

CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7 p.m.
- B. **FLAG SALUTE**
- C. **ROLL CALL:**
- D. **MINUTES:** [October 25, 2022](#)

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

Electronic Media: Electronic media that members of the public want to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting. The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the applicable agenda item and the name and contact information of the person presenting the media.

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

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

If you wish to speak concerning an item not on the agenda, you may do so during the designated time for "Oral Communications." All persons addressing the Planning Commission are asked to state their names for the public record. If you wish to submit a written comment online please do so at <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>

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

The City of Escondido remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who would need accommodations are invited to present their requests to the City by filling out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City's website at: <https://www.escondido.org/americans-with-disabilities-act>

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

E. WRITTEN COMMUNICATIONS:

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

F. ORAL COMMUNICATIONS:

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

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

G. PUBLIC HEARINGS:

Please limit your testimony to three minutes.

1. [PL22-0325 and PL22-0326 – Starbucks Coffee](#)

REQUEST: A request for a Master Development Plan and Precise Development Plan to facilitate the construction of a 1,023 square-foot drive-through coffee facility, along with associated on-site improvements including, but not limited to, dual drive-through lanes, trash enclosures, off-street parking, landscaping, and signage.

PROPERTY SIZE AND LOCATION: 0.53 acres located on the south side of Tanglewood Lane, south of Auto Park Way and west of Interstate 15, addressed at 1525 Tanglewood Lane (APN: 235-90-35-00)

ENVIRONMENTAL STATUS: Categorical Exemption – CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects)

APPLICANT: NewMark Merrill Companies

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: December 7, 2022

H. CURRENT BUSINESS:

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

1. [PL22-0357: Planning Commission Bylaws](#)

REQUEST: Minor Amendment to Planning Commission Bylaws

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: This item is not a “project” as defined in CEQA Guidelines section 15378(b).

APPLICANT: Development Services Department

STAFF RECOMMENDATION: Approve amended Planning Commission bylaws.

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

2. [Policy Discussion: 2022/2023 Planning Commission Work Plan:](#)

REQUEST: Discussion of the 2022/2023 Planning Commission Work Plan

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: This item is not a “project” as defined in CEQA Guidelines section 15378(b).

REQUESTOR: Commissioner Speer

STAFF RECOMMENDATION: N/A

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

I. FUTURE AGENDA ITEMS:

J. ORAL COMMUNICATIONS:

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

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

K. PLANNING COMMISSIONERS

L. CITY PLANNER’S REPORT

M. ADJOURNMENT

CITY OF ESCONDIDO

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

October 25, 2022

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

Commissioners present: Rick Paul, Vice-Chair; David Barber, Commissioner; Carrie Mecaro, Commissioner; Barry Speer, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Katharine Barba, Chair; Dao Doan, Commissioner.

Staff present: Adam Finestone, City Planner; Dare Delano, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Veronica Morones, Principal Planner; Ivan Flores, Associate Planner; Jessica Engel, Minutes Clerk.

MINUTES:

Moved by Commissioner Barber and seconded by Commissioner Weiler, to approve the Action Minutes of the September 27, 2022, Planning Commission meeting. Motion carried (5-0). Ayes: Paul, Barber, Mecaro, Speer and Weiler. Absent: Barba and Doan.

WRITTEN COMMUNICATIONS: None.

ORAL COMMUNICATION: None.

PUBLIC HEARINGS: None.

CURRENT BUSINESS:

- 1. PL22-0139 – Bear Valley Precise Development Plan**

REQUEST: A request for a Precise Development Plan for architecture, plotting, and landscape design for an approved Master Development Plan (“661 Bear Valley Parkway”).

PROPERTY SIZE AND LOCATION: 40.63 acres located on the east side of Bear Valley Parkway between Sunset Drive and Choya Canyon Road, addressed as 661 Bear Valley Parkway (Assessor’s Parcel Numbers 237-131-01-00 and 237-131-02-00)

ENVIRONMENTAL STATUS: Environmental Impact Report Previously Certified

APPLICANT: Trumark Companies

STAFF RECOMMENDATION: Approval

COMMISSION ACTION: Voted 5-0 to approve.

PROJECTED COUNCIL HEARING DATE: N/A

COMMISSION DISCUSSION:

Commissioners discussed the project including setback requirements, Master Plan requirements, and enhancements for all street facing elevations.

PUBLIC COMMENTS: William Cox provided comments in opposition to the landscaping plans.

COMMISSION ACTION:

Moved by Commissioner Weiler and seconded by Commissioner Barber, to approve PL22-0139. Motion carries (5-0). Ayes: Barber, Mecaro, Paul, Speer and Weiler.

Absent: Barba and Doan

2. PL22-0540 – Pacific Avenue Street Vacation

REQUEST: A request to vacate a portion of a public street identified as Pacific Avenue

PROPERTY SIZE AND LOCATION: 9,438 square feet (0.22 acres) located west of Vine Street, at the terminus of W. 5th Avenue, between 445 and 501 Vine Street (Assessor's Parcel Numbers 232-301-18-00 and 232-260-02-00)

ENVIRONMENTAL STATUS: Categorically exempt pursuant to CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations)

APPLICANT: Mr. Mo Curcic

STAFF RECOMMENDATION: Approval

COMMISSION ACTION: Voted 5-0 to approve.

PROJECTED COUNCIL HEARING DATE: November 16, 2022

COMMISSION DISCUSSION:

Commissioners discussed the project including the utility easement and property setbacks.

