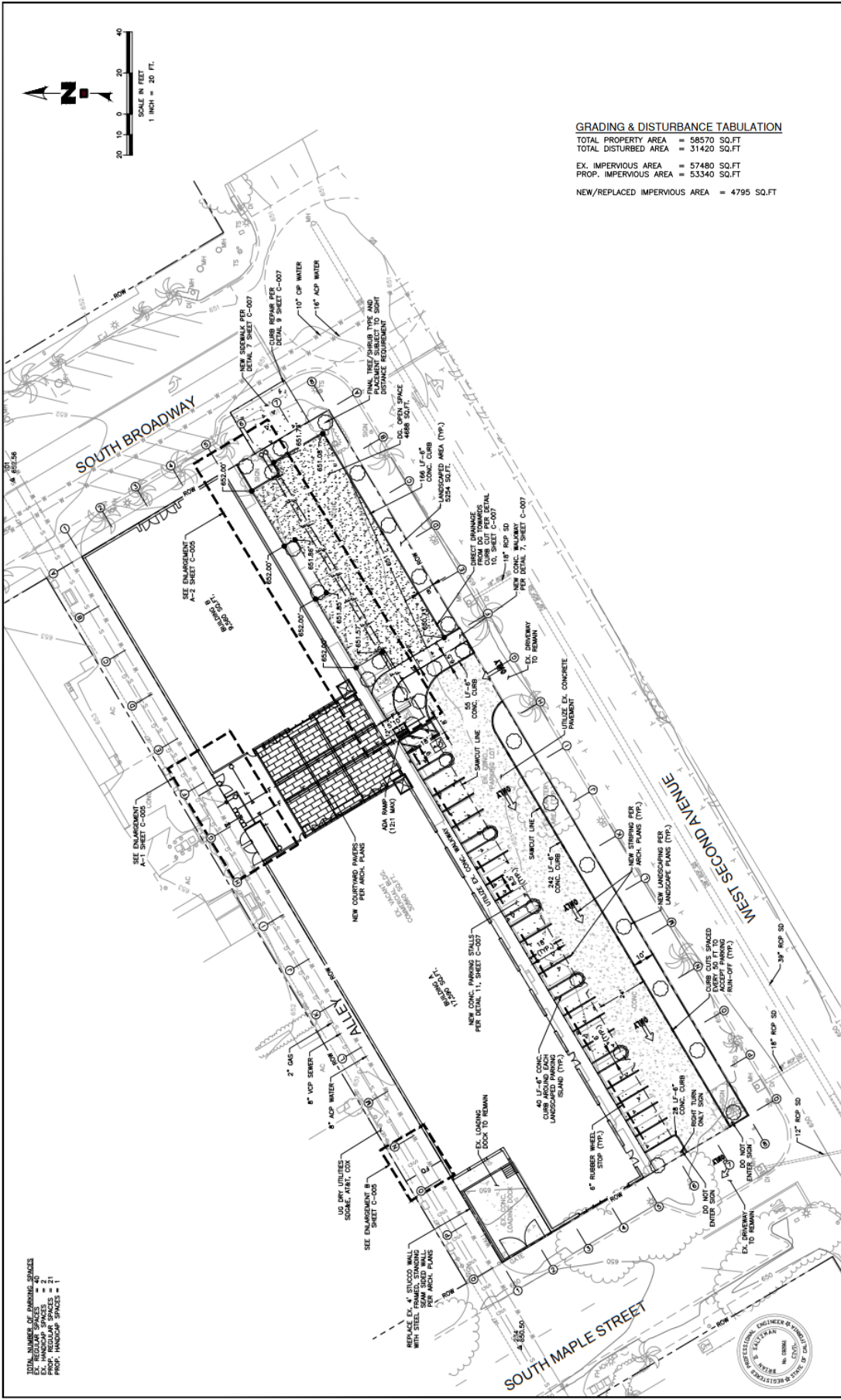


ENLARGEMENT A-2
SCALE: 1"=4'



- NOTED:
- CONTRACTOR TO VERIFY DEPTH OF EXISTING UTILITIES OF CONSTRUCTION AND NOTIFY UTILITIES.
 - PROPOSED UTILITY CROSSINGS PER CITY OF SPOKANE.
 - THE POC'S WILL BE LOCATED IN THE LANDSCAPE AWAY FROM THE BUILDING AND 75 FT AWAY FROM THE FIRE HYDRANT LOCATED ON SOUTH BROADWAY.

PREPARED AT THE REQUEST OF: KEVIN MEZIERE	TSAC ENGINEERING <small>TRANSPORTATION & LAND DEVELOPMENT</small>	131 SOUTH BROADWAY JOHN PAUL THE GREAT CATHOLIC UNIVERSITY	SHEET NO. 1 OF 5 DRAWING NO. C-005
REVISIONS BY: [] DRAWN BY: [] CHECKED BY: [] JOB NUMBER: 23278 DATE: 03-29-2023	PRELIMINARY NOT FOR CONSTRUCTION		
DESCRIPTION:	ENLARGEMENTS		



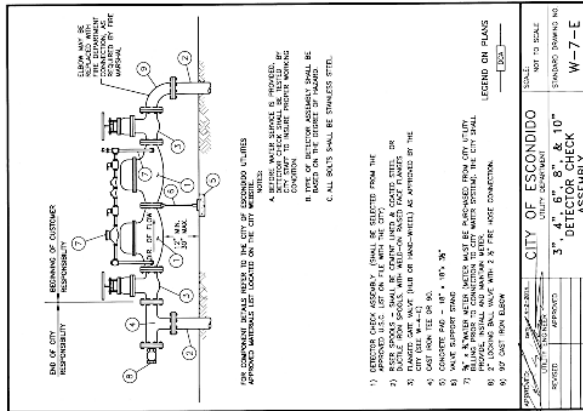
GRADING & DISTURBANCE TABULATION

TOTAL PROPERTY AREA	= 58570 SQ.FT
TOTAL DISTURBED AREA	= 31420 SQ.FT
EX. IMPERVIOUS AREA	= 57480 SQ.FT
PROP. IMPERVIOUS AREA	= 53340 SQ.FT
NEW/REPLACED IMPERVIOUS AREA	= 4795 SQ.FT

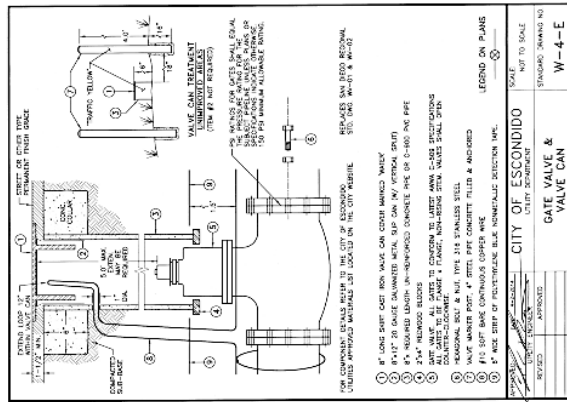
TOTAL NUMBER OF PARKING SPACES
 EX. REGULAR SPACES = 40
 EX. HANDICAP SPACES = 21
 PROP. HANDICAP SPACES = 1

	PRELIMINARY NOT FOR CONSTRUCTION	PREPARED AT THE REQUEST OF KEVIN MEZIERE	131 SOUTH BROADWAY JOHN PAUL THE GREAT CATHOLIC UNIVERSITY PROPOSED SITE PLAN
DESIGNED BY: [] DRAWN BY: [] CHECKED BY: [] JOB NUMBER: 2378 DATE: 03-29-2023	DRAWING NO.: C-004 SHEET 4 OF 4		

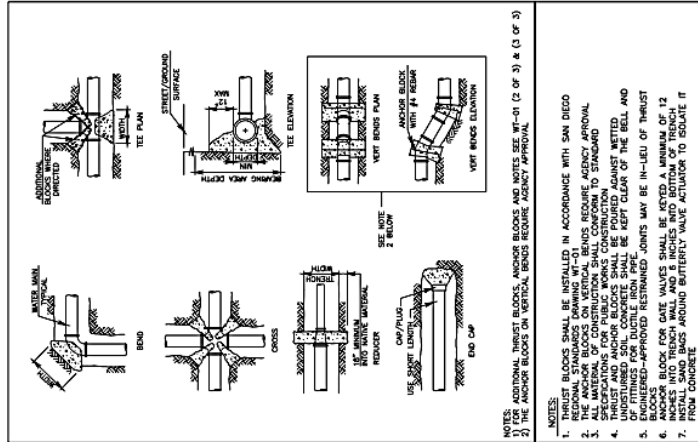




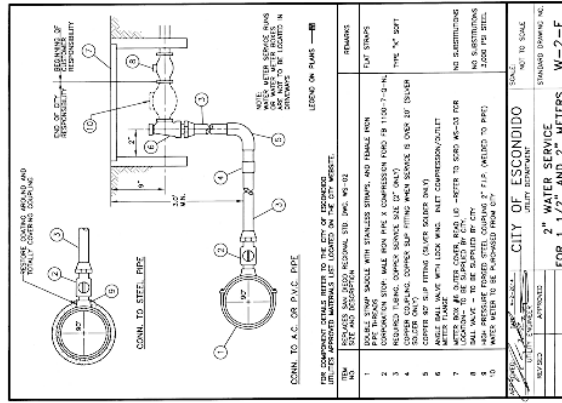
1 DETECTOR CHECK ASSEMBLY
NOT TO SCALE



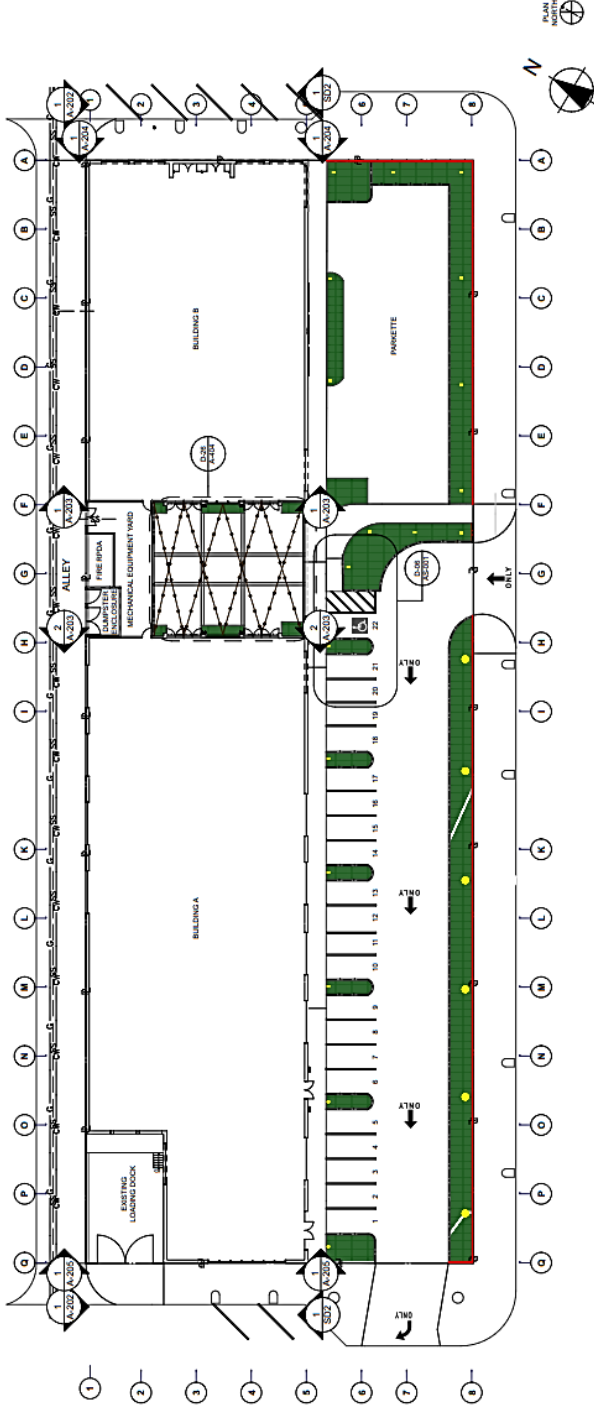
2 GATE VALVE & VALVE CAN
NOT TO SCALE



3 THRUST AND ANCHOR BLOCK
NOT TO SCALE



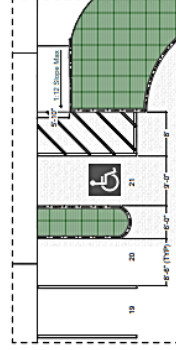
4 2" WATER SERVICE INSTALLATION
NOT TO SCALE



Site Plan
SCALE: 1" = 20'

LEGEND

	FIRE HYDRANT
	BOLLARD LIGHT SEE A-202
	POLE MOUNT ANGLIGHT SEE A-202
	SCONCE LIGHT SEE A-202
	LANDSCAPING
	PROPERTY LINE
	FENCE SEE A-202
	FORMED CURB (SEE C-007)



Parking Detail
SCALE: 1" = 10'

GENERAL NOTES

1. CONTRACTOR SHALL NOT SCALE THESE DIMENSIONS. IN THE EVENT OF OMISSION OF NECESSARY DIMENSIONS THE CONTRACTORS SHALL NOTIFY THE GENERAL CONTRACTOR PROJECT MANAGER.
2. GENERAL CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS, AND SITE CHARACTERISTICS, LOCATION AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT TO BE FURNISHED BY OWNER OR OTHERS, WITH THE MANUFACTURER OR SUPPLIER BEFORE AND CONSTRUCTION PERTAINING TO SAME IS BEGUN.
3. ALL WALL DIMENSIONS ON THE PLANS UNLESS OTHERWISE NOTED ARE TO OUTSIDE FACE OF STUD WALL OR CMU.
4. CONCRETE MUST BE PRESSURE TREATED, MOISTURE RESISTANT WOOD.
5. MAXIMUM EFFORT TO OPERATE DOORS SHALL NOT EXCEED: 5.0 LB. F. FOR INTERIOR DOORS
6. ALL DOORS SHALL BE KEYLESS IN DIRECTION OF EGRESS.



JOHN PAUL THE GREAT
CATHOLIC UNIVERSITY

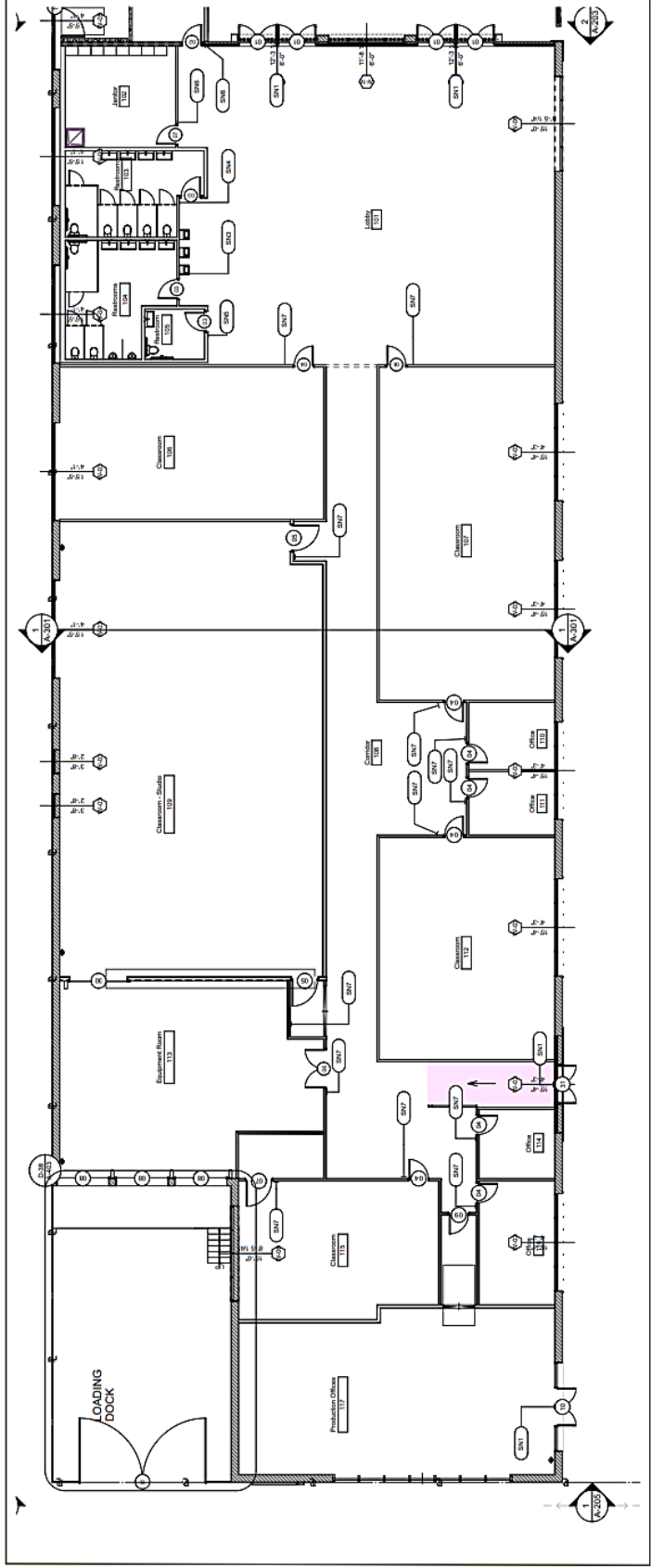
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Commons@131
131 S. Roadway Escondido
California 92025

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MODEL FILE
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DESIGNED BY:
CHECKED BY:
DATE: 5/23/21
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SHEET TITLE
**Floor Plan Bldg
A**

A-101



Floor Plan - Building A
SCALE: 3/8" = 1'-0"

GENERAL NOTES

1. CONTRACTOR SHALL NOT SCALE THESE DIMENSIONS. IN THE EVENT OF OMISSION OF NECESSARY DIMENSIONS THE CONTRACTORS SHALL NOTIFY THE CONSTRUCTION PROJECT MANAGER.
2. CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS, AND SITE GRADES PRIOR TO START OF WORK.
3. VERIFY SIZE, LOCATION, AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT TO BE FURNISHED BY OWNER OR OTHERS, WITH THE MANUFACTURER OR SUPPLIER BEFORE AND AFTER CONSTRUCTION BEGINNING. SAME IS BEGUN OTHERWISE.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT TO BE FURNISHED BY OWNER OR OTHERS, WITH THE MANUFACTURER OR SUPPLIER BEFORE AND AFTER CONSTRUCTION BEGINNING. SAME IS BEGUN OTHERWISE.
5. CONTRACTOR TO PROVIDE AND INSTALL WALL BACKING FOR ALL WOOD IN CONTACT WITH CONCRETE MUST BE PRESSURE TREATED TO RESIST ROT AND INSECT DAMAGE.
6. ALL WOOD IN CONTACT WITH CONCRETE MUST BE PRESSURE TREATED TO RESIST ROT AND INSECT DAMAGE.
7. MAXIMUM WEIGHT TO OPERATE DOORS SHALL NOT EXCEED: 50 L.B.F. FOR INTERIOR DOORS
8. ALL DOORS SHALL BE KEYLESS IN DIRECTION OF EGRESS.
9. FIRE EXTINGUISHER #10 CLASS ABC WITH UL RATING 4A-80BC. SURFACE MOUNTED ON WALL WITH MANUFACTURERS ALL INFORMATION AND APPROVED INSPECTION TAGS AS REQUIRED BY LOCAL CODES.

KEYNOTES

- (S21) THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. (NOTE: THIS SIGN SHALL BE 4 INCHES HIGH ON A CONTRASTING BACKGROUND)
- (S22) EXIT TACTILE SIGN PER 2019 IBC SECTION 1013.4.4 SECTION 119-214.1.
- (S23) MALE RESTROOM REFERENCE
- (S24) FEMALE RESTROOM REFERENCE
- (S25) ALL GENDER RESTROOM REFERENCE
- (S26) EMPLOYEES ONLY
- (S27) ROOM TACTILE SIGN PER 2019 IBC SECTION 1013.4.4 SECTION 119-214.1.

SIGNAGE

- (S21) THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. (NOTE: THIS SIGN SHALL BE 4 INCHES HIGH ON A CONTRASTING BACKGROUND)
- (S22) EXIT TACTILE SIGN PER 2019 IBC SECTION 1013.4.4 SECTION 119-214.1.
- (S23) MALE RESTROOM REFERENCE
- (S24) FEMALE RESTROOM REFERENCE
- (S25) ALL GENDER RESTROOM REFERENCE
- (S26) EMPLOYEES ONLY
- (S27) ROOM TACTILE SIGN PER 2019 IBC SECTION 1013.4.4 SECTION 119-214.1.