PUBLIC COMMENTS: None.

COMMISSION ACTION:

Moved by Commissioner Speer and seconded by Commissioner Mecaro, to approve PL22-0540. Motion carries (5-0). Ayes: Barber, Mecaro, Paul, Speer and Weiler.

Absent: Barba and Doan

3. PL 22-0503 – General Plan Annual Progress Report

REQUEST: Review and receive the General Plan Annual Progress Report for the 2021 calendar year

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: Not a project under CEQA

APPLICANT: Development Services Department

STAFF RECOMMENDATION: Receive and file

COMMISSION ACTION: None.

PROJECTED COUNCIL HEARING DATE: N/A

COMMISSION DISCUSSION:

Commissioners discussed various aspects of the General Plan Annual Progress Report.

PUBLIC COMMENTS: None.

COMMISSION ACTION: None.

FUTURE AGENDA ITEMS:

Commissioner Speer moved to add the discussion of items on the work plan to a future agenda. Seconded by Commissioner Mecaro.

ORAL COMMUNICATION: None.

PLANNING COMMISSIONERS: None.

CITY PLANNER'S REPORT:

City Planner Adam Finestone updated the Commissioners that there would be two items on the agenda for the next Planning Commission meeting, scheduled for November 8, 2022, and reminded Commissioners of the major project dashboard located on the City website.

ADJOURNMENT:

Commissioner Barber moved to adjourn the meeting, seconded by Commissioner Speer. Vice-Chair Paul adjourned the meeting at 8:02 p.m.

Adam Finestone, Secretary to the
Escondido Planning Commission

Jessica Engel, Minutes Clerk



PLANNING COMMISSION

Agenda Item No.: G.1
Date: November 8, 2022

PROJECT NUMBER / NAME: PL22-0325, PL22-0326 / Starbucks Coffee

REQUEST: A request for a Master Development Plan and Precise Development Plan to facilitate the construction of a 1,023 square-foot drive-through coffee facility, along with associated on-site improvements including, but not limited to, dual drive-through lanes, trash enclosures, off-street parking, landscaping, and signage.

LOCATION: 1525 Tanglewood Lane

APPLICANT: NewMark Merrill Companies

APN / APNS: 235-090-35-00

PRIMARY REPRESENTATIVE:
Barret Bradley

GENERAL PLAN / ZONING: Planned Commercial (PC) / Planned Development – Commercial (PD-C)

DISCRETIONARY ACTIONS REQUESTED: Master Development Plan and Precise Development Plan

PREVIOUS ACTIONS: None

PROJECT PLANNER: Ivan Flores, Associate Planner

CEQA RECOMMENDATION: Categorical Exemption – CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects)

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No 2022-12

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS:

- Andrew Firestine, Director of Development Services
- Adam Finestone, City Planner

A. BACKGROUND:

The subject property has been primarily used for residential purposes. It was re-zoned to Planned Development – Commercial; however, no Planned Development has ever been processed for the property. The project is located on the south side of Tanglewood Lane, south of Auto Park Way and west of Interstate 15, addressed at 1525 Tanglewood Lane (APN: 235-090-35-00).

B. SUMMARY OF REQUEST:

NewMark Merrill Companies (“Applicant”) has applied for a Master and Precise Development Plan for the redevelopment of a site within the Planned Development – Commercial (PD-C) zone and having a General Plan land use designation of Planned Commercial (PC). The redevelopment of the site includes the demolition of an existing single-family residence, construction of a 1,023 square foot coffee facility with dual drive-through lanes, along with associated site improvements including but not limited to: landscaping, off-street parking, street improvements, and signage (“Project”). The Project will provide 18 off-street parking spaces, and two drive-through lanes that can accommodate a total of 18 vehicles. No indoor area is provided for customers. Project plans are attached to draft Planning Commission Resolution No. 2022-12 as exhibit “B,” which itself is attached to this staff report as Attachment 5. Additionally, site photos are attached to this staff report as Attachment 3.

C. SUPPLEMENTAL DETAILS OF REQUEST:

1. Property Size:	.53 acres		
		<u>General Commercial (CG)</u>	<u>Provided:</u>
		<u>Zone Requirements*</u>	
2. Lot Coverage / Floor Area Ratio:	None		4.27%
3. Building Height:	None (Uniform Building Code)		23'-0"
4. Motor Vehicle Parking:	20		18
5. Bicycle Parking:	1 space per/2,500 sq. ft		1
6. Setbacks			
a) Front Yard	None		43'-0"
b) Rear Yard	None		26'-9"
c) Side Yard	None		99'-0"

- 7. Trees: 1:1 for mature trees that are 20** replaced
- 8. Signage: All proposed signage will be subject to the development standards outlined in the Master Development Plan.
- 9. Trash: Covered trash enclosure provide on-site
- 10. Lighting: Outdoor lighting subject to Article 35
- 11. Heating and Ventilation: Heating, ventilation, and air condition (HVAC) units would be installed on the roof. Parapets are incorporated into roof design to screen units.

*Development standards for Planned Development zones are established on a case-by-case basis. Development standards for the CG zone are provided for comparison purposes.