LEGEND

- DOOR TAG
- ◇ WALL TYPE - REFER TO 2-001 AND A-01
- ◊ WINDOW FRAME



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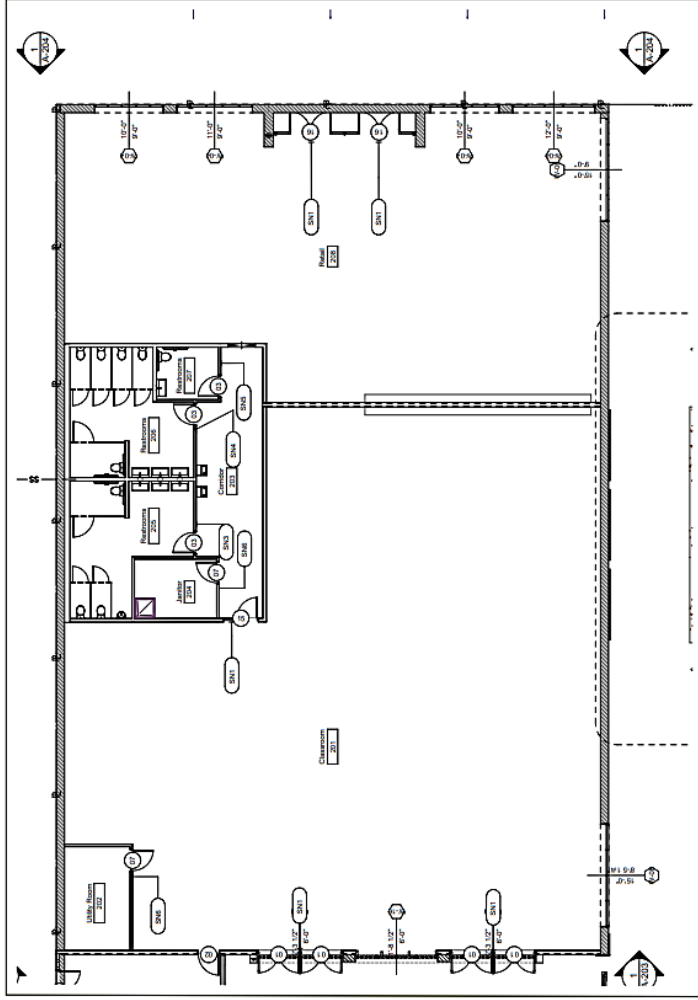
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Commons@131
131 S. Broadway Escondido
California 92025

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PROJECT NO: 131-4M
MODEL FILE:
131E-Building-Commons
DRAWN BY: JPC
CHECKED BY: JPC
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Floor Plan Bldg
B

A-102



Floor Plan - Building B

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

GENERAL NOTES

- CONTRACTOR SHALL NOT SCALE THESE DIMENSIONS. IN THE EVENT OF OMISSION OF NECESSARY DIMENSIONS THE CONTRACTORS SHALL NOTIFY THE CONSTRUCTION PROJECT MANAGER.
- GENERAL CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS TO SEE GATES OR OTHER OBSTACLES TO WORK. VERIFY SIZE, LOCATION AND CHARACTERISTICS OF ALL WORK WITH THE MANUFACTURER OR SUPPLIER BEFORE AND CONSTRUCTION PERTAINING TO SAME IS BEGUN.
- ALL WALL DIMENSIONS ON THE PLANS UNLESS OTHERWISE NOTED SHALL BE TO FACE UNLESS OTHERWISE NOTED.
- CONTRACTOR TO PROVIDE AND INSTALL WALL BRACKING FOR WALL HUNG FIXTURES AND TOILET ACCESSORIES.
- ALL WOOD IN CONTACT WITH CONCRETE MUST BE PRESSURE TREATED, MOISTURE RESISTANT WOOD.
- MAXIMUM OPEN TO OPERATE DOORS SHALL NOT EXCEED: 6'-0" FOR OPERABLE DOORS.
- ALL DOORS SHALL BE KEYLESS IN DIRECTION OF EGRESS. FIRE EXTINGUISHER: #10 CLASS ABC WITH UL-RATING 4A-60BC. SURFACE MOUNTED ON WALL WITH MANUFACTURERS ALL STEEL WALL BRACKET APPROVED INSPECTION TAG AS REQUIRED BY LOCAL CODES.

KEYNOTES

- 201 THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. NOTE: THIS SIGN SHALL BE IN LETTERS 1 INCH HIGH ON A CONTRASTING BACKGROUND.
- 202 EXIT TACTILE SIGN PER 2019 IBC SECTION 1013.4 & SECTION 11B-216.4.1.
- 203 MALE RESTROOM REFERENCE
- 204 FEMALE RESTROOM REFERENCE
- 205 ALL GENDER RESTROOM REFERENCE
- 206 EMPLOYEES ONLY
- 207 ROOM TACTILE SIGN PER 2019 IBC SECTION 1013.4 & SECTION 11B-216.4.1.

SIGNAGE

LEGEND

- DOOR TAG
- WALL TYPE - REFER TO S-201 AND A-501
- WINDOW FRAME



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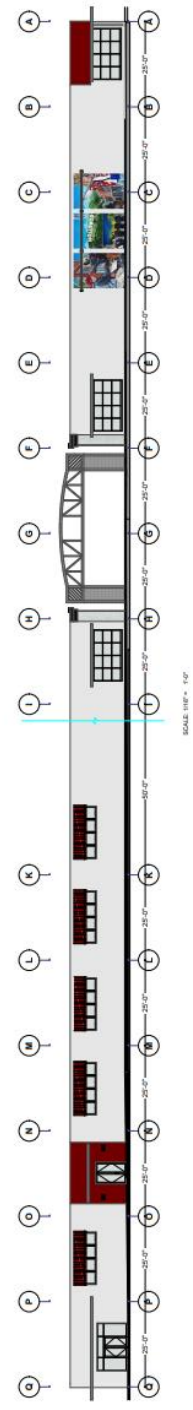
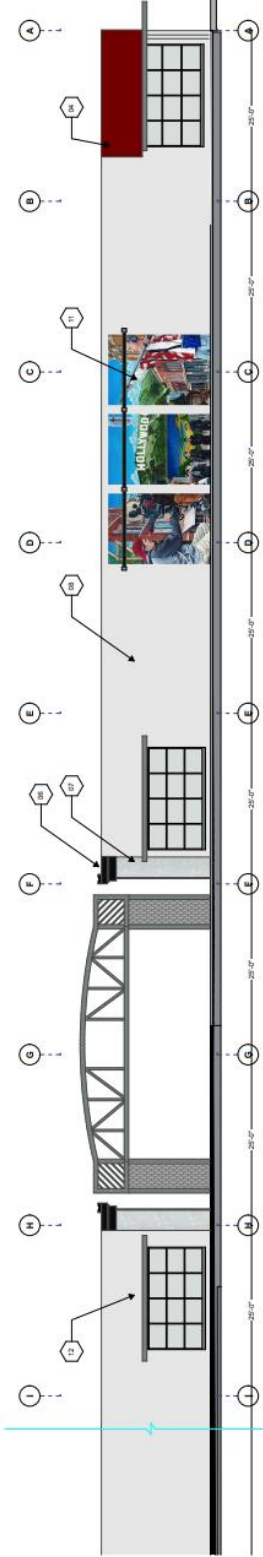
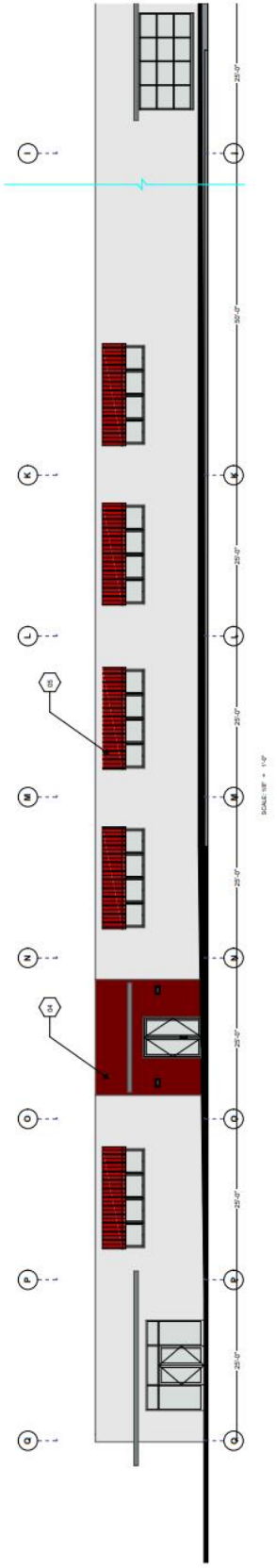
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Commons@131
131 S. Broadway Escondido
California 92025

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MODE FILE
DATE: 02/22/22
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SHEET TITLE
2nd Ave Exterior
Elevations

A-201



KEYNOTES

- 04 Painted 2'x2' cement tile; Dunn Edwards Scarlet Past DEA150
- 05 Powder Coated Metal Awning; Prismatic RAL3003
- 06 Painted smooth acrylic stucco over architectural foam; Dunn Edwards Dark Engine DEG350
- 07 Painted smooth acrylic stucco over architectural foam; Dunn Edwards Dark Engine DEG350
- 08 Painted (existing) brick; Dunn Edwards Cloud DEC791
- 11 Mural; Example graphic only; Final mural in separate submittal
- 12 Metal sun shade; See A-502



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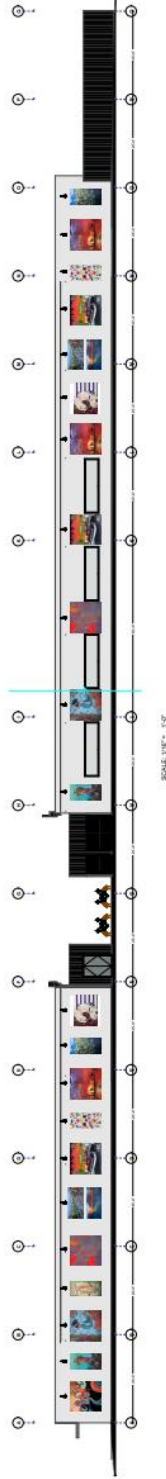
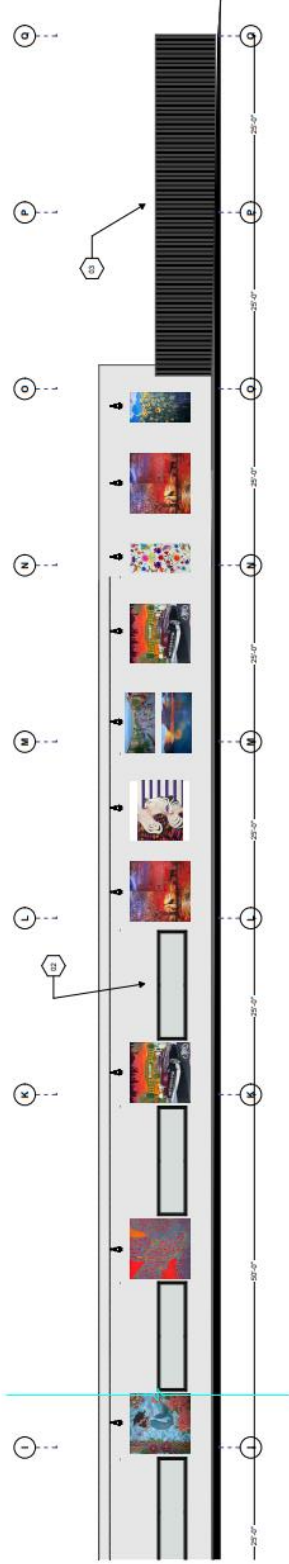
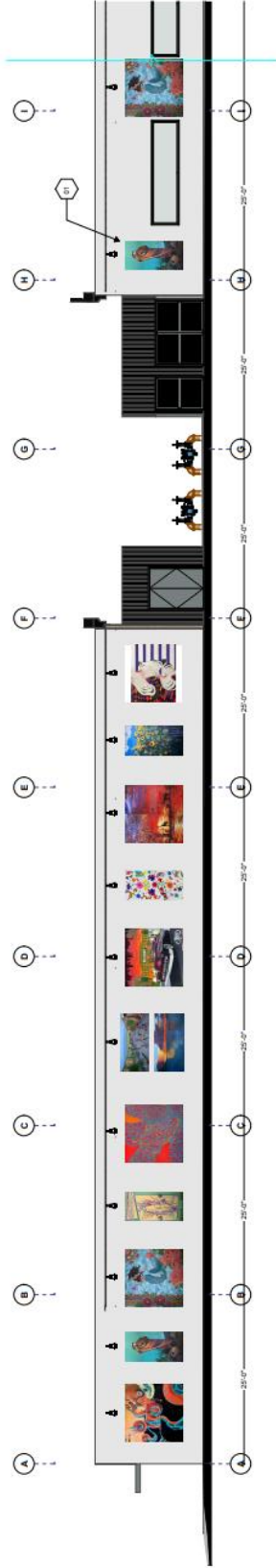
SHEET TITLE

**Alley Exterior
Elevations**

A-202

KEYNOTES

- 01 Alley Art, Architectural Bronze anodized aluminum frame
- 02 Architectural Bronze
- 03 7.2 Profile Steel Clad wall (new), Factory applied Ash Gray Rawhide Finish





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CHECKED BY: Commons
DATE: 5/23/22
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SHEET TITLE

Courtyard
Elevations

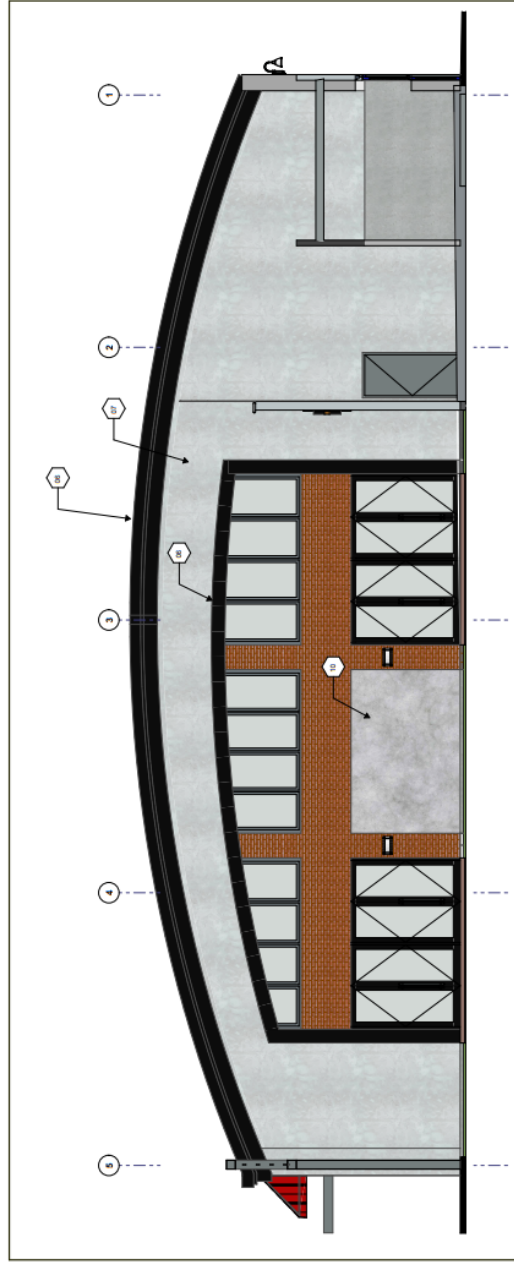
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GENERAL NOTES

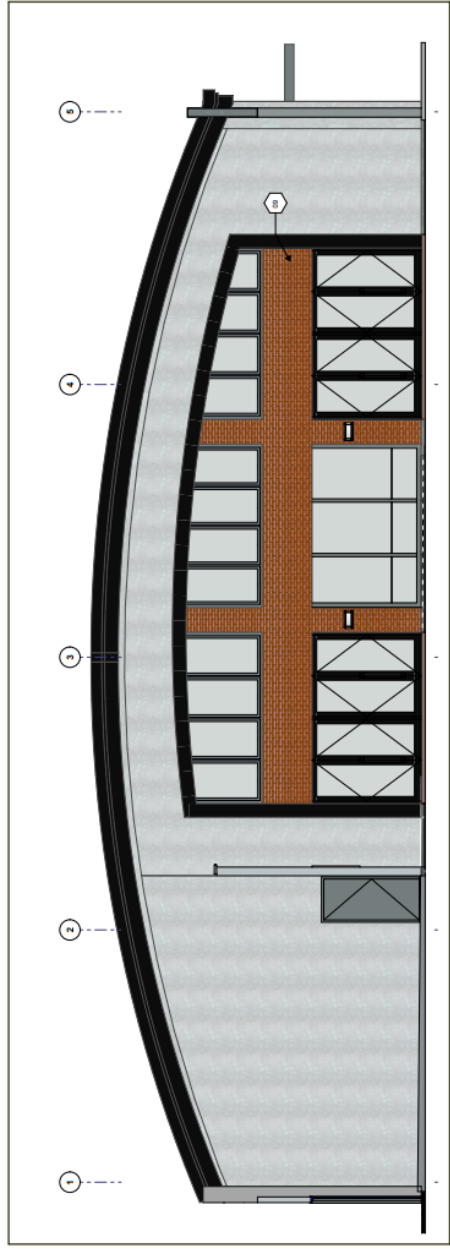
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2. GENERAL CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS, AND SITE GRADES PRIOR TO START OF WORK.
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4. ALL WALL DIMENSIONS ON THE PLANS UNLESS OTHERWISE NOTED ARE TO OUTSIDE FACE OF STUD WALL OR CMU.

KEYNOTES

- 03 Standing seam; Factory applied Ash Grey Rawhide finish
- 06 Painted smooth acrylic stucco over architectural foam; Dunn Edwards Dark Engine DE6350
- 07 Painted smooth acrylic stucco; Dunn Edwards Cloud DEC791
- 08 Brick
- 09 Marble tile; 12"x24"; 1/8" grout line



Courtyard (Bldg A) Elevation
SCALE: 1/4" = 1'-0"



Courtyard (Bldg B) Elevation
SCALE: 1/4" = 1'-0"



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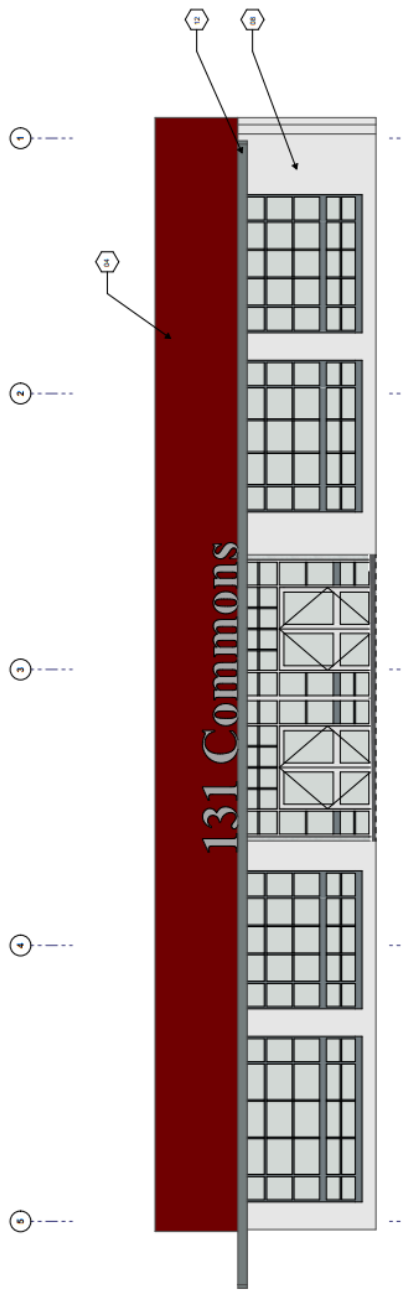
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California 92025

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DRAWN BY:
CHECKED BY:
DATE: 5/23/22
SHEET TITLE:

Broadway

A-204



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

KEYNOTES

- 04 Painted 2x2" cement tiles; Dunn Edwards Scarlet Post DEA150
- 08 Painted (cross-hatch) brick; Dunn Edwards Cloud DEC791
- 12 Metal sun shade; See A-502



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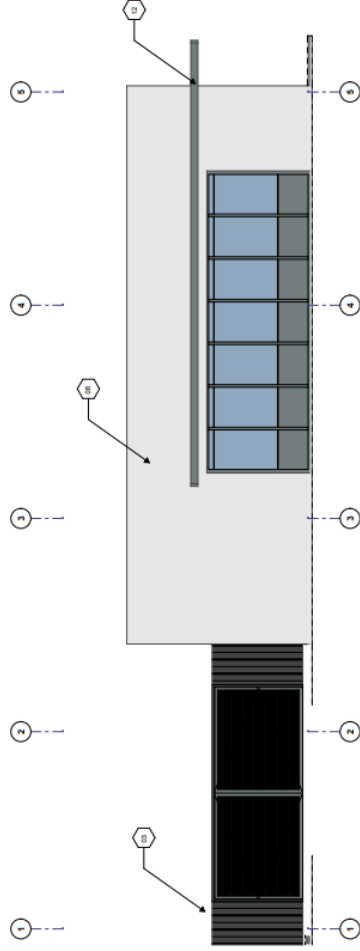
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SHEET TITLE

Maple

A-205



SCALE: 1" = 8'

KEYNOTES

- 03 7.2 Profile Steel Clad wall (new), Factory applied Ash, Gray Rawhide Finish
- 09 Painted (existing) brick, Dunn Edwards Cloud DEC791
- 12 Metal sun shade, See A-302



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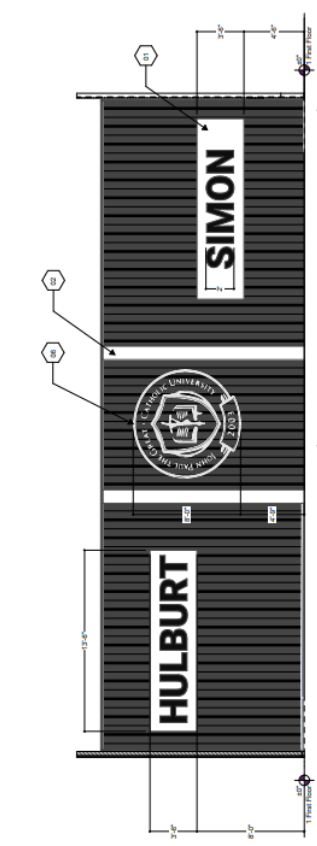
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Commons@131
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California 92025

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02/22 - 3/1/24

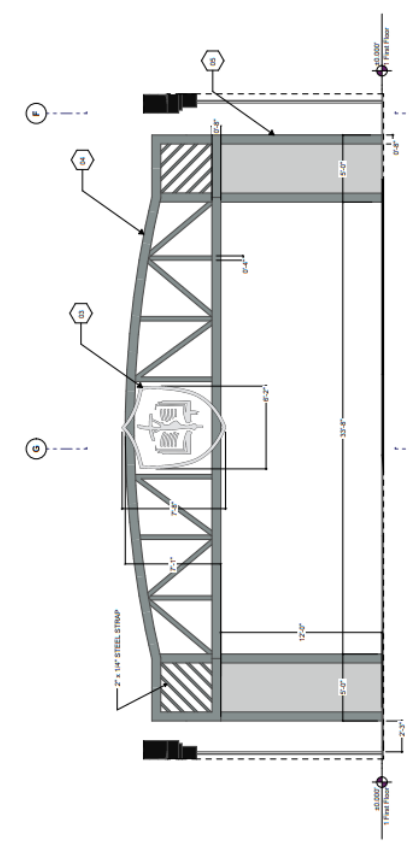
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131 S. Broadway Escondido
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SHEET TITLE
Courttyard