**Conditions of approval will require replacement of mature trees at a 1:1 ratio

D. PROJECT ANALYSIS:

1. General Plan Conformance:

The subject site is located within the Planned Commercial (PC) land use designation of the City's General Plan. The intent of this land use designation is to allow for the flexibility in design of the site. The site is within the Promenade Retail Center and Vicinity Target Area which outlines several guiding principles for development within this area, such as:

Guiding principle #3: Commercial uses shall include automobile sales and compatible uses. Single family residential uses near I-15 shall transition to commercial through separate development applications.

Commercial Land Use Policy 8.8: Generally, encourage commercial development west of the I-15 freeway to uses that serve the immediate surrounding areas and regional high-volume centers requiring freeway access and visibility that are compatible with surrounding land uses

2. Zoning or Specific Plan Conformance:

The subject site is located within the Planned Development – Commercial (“PD-C”) zone. Properties with the Planned Development (“PD”) zones are subject to Article 19 of the Escondido Zoning Code. The purpose of the PD zone is to provide a more flexible regulatory procedure for fulfilling the goals and policies of the City’s General Plan. Article 19 stipulates that land use activities shall be limited exclusively to such uses as are permitted or conditionally permitted in the underlying zone. The proposed drive-through facility would be permitted in the General Commercial (CG) zoning district pursuant to a Conditional Use Permit. The Project would conform with development standards outlined in the CG zoning district relative to setbacks, building height, landscaping, and off-street parking.

3. Climate Action Plan Consistency:

The City's ability to grow its population and economy while meeting reduction targets for greenhouse gas ("GHG") emissions will require broad-based community participation. The Climate Action Plan ("CAP") is intended to achieve reductions from all sources and sectors, existing and new. This is emphasized by the fact that the City's GHG reduction targets are a reduction below baseline GHG emissions. Therefore, GHG emissions in the City need to be reduced below existing levels, while additional GHG emissions are generated by growth through 2035. As such, new development can contribute its fair share of GHG reductions by complying with CAP strategies, goals, and actions that were determined to be applicable through the Checklist development process outlined in the CAP, or through a self-developed program. The City adopted a revised Climate Action Plan on March 10, 2021. A checklist is required for discretionary projects that are subject to and not exempt from CEQA. Projects that are exempt from CEQA are deemed to be consistent with the City's CAP, with the exception of the Class 32 "In-Fill Development Projects" categorical exemption. These types of projects are required to demonstrate consistency with the CAP through the Checklist. The 2021 CAP established a screening threshold of 500 MTCO_{2e} per year for commercial projects with a building size of 20,000 square feet or more. The proposed project consists of a 1,050 square-foot commercial building, and thus is considered to be less than significant and is not subject to the measures of the Climate Action Plan.

4. Site Design:

a) Grading, topography, retaining walls, and fencing:

The project includes very minimal grading of the existing topography of the site and will import approximately 65 net cubic yards (CY). The adjacent elevation to the west is 674.29 at finished surface, and the subject site will be approximately 15 feet above the adjacent property with a 689.55 finished pad. The pad remains relatively flat, resulting in it dropping below the street level of Tanglewood Lane by up to nine feet as one travels south along the property frontage. The project includes retaining walls approximately three feet at the lowest point to seven feet at the highest point. The retaining walls will be constructed of decorative material and painted to match the proposed building.

b) Project Access and Circulation:

Tanglewood Lane will be the only point of access onto the site and provides access to the parking lot and drive-through lanes. The drive-through has been designed with dual lanes that can accommodate a total of 18 vehicles, and there are 18 off-street parking spaces provided on-site.

c) Building Orientation:

The building is located adjacent to the drive-through with the drive-through lanes located towards the rear (south) of the property. The drive-through lanes will be screened by the topography of the site due to the landscaping adjacent to Tanglewood Lane being on a down slope and the drive-through lanes located at the toe of the slope.

d) Open space and Landscaping:

The project site will have 34.2% landscaping on site which will include a range of street trees, parking lot trees, hedge screening, ground cover, and accent plantings. As shown on the sections accompanying the landscape plans, the drive-through lanes and off-street parking spaces will be screened via the use of berming, landscaping, and tree placement. The proposed landscape palette consists of the Hybrid Fan Palm, Desert Museum Palo Verde, Gem Coast Rosemary, Laurel Cherry, and Davis Gold Tyon; a variety of shrubs and groundcover are also proposed.

e) Parking

The applicant will be providing 18 off-street parking spaces on-site. Generally, a project of this size and type would require 20 off-street parking spaces as outlined in Article 39 - Off-Street Parking – of the Escondido Zoning Code (“EZC”). As discussed earlier, properties in the PD-C zone are not subject to the general requirements of the EZC in order to allow for flexible design of the site. Due to the nature of the type of use, 20 off-street parking spaces are not necessary, especially because it is only a drive-through service and does not include indoor seating; additionally, the queueing in lanes can accommodate 18 vehicles in the drive-through lanes.

5. Building Design:

The project consists of a one-story stand-alone building that is approximately 23'-0” in height (top of parapet). The applicant is proposing a mix of exterior cement plaster finish, composite wood siding, and metal canopies, and is utilizing an aluminum storefront window design. The proposed colors for the exterior material are high reflective white (light white), web gray (dark gray), perle noir (grayish/purple). The proposal utilizes metal canopies and awnings to provide additional articulation on the building by avoiding flat surfaces throughout the elevations.

6. Signage

Article 66 of the Escondido Zoning Code (EZC) contains the sign regulations for the various zoning districts. Section 33-1390 (b)(1) of Article 66 stipulates that signs located in specific planning areas (SP zones) or planned developments (PD zones) are not subject its provisions. The applicant has prepared a comprehensive program which provides for the regulation of directional, wall, freestanding, and freeway-oriented signage. Any proposed signage would be subject to a building permit, and would be reviewed in conformance with the approved sign program associated with the Master Development Plan.

The applicant is proposing a 65'-0” high freeway-oriented pylon sign in order achieve visibility from the freeway. The freeway is approximately 28'-0” above-grade and would expose 37'-0” of the sign. The proposed height would not exceed 80'-0” as outlined in Article 66, and is generally in conformance with the sign requirements for this type of use.

E. ENVIRONMENTAL STATUS:

California Environmental Quality Act (“CEQA”) Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The Project qualifies for an exemption under CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structure) and 15332 (In-Fill Development Projects). The CEQA Notice of Exemption prepared for the Project is included with this staff report as Attachment 4 for reference. The Notice of Exemption demonstrates that the Project qualifies for these exemptions and will not have a significant effect on the environment.

F. PUBLIC INPUT:

The project was noticed consistent with the requirements of both the Escondido Zoning Code and the State Law. Staff has not received any correspondence from the public regarding the project as of the preparation of this report.

G. CONCLUSION AND RECOMMENDATION:

Staff has found that the Project is consistent with the guiding principles identified in the Land Use and Community Form chapter of the Escondido General Plan. The Project is designed in conformance with the applicable development standards and design guidelines, and will contribute to the revitalization of an underutilized site. Staff recommends that the Planning Commission adopt Resolution No. 2022-12, recommending approval of the Master Development Plan and Precise Development Plan to the City Council, as described in this staff report and as detailed in Exhibits “A” through “D” of the resolution. The draft Planning Commission Resolution No. 2022-12, including Exhibits A, B, C, and D thereto, is included with this staff report as Attachment 5.

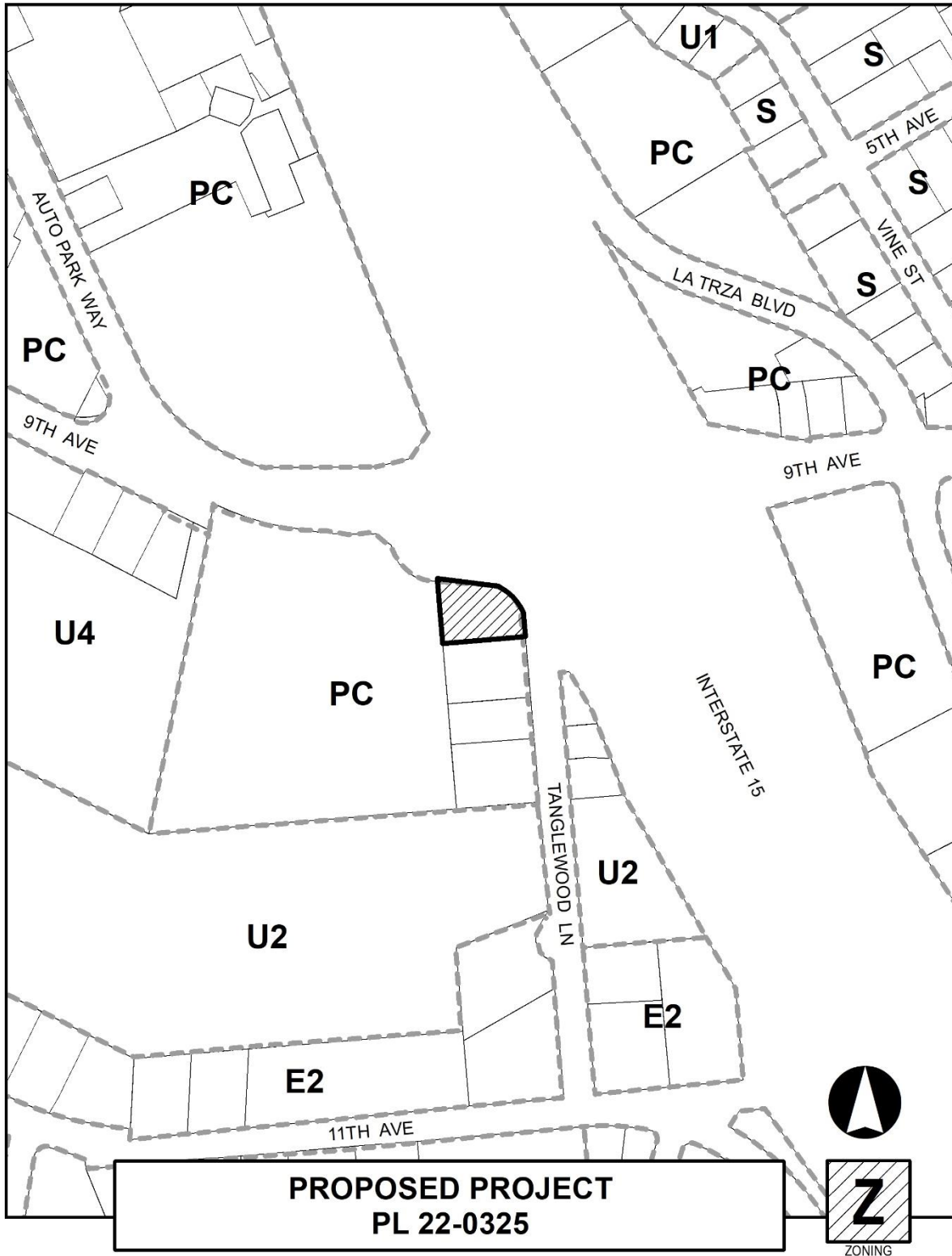
ATTACHMENTS:

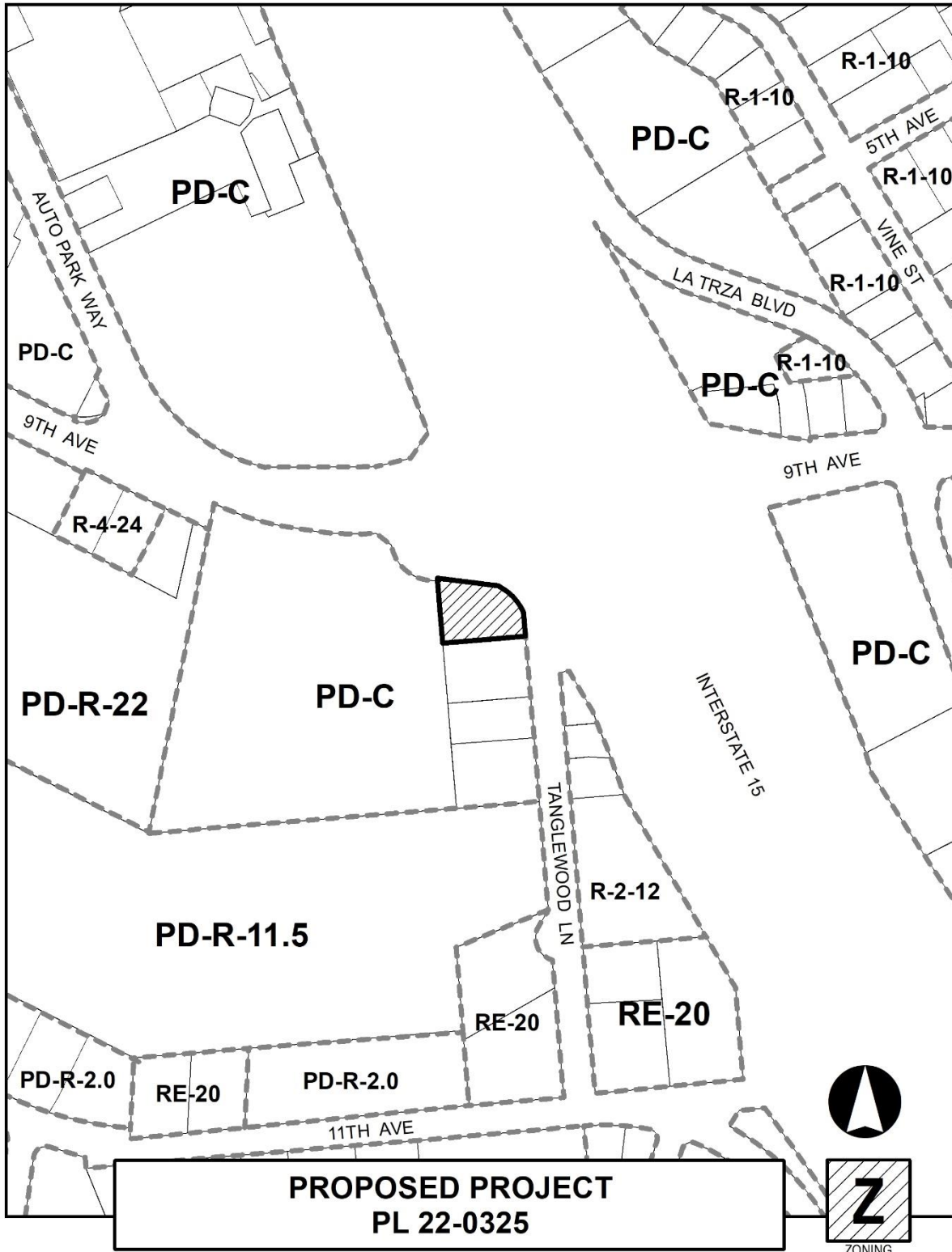
1. Attachment 1 - Location and General Plan Map
2. Attachment 2 - Project Plans
3. Attachment 3 - Site Photos
4. Attachment 4 - Notice of Exemption
5. Attachment 5 - Draft Resolution No. 2022-12 including Exhibits A, B, C, and D

Attachment 1
Location Map, General Plan, and Zoning Map

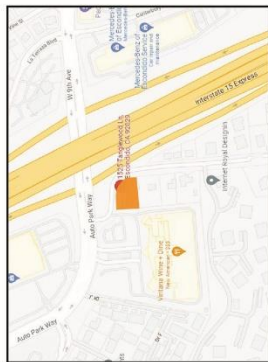


Project Name: PL22-0325/PL22-0326
Planning Commission Meeting
Date: November 08, 2022