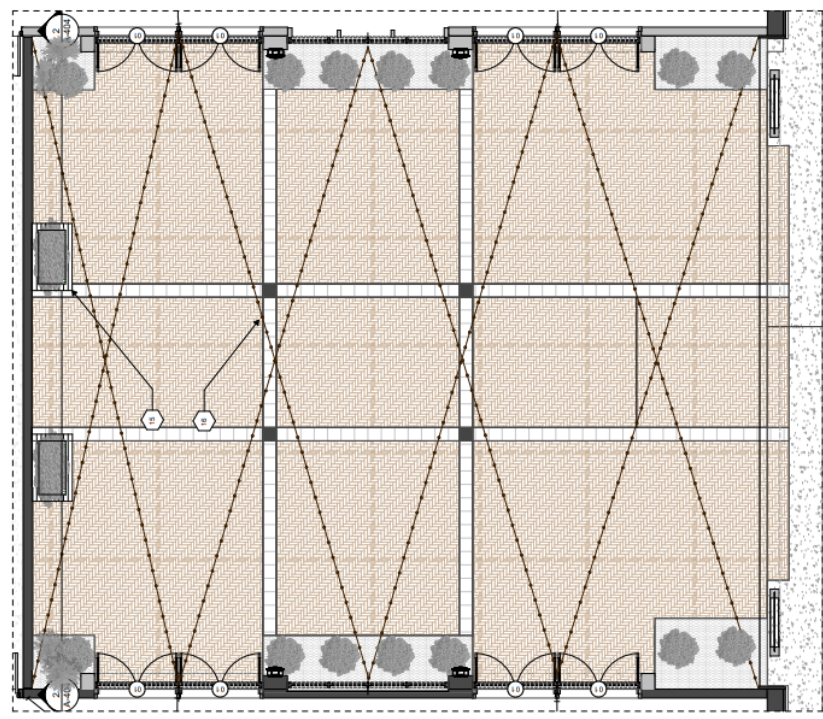
A-404



Courttyard Wall Elevation
SCALE: 1/4" = 1'-0"



Arch Elevation
SCALE: 1/4" = 1'-0"



Enlarged Courttyard View
SCALE: 1/4" = 1'-0"

KEYNOTES

- 01 Acrylic letters over powder coated 1/4" aluminum plate
- 02 Powder coated 1/4" aluminum plate; Prismatic Soft Stain White
- 03 2 Powder coated 1/8" steel logo (1 each side) mounted on clear UV resistant polycarbonate; Prismatic Soft Stain White
- 04 Painted truss; Powder coated; Prismatic Stone Black; See A-302
- 05 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 06 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 07 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 08 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 09 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 10 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 11 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 12 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 13 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 14 Steel Post, Infil or perforated steel welded to post; Powder coated; Prismatic Stone Black; See A-302
- 15 Movable cedar planks
- 16 Suspended festoon lights



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California 92025

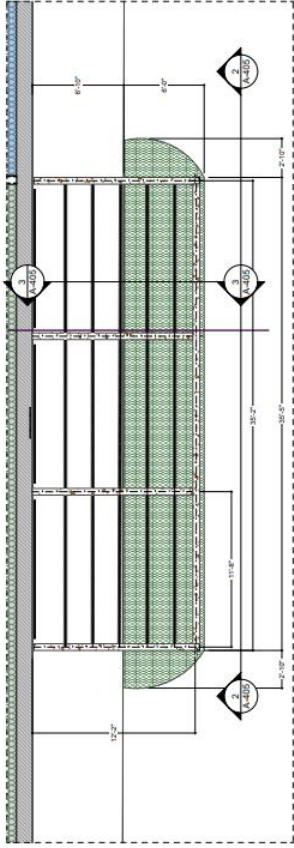
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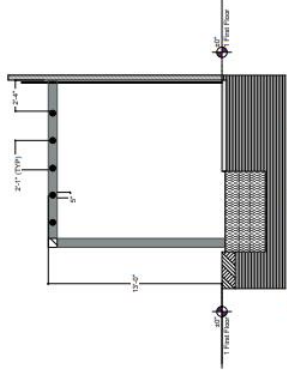
Pedestrian
Walkway

A-405



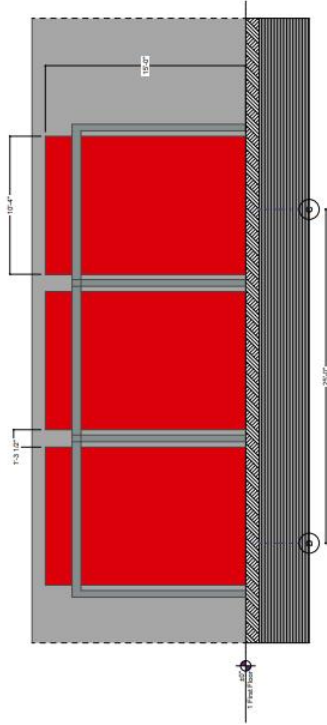
Enlarged Pedestrian Walkway

SCALE: 1/4" = 1'-0"



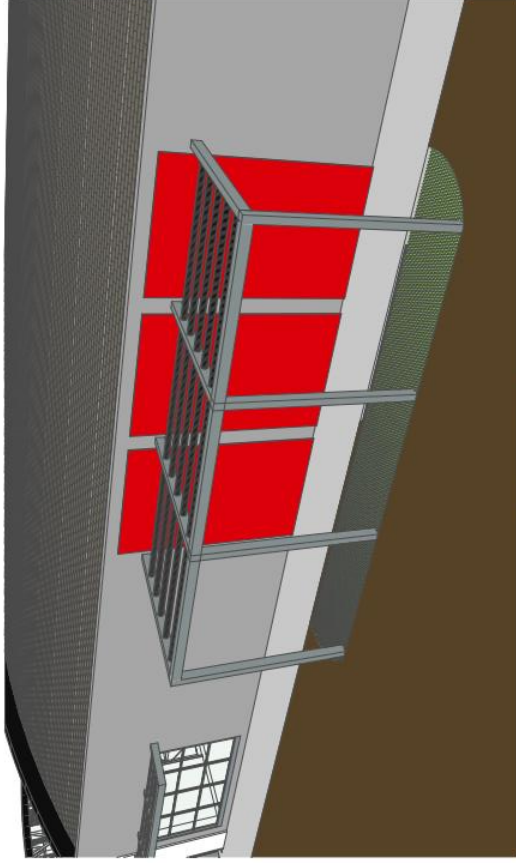
Pedestrian Walkway Section

SCALE: 1/4" = 1'-0"



Pedestrian Walkway Elevation

SCALE: 1/4" = 1'-0"



Pedestrian Walkway

SCALE: 1/4" = 1'-0"



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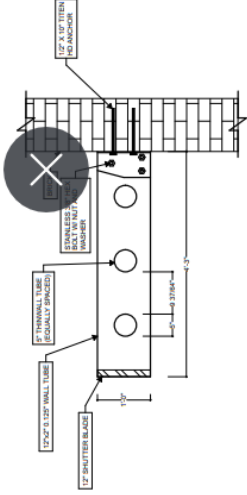
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131 S. Broadway Escondido
California 92025

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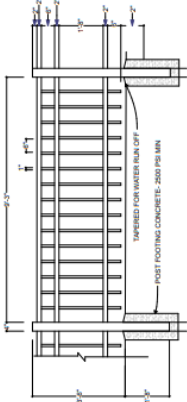
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Exterior Details

A-502



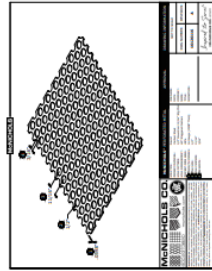
Airfoil Sun Shade

SCALE: 1/4" = 1'-0"



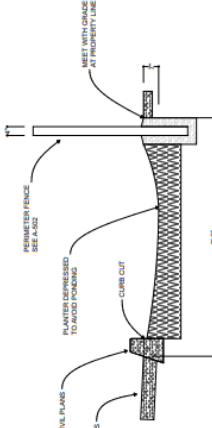
Fence Detail

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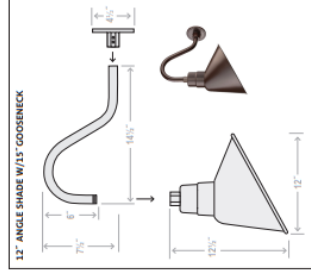
Arch Post Infill

NET TO SCALE

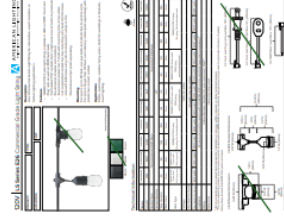


Perimeter Planter

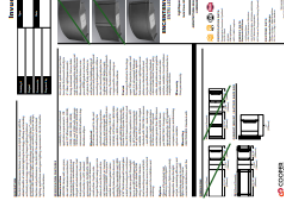
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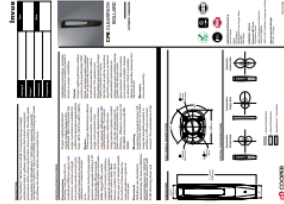
Gooseneck Exterior Light



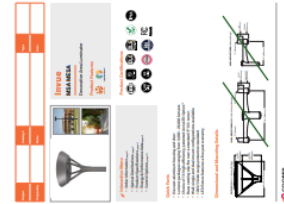
MARKET LIGHT



SCONCE



BOLLARD



POLELIGHT



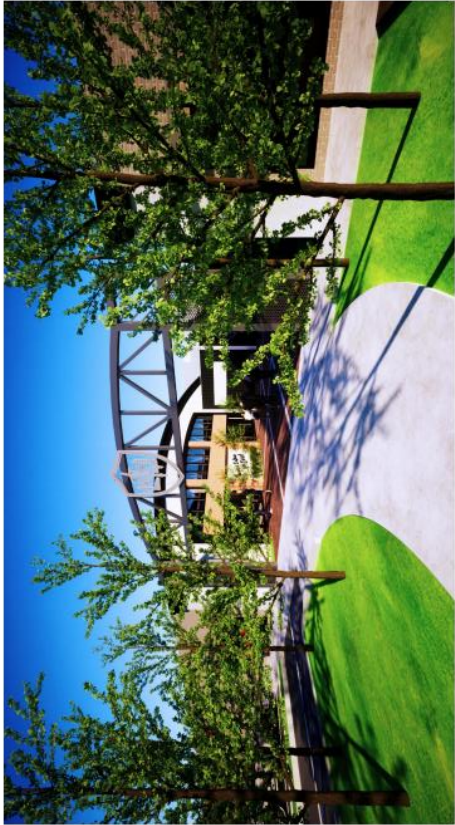
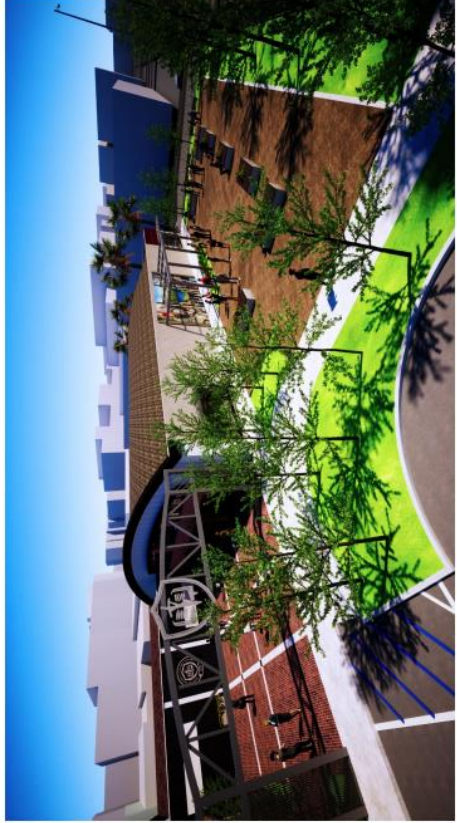
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202202-2-14 PM

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SHEET TITLE
Renders



ZONING ADMINISTRATOR

CASE NUMBER: PL 23-0033

APPLICANT: City of Escondido

PROJECT LOCATION: The 0.33-acre Project site is located on the northeast side of Eagle Scout Lake within the 285-acre Kit Carson Park, in the City of Escondido, County of San Diego, addressed at 3341 Bear Valley Parkway (Assessor's Parcel Numbers 271-030-12-00 / 760-170-44-00 and 760-244-37-00 and others).