Attachment 2
 Project Plans

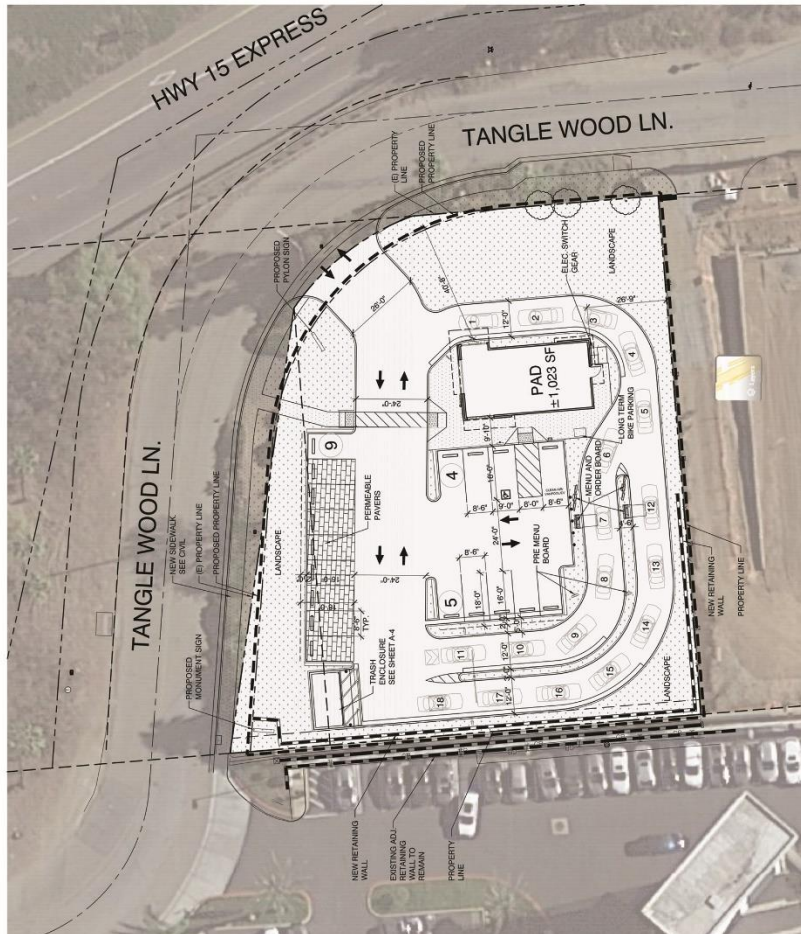


LOCATION PLAN

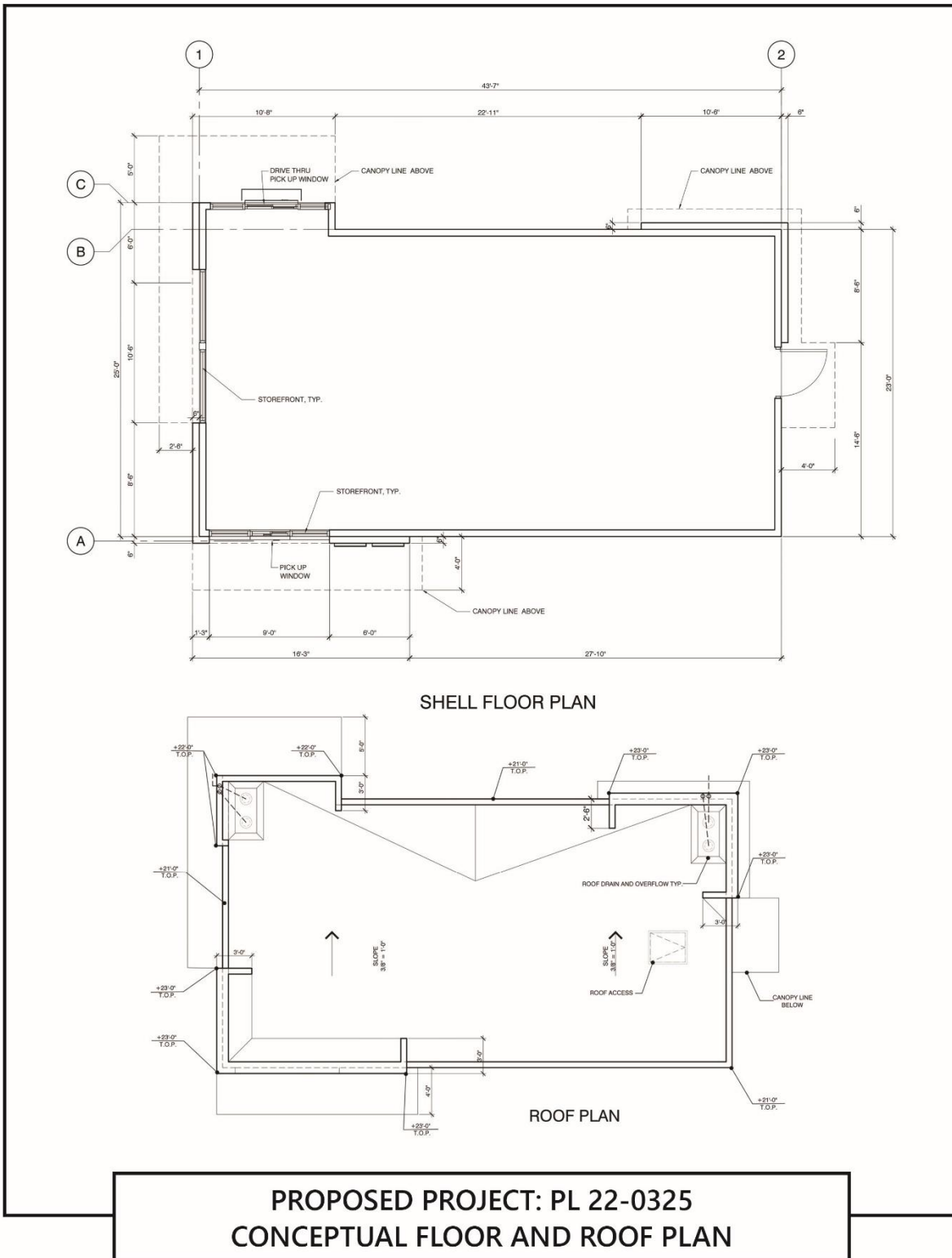
SITE SUMMARY

LAND: +/- 23,910 S.F.
 TOTAL BLDG. AREA: +/- 1,023 SF
 LAND TO BLDG. RATIO: 23.37 / 1
 BUILDING COVERAGE: 4.27 %

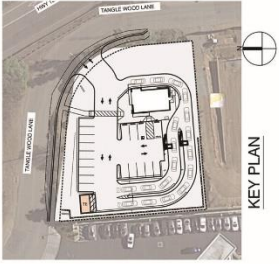
BUILDING AREA: +/- 1,023 S.F.
 TOTAL BUILDING AREA: +/- 1,023 S.F.
 PARKING REQUIRED: 20 STALLS
 PARKING PROVIDED: 18 STALLS
 PARKING RATIO: 19.33 / 1000