REQUEST: Adoption of a Final Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP)

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: Public Lands (P)

ZONING: Open Space/Park (OS-P)

BACKGROUND/PROJECT DESCRIPTION:

The Project involves the construction of a new bridge to replace the existing damaged concrete crossing adjacent to Eagle Scout Lake within Kit Carson Park. Eagle Scout Lake (formally Sand Lake) is a desilting pond that is dredged of sand and reconstructed/repared as needed. The existing damaged 72-inch by 44-inch corrugated steel oval "squash" pipe (measuring 17 feet in length) would be removed and a new cast-in-place, double wall, 34-foot by 20-foot concrete box culvert would be constructed. The Project also includes the relocation of a portion of an 18-inch-diameter reclaimed water line and a 4-inch-diameter fiber optic conduit located in the vicinity of the existing culvert.

A Draft IS/MND (State Clearing House No. 2023050625) was prepared for the project by Helix Environmental Planning, Inc., and identified effects related to biological and tribal cultural resources that might be potentially significant. The Draft IS/MND was circulated for public review for 30 days (May 25, 2023 – June 23, 2023). Staff received one comment letter from the California Department of Fish and Wildlife (CDFW) during the public review period. The letter and response

to comments have been included with the Final IS/MND. The Final IS/MND has been amended to include additional information or clarification in specific sections to correspond with relevant comments received during the review period. Mitigation measures have been identified that would reduce all potential impacts to a less-than-significant level. Therefore, preparation of an Environmental Impact Report is not required and a Mitigated Negative Declaration is appropriate for this project.

A copy of the Final IS/MND with corrections, public comments and response to comments, and the Mitigation Monitoring and Reporting Program (MMRP) can be viewed at the following link:

<https://www.escondido.org/eagle-scout-lake-bridge-project>

REASON FOR STAFF RECOMMENDATION:

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

Respectfully submitted,

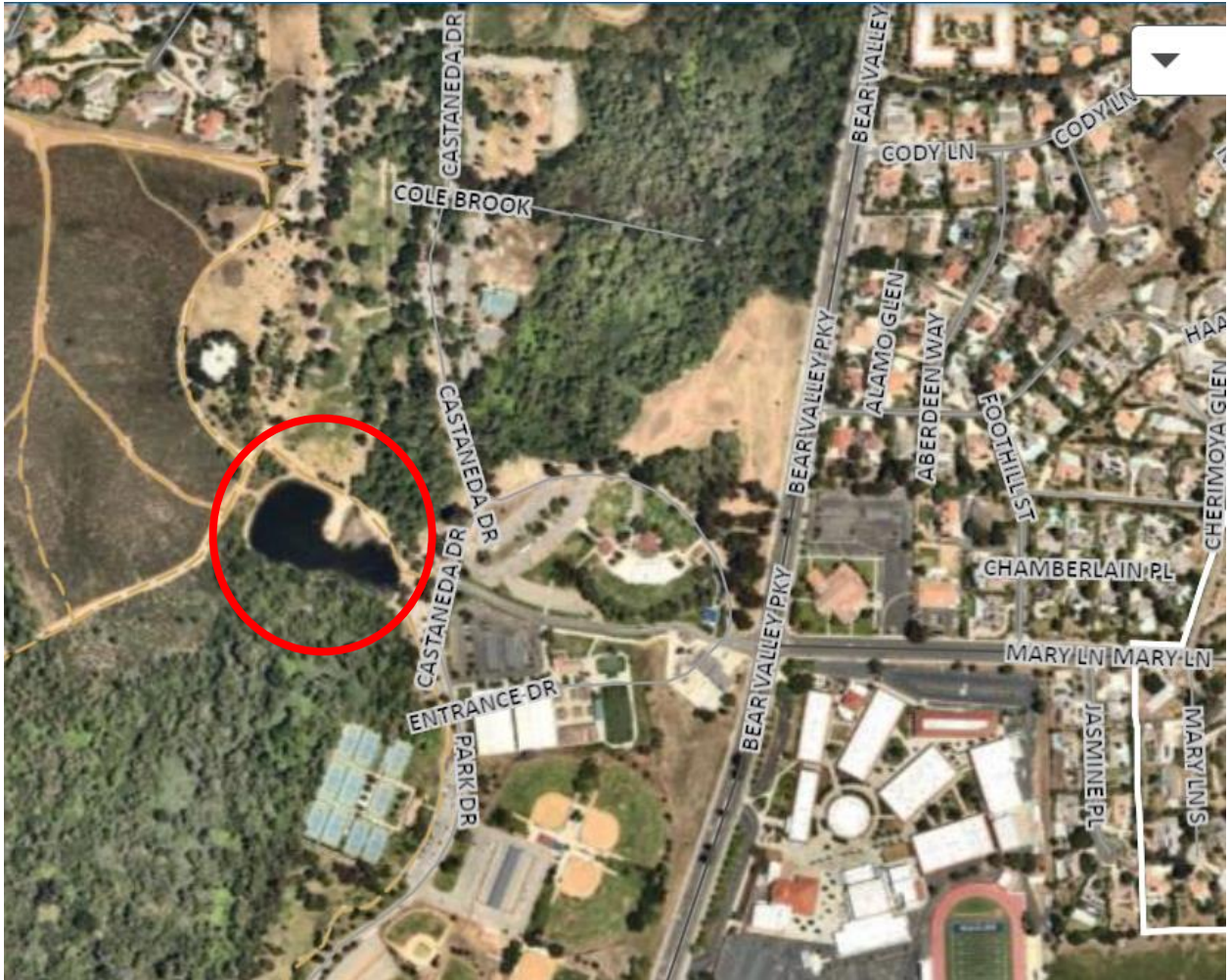


Jay Paul
Senior Planner

ATTACHMENTS:

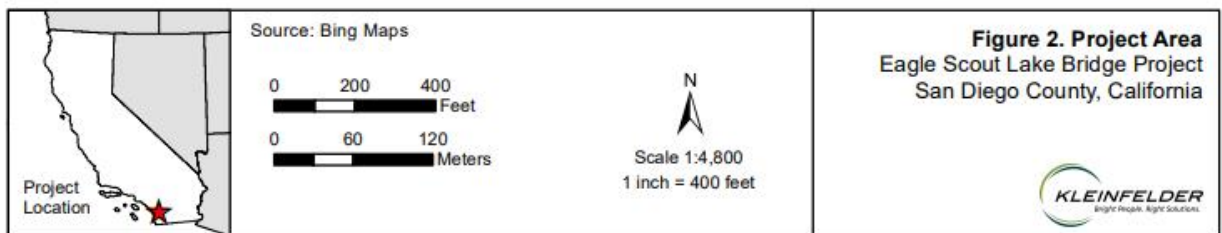
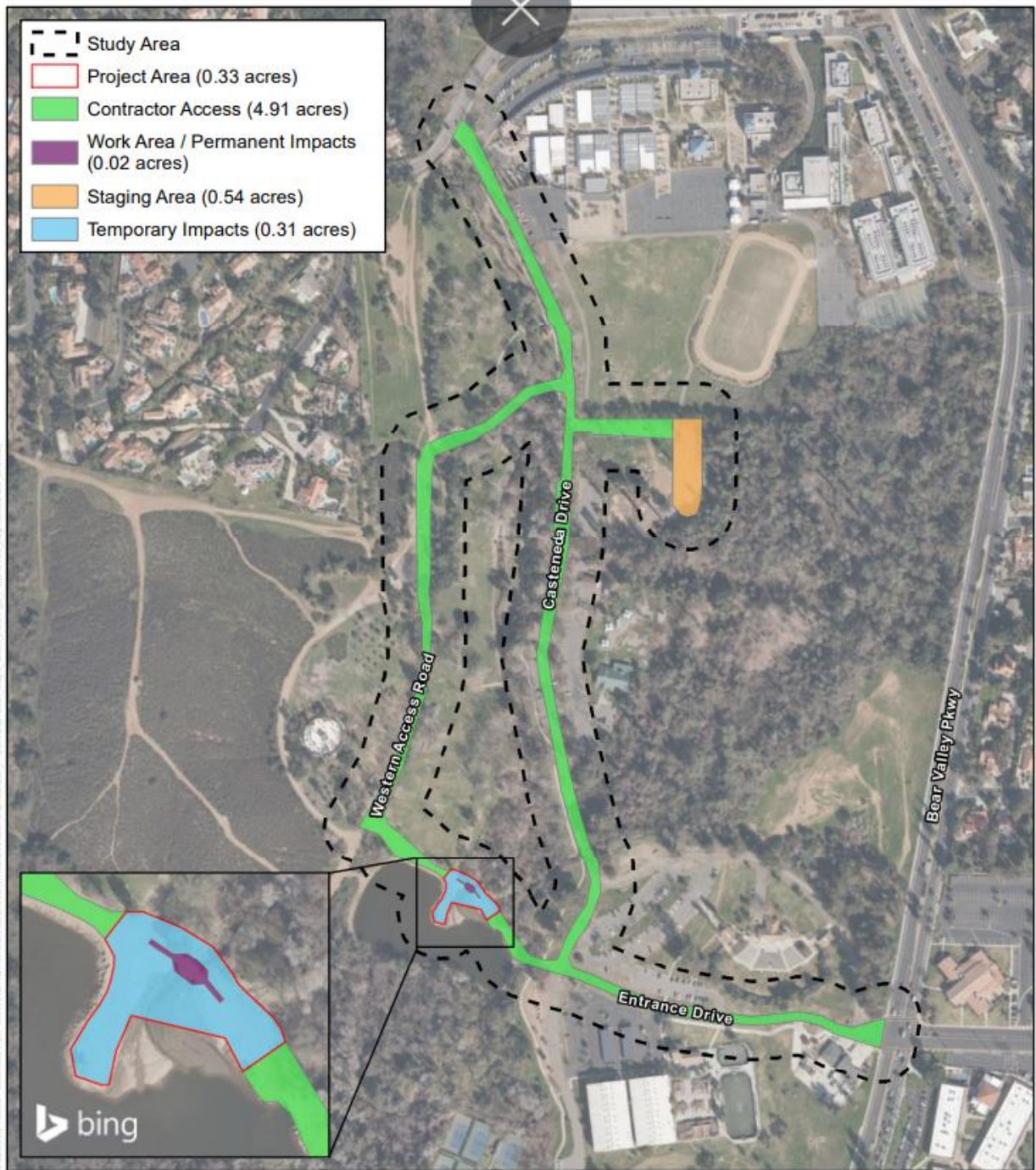
1. Project Location/Aerial Map
2. Plans
3. Draft Zoning Administrator Resolution No. 2023-07, including Exhibits A, B, C and D