**PROPOSED PROJECT: PL 22-0325
 PRELIMINARY SITE PLAN**



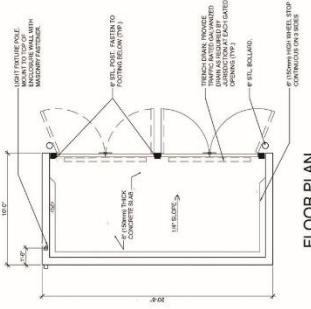




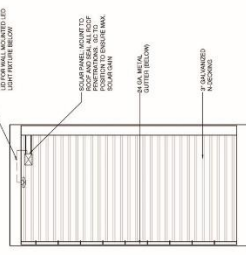
KEY PLAN



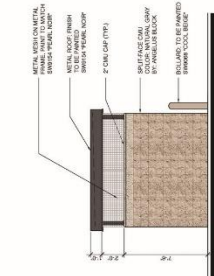
CMU BLOCK CUT SHEET



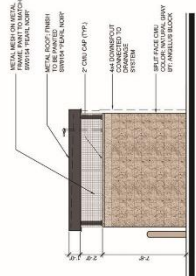
FLOOR PLAN



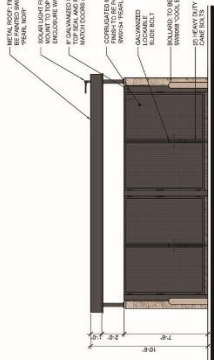