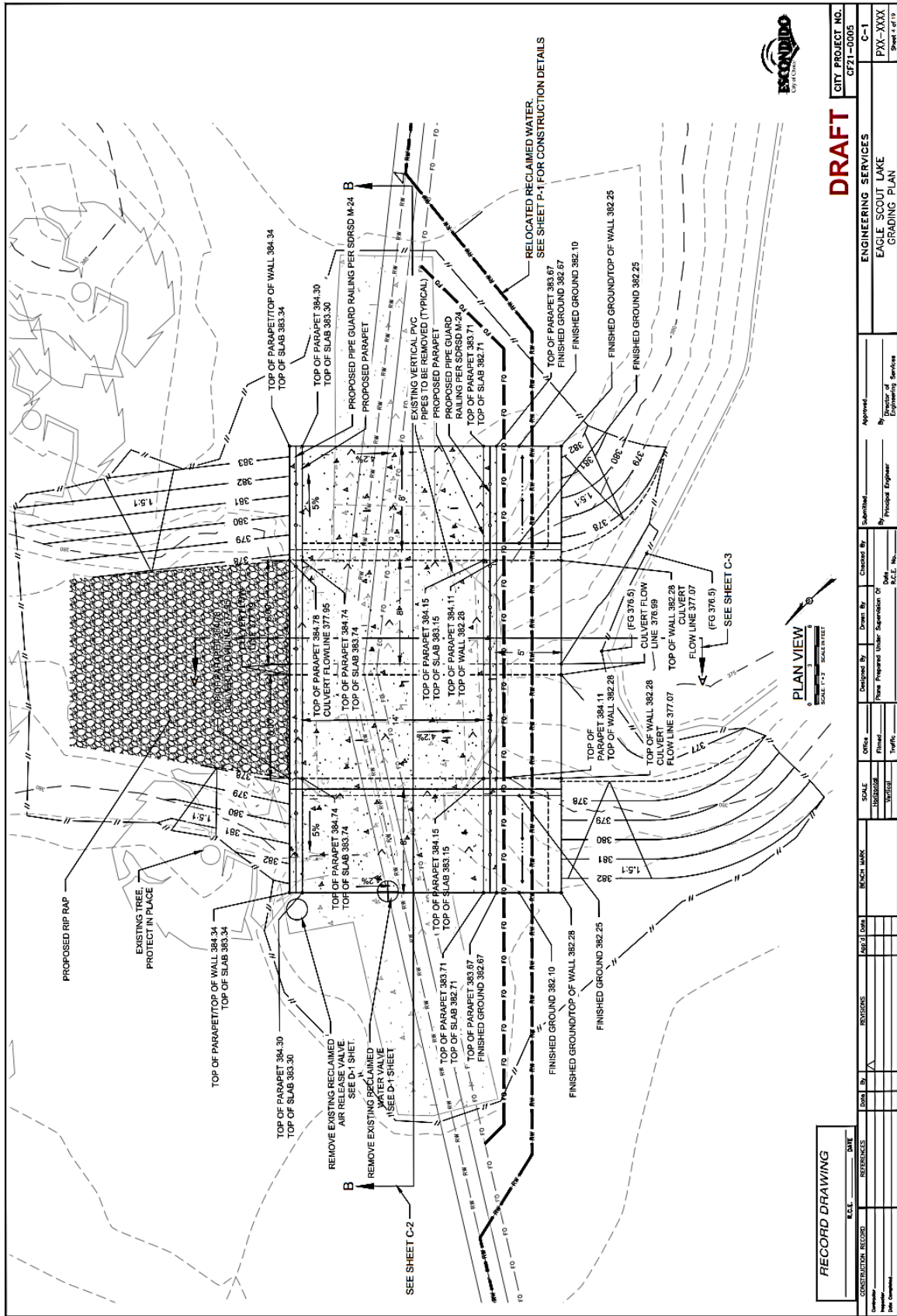
ATTACHMENT 1



Eagle Scout Lake
Kit Carson Park
APN 760-244-37-00

ATTACHMENT 2





CITY PROJECT NO. CF21-0005		CITY PROJECT NO. C-1	
ENGINEERING SERVICES EAGLE SCOUT LAKE GRADING PLAN		PROJECT NO. PXX-XXXX Sheet 1 of 1	
DRAFT		APPROVED	
DESIGNED BY		CHECKED BY	
DRAWN BY		DATE	
SCALE		DATE	
BLOCK MARK		DATE	
AS-BUILT DATA		DATE	
REVISIONS		DATE	
CONSTRUCTION RECORD		DATE	
DATE		DATE	

Zoning Administrator
Hearing Date: August 15, 2023
Effective Date: August 26, 2023

RESOLUTION NO. 2023-07

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING A FINAL INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR
THE EAGEL SCOUT LAKE BRIDGE REPLACEMENT
PROJECT

APPLICANT: City of Escondido

CASE NO: PL 23-0033

WHEREAS, the City of Escondido (“Applicant”), proposes to replace the existing culvert bridge and associated utilities across Eagle Scout Lake, Planning Case No. PL23-0033 (“Application”), within a 0.33-acre project area in the City of Escondido Kit Carson Park, addressed at 3341 Bear Valley Parkway (APNs 271-030-12-00 / 760-170-44-00, and 270-244-37-00, and others), (“Project”), 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, pursuant to the California Environmental Quality Act (“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 Project; and

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration (“IS/MND”) was prepared, circulated, and notice made of its availability for public review and comment during the period from May 25, 2023 to June 23, 2023; and

WHEREAS, during the 30-day public comment period of the Draft IS/MND, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others. The City subsequently analyzed and considered any and all comments received during this public review comment period and has determined that they did not contain any significant new information within the meaning of CEQA Guidelines; and

WHEREAS, a Final IS/MND was subsequently prepared, which is comprised of any and all public comment letters received during the public review period, responses to comments, corrections/additions to the Draft IS/MND, or other referenced documents; and

WHEREAS, in addition to the Final IS/MND, a Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for the Project to ensure compliance with the required mitigation measures or project revisions during project implementation; and

WHEREAS, on August 15, 2023, the Zoning Administrator held a public meeting as prescribed by law, at which time the Zoning Administrator received and considered the reports, related documents 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 Zoning Administrator, 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; and any written correspondence submitted by interested parties and the public; and
- c. The staff report, dated August 15, 2023, 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 meeting before the Zoning Administrator was conducted in all respects as required by the Escondido Municipal Code.

WHEREAS, the Zoning Administrator desires at this time, and deems it to be in the best interest, to adopt the Final IS/MND and MMRP.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Administrator of the City of Escondido that:

1. The above recitations are true and correct.
2. The Zoning Administrator, in its independent judgement, has carefully reviewed and considered all environmental documentation comprising the Final IS/MND prepared for the Project and has determined that the City has made a good faith effort to adequately address all environmental issues associated with the Project. The Final IS/MND, as so amended and evaluated, is adequate and provides good-faith disclosure

of available information on the project to determine whether there is substantial evidence that the project would result in any significant effects. All of the requirements of CEQA have been met.

3. After consideration of all evidence presented, and studies and investigations made by the Zoning Administrator and on its behalf, the Zoning Administrator makes the substantive findings and determinations attached hereto as Exhibit "B," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Zoning Administrator reached a decision on the matter as hereinafter set forth.

4. The Zoning Administrator adopts the Final IS/MND, attached as Exhibit "C," which is incorporated herein as though fully set forth herein.

5. The MMRP, attached as Exhibit "D" and incorporated herein by this reference, identifies mitigation measures necessary to reduce all impacts to a less-than-significant level, and assigns on-going responsibility for carrying out mitigation responsibilities which are appropriate to address and mitigate project-related impacts.

6. The Zoning Administrator, therefore, directs that a Notice of Determination be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 15th day of August, 2023.

ADAM FINESTONE
Zoning Administrator,
City of Escondido

WITNESS

Note: This action may be appealed to Planning Commission pursuant to Zoning Code Section 33-1303

EXHIBIT "A"

Legal Description
PL23-0033
Eagle Scout Lake – Kit Carson Park

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

Parcel 2 of Parcel Map No. 11382 of Escondido Map 81-06, in the City of Escondido, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on June 11, 1981, as File No. 81-182347 of official records.

EXHIBIT “B”

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Resolution No. 2023-07
Eagle Scout Lake Bridge Replacement Project

PLANNING CASE NUMBER: PL23-0033

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. An Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA, the CEQA Guidelines, and the local environmental procedures. The decision-making body of the Lead Agency shall adopt the proposed IS/MND only if:
 - It finds on the basis of the whole record before it that there is no substantial evidence the project will have a significant effect on the environment, and
 - The IS/MND reflects the Lead Agency's independent judgment and analysis.
3. The Final IS/MND and Mitigation Monitoring and Reporting Program (“MMRP”) collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the Project, and shall be referred to herein collectively as the "CEQA Documents."
4. The IS/MND identified potentially significant impacts in the areas of biological and cultural/tribal cultural resources, however mitigation measures have been identified which would reduce said impacts to a less-than-significant level.
5. The Director of Development Services/Zoning Administrator has received the material record supporting all of the CEQA Documents for the Project. The Director of Development Services/Zoning Administrator finds the following:
 - The Final IS/MND reflects the City’s independent judgment and analysis.
 - There is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts or that cannot be fully mitigated. All identified impacts have been mitigated to a less-than-significant level.
 - The Zoning Administrator also finds that the mitigation measures listed in the MMRP will not cause any potentially significant effects.

- The Final IS/MND has been completed in compliance with CEQA and it constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA.
6. Mitigation measures are incorporated as part of the adoption of the Mitigated Negative Declaration. The adoption of the Final IS/MND includes the adoption of the MMRP, attached as Exhibit D to the Zoning Administrator Resolution 2023-07.
 7. Pursuant to Public Resources Code section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials that constitute the record of proceedings are located at the Department of Development Services, Planning Division, City of Escondido. Such documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

EXHIBIT “C”

Final Initial Study/Mitigated Negative Declaration PL23-0033

Due to the size of the Final Initial Study/Mitigated Negative Declaration, the document is available for review at <https://www.escondido.org/eagle-scout-lake-bridge-project> and also on file in the in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein.

EXHIBIT “D”

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT NAME: Eagle Scout Lake Bridge Replacement Project
NEG. DEC. NO. : PL23-0033
SCH NO.: 2023050625
APPROVAL BODY: City of Escondido

PROJECT DESCRIPTION: The Project is located within a 0.33-acre site within Kit Carson Park where replacement of the existing culvert bridge, relocation of existing utilities, regrading of the drainage channel, and repair/replacement of the pedestrian crossing over the culvert would occur. The Project would remove the existing damaged 72-inch by 44-inch corrugated steel oval “squash” pipe (measuring 17 feet in length) and construct a new cast-in-place, double cell, 34-foot long by 20-foot wide, 5-foot-tall concrete box culvert. All existing concrete would be removed. Existing riprap on the north side of the bridge would be removed, salvaged, and re-installed after channel grading to improve flow. A portion of an existing 18-inch-diameter reclaimed water line and a 4-inch-diameter polyvinyl chloride (PVC) fiber optic conduit located in the vicinity of the existing culvert would be removed and relocated to the southerly side of the new bridge. During construction, the Arroyo Del Oro Creek would be re-routed by dewatering utilizing temporary berms (e.g., gravel bag or earthen berms) and gas-powered portable pump equipment. Construction staging and site access would be located within existing parking areas and along existing asphalt-paved roadways within the Park.

PROJECT LOCATION: The Project is located within Kit Carson Park in the City of Escondido (City) within San Diego County (County). Kit Carson Park is located at 3341 Bear Valley Parkway, within Assessor’s Parcel Number (APNs) 271-030-12-00 / 760-170-44-00 and 760-244-37-00, and others). Eagle Scout Lake is centrally located within Kit Carson Park just west of the parking area and Castaneda Drive. Regional access to the Park is provided by Interstate 15, which runs in a north-south direction approximately 0.5 mile west of the Project Area. Two tributaries flow into Eagle Scout Lake: Kit Carson Creek and the Arroyo Del Oro tributary. In high water conditions, Eagle Scout Lake overflows into wetland areas in the southern portion of the Park. Flow from the Lake enters Lake Hodges from a tributary and associated wetlands approximately 2.5 miles southwest of the Project Area, and then eventually to the San Dieguito River approximately 7 miles to the southwest of the Project Area at the Lake Hodges Dam.

APPLICANT/CONTACT PERSON: Juan Magdaraog, Environmental Programs Manager, City of Escondido Utilities Department
Phone No.: (760) 839-4074 Email: jmagdaraog@escondido.org

PROJECT MANAGER: Jay Paul, Senior Planner, City of Escondido Development Services Department
Phone No.: (760) 839-4537 Email: jpaul@escondido.org

Mitigation Monitoring and Reporting Program for the Eagle Scout Lake Bridge Replacement Project

Mitigated Negative Declaration/Initial Study Environmental Checklist

Project No. PL23-0033

The City of Escondido adopts this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Eagle Scout Lake Bridge Replacement Project (Project), which is the subject of the Draft Mitigated Negative Declaration (MND) and Initial Study Environmental Checklist, complies with all applicable environmental mitigation requirements. The mitigation described in the MND and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the MND and Initial Study Environmental Checklist. Only those subsections of the environmental issues presented in the Initial Study Environmental Checklist that have mitigation measures are provided below in the MMRP table. All other subsections do not contain mitigation measures. For each mitigation measure, the MMRP table identifies the following: (1) mitigation measure; (2) implementation action; (3) responsible agency/party; (4) monitoring schedule; and (5) verification date.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Biological Resources						
<p>BIO-1: Construction during the breeding season for western pond turtle (April through August) shall be avoided as feasible. Within one week prior to any construction activities that may occur during the breeding season, pre-construction surveys shall be performed by a qualified biologist within the Project Area and staging area (including a 50-foot buffer) to determine whether western pond turtles or active western pond turtle nests are present. If active nests are present, they shall be flagged and avoided until the eggs have hatched or they are no longer active, as determined by the qualified biologist. To avoid impacts to western pond turtle, construction shall not occur within 50 feet of an active nest site (burrow). Prior to project activities, exclusionary fencing shall be used to ensure western pond turtles are kept out of the construction area. This fencing will be maintained throughout the duration of construction. The integrity of the exclusion fencing will be checked daily by a Biological Monitor. Additionally, a Biological Monitor will check the work area every morning before construction begins to ensure that no turtles are within the exclusion area. If a western pond turtle individual or nest is observed within the impact area, construction activities will stop until the Biological Monitor establishes an appropriate buffer, or the turtle is no longer in the impact area. A qualified biologist (with pond turtle trapping/handling experience and holding a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit) may relocate western pond turtles to an appropriate nearby location if necessary. Relocation areas shall be approved by CDFW prior to relocation of any turtles.</p>	<ul style="list-style-type: none"> Require project activities occurring during the breeding season for western pond turtle to be avoided when feasible. Require pre-construction surveys for the presence of western pond turtles and/or nests one week prior to construction activities. 	Applicant; Qualified Biologist	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>BIO-2: In order to avoid violation of the federal MBTA and California Fish and Game Code, Construction activities shall occur outside of the general avian breeding season (September 16 through January 31) to avoid impacts to native nesting birds. If construction must occur during the nesting season, a nesting bird survey shall be completed by a qualified biologist no earlier than three days prior to construction activity during the nesting season (February 1 through September 15) to determine if native birds are nesting on or near the Project Area and/or staging area (including a 100-foot buffer). If the surveys conclude no active nesting, work shall resume as planned. If project activities are delayed or suspended for more than seven days during the breeding season, surveys shall be repeated prior to re-initiating work. If active nests are observed during pre-construction surveys, a suitable avoidance buffer from the nests shall be established based on the following distances: a minimum of 100 feet for general bird nests, 300 feet for sensitive bird species, and 500 feet for raptors. Reductions in buffers may be appropriate based on screening vegetation, ambient levels of human activities, or other factors as determined by the qualified biologist based on species, location, and extent and type of planned construction activity. These nests would be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Should removal of suitable nesting habitat (i.e., trees and vegetation) be required, it shall be conducted outside of the breeding bird season to avoid impacts to nesting birds.</p>	<ul style="list-style-type: none"> Require project construction activities to occur outside of general avian breeding season when feasible. Require a qualified biologist to perform a pre-construction survey of active nests belonging to nesting birds and raptors no earlier than three days prior to construction during the breeding season. If active nests are observed during pre-construction surveys, establish a suitable avoidance buffer from the nests. 	Applicant; Qualified Biologist	X	X		
<p>BIO-3: To reduce predation activities during Project construction, all trash and waste items generated by construction activities shall be properly contained in</p>	<ul style="list-style-type: none"> Require all construction generated trash and waste items to be properly contained and 	Applicant		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
a covered trash receptacle and removed from the Project Area and staging area daily.	removed from the project and staging area daily.					
BIO-4: To avoid impacts to foraging and roosting pallid bats or western yellow bats, construction activities shall be limited to daylight hours (one hour after sunrise to one hour before sunset). No more than three days (72 hours) prior to removal or trimming of trees with the potential to support roosting bats, qualified biologist shall conduct a pre-construction survey to determine if there is appropriate roosting habitat within them (e.g., cavities, crevices, peeling bark, canopy) and roosting bats are present. If bats are not detected during the pre-construction survey or determined to be absent from the proposed impact area, construction activities shall be allowed to proceed, and no additional measures would be necessary. If an active maternity roost is detected during the bat maternity season (April 15 through August 15), the biologist shall flag the active roost site and construction activities shall avoid the roost site until after the maternity season (August 16), or until the qualified biologist has determined young are self-sufficiently volant (able to fly). If bats are detected and determined to be roosting within the proposed impact area outside of the bat maternity season (August 16 through April 14), the biologist shall flag the active roost site and construction activities shall avoid roost sites until bats are no longer determined to be roosting as determined by the qualified biologist. Exclusion of roost sites, where feasible, outside of the bat maternity season may be conducted with approval of CDFW. Methods of roost exclusion shall be determined in consultation with CDFW.	<ul style="list-style-type: none"> Require all construction activities to be limited to daylight hours. Require a qualified biologist to perform a pre-construction survey of appropriate roosting habitat for pallid bats or western yellow bats during all project activities involving tree trimming or removal. If roost sites are found, the qualified biologist is required to flag them for avoidance during construction. 	Applicant; Qualified Biologist	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
BIO-5: Prior to Project impacts to potentially jurisdictional resources, demonstration that regulatory permits from the United States Army Corps of Engineers (USACE), CDFW, and San Diego Regional Water Quality Control Board (RWQCB) have been issued or that no such permits are required shall be provided to the City. Implementation of permit requirements, including additional mitigation, shall be required.	<ul style="list-style-type: none"> Require that regulatory permits from USACE, CDFW, and RWQCB have been issued or are not required. 	Applicant; City of Escondido Development Services Department Planning Division	X			
Cultural Resources						
CUL-1: The City of Escondido shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Area ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the City with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.	<ul style="list-style-type: none"> Enter into a Tribal Cultural Resource Treatment and Monitoring Agreement. 	Applicant; City of Escondido Development Services Department Planning Division	X			
CUL-2: Prior to issuance of a grading permit, the City shall verify that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project	<ul style="list-style-type: none"> Retain a qualified archaeologist and Native American monitors. Provide verification that a qualified archaeologist and Native American 	Applicant; City of Escondido Development Services Department Planning Division	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.	monitors have been retained.					
CUL-3: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the Construction Contractor to explain and coordinate the requirements of the monitoring program.	<ul style="list-style-type: none"> Require monitoring program coordination. 	City of Escondido Development Services Department Planning Division; Qualified Archaeologist; Native American Monitor(s); Grading Contractor	X			
CUL-4: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring shall be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.	<ul style="list-style-type: none"> Require on-site archaeological monitor and Native American monitor(s) during clearing, grading, and ground disturbance. 	City of Escondido Development Services Department Planning Division; Archaeological Monitor; Native American Monitor; Field Engineering Division	X	X		
CUL-5: In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the	<ul style="list-style-type: none"> Require identification and preservation of unidentified cultural resources. 	City of Escondido Development Services Department Planning		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.		Division; Project Archaeologist; County Coroner; Native American Monitor				
CUL-6: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.	<ul style="list-style-type: none"> Require identification and preservation of significant historical, unique archaeological, and/or tribal cultural resource. Consultation with the City, the TCA Tribe, and the Native American Monitor. 	City of Escondido Development Services Department Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe		X		
CUL-7: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.	<ul style="list-style-type: none"> Require research design and data recovery program. Consultation with TCA Tribe and Native American Monitor. 	City of Escondido Development Services Department Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p>	<ul style="list-style-type: none"> Require identification and preservation of undiscovered cultural resources or human remains. 	<p>City of Escondido Development Services Department Planning Division; Project Archaeologist; Native American Monitor; Forensic Anthropologist; County Coroner</p>		X		
<p>CUL-9: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor,</p>	<ul style="list-style-type: none"> Require that a Native American monitor is present during testing or cataloging. Repatriation of tribal cultural resources 	<p>City of Escondido Development Services Department Planning Division; Project Archaeologist;</p>		X	X	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<p>collected by the qualified archaeologist to the TCA Tribe, and/or curation of resources to the San Diego Archaeological Center.</p>	<p>Native American Monitor</p>				
<p>CUL-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the Project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p>	<ul style="list-style-type: none"> Require documentation of analysis and data by the qualified archaeologist. 	<p>City of Escondido Development Services Department Planning Division; Project Archaeologist; Native American Monitor</p>			X	
Tribal Cultural Resources						
<p>See mitigation measures CUL-1 through CUL-10 under Cultural Resources.</p>						