ROOF PLAN



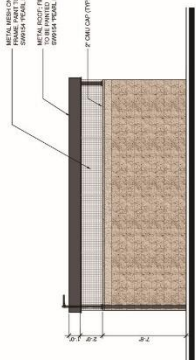
WEST ELEVATION



EAST ELEVATION

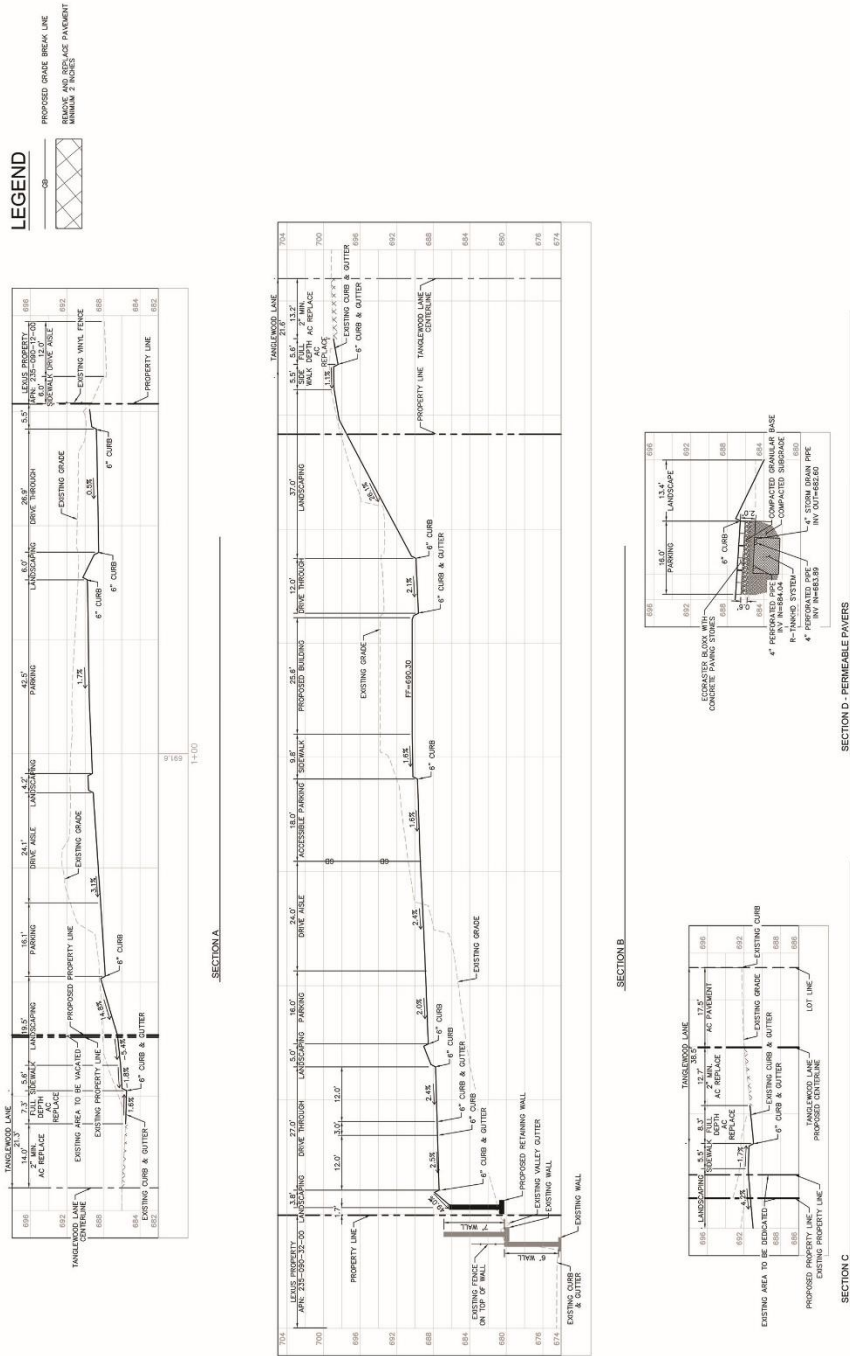


SOUTH ELEVATION

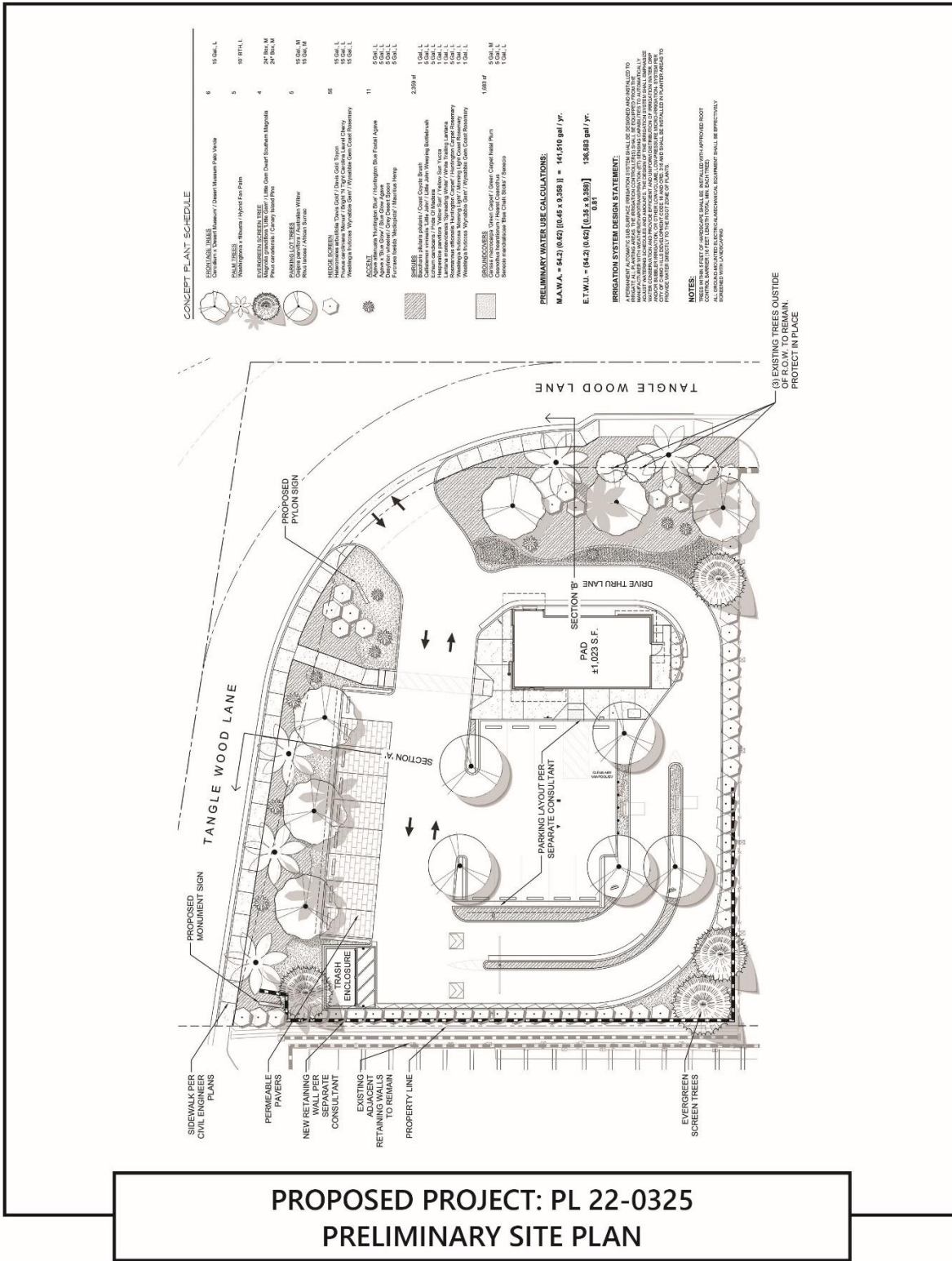


NORTH ELEVATION

**PROPOSED PROJECT: PL 22-0325
 EXTERIOR ELEVATIONS TRASH ENCLOSURE**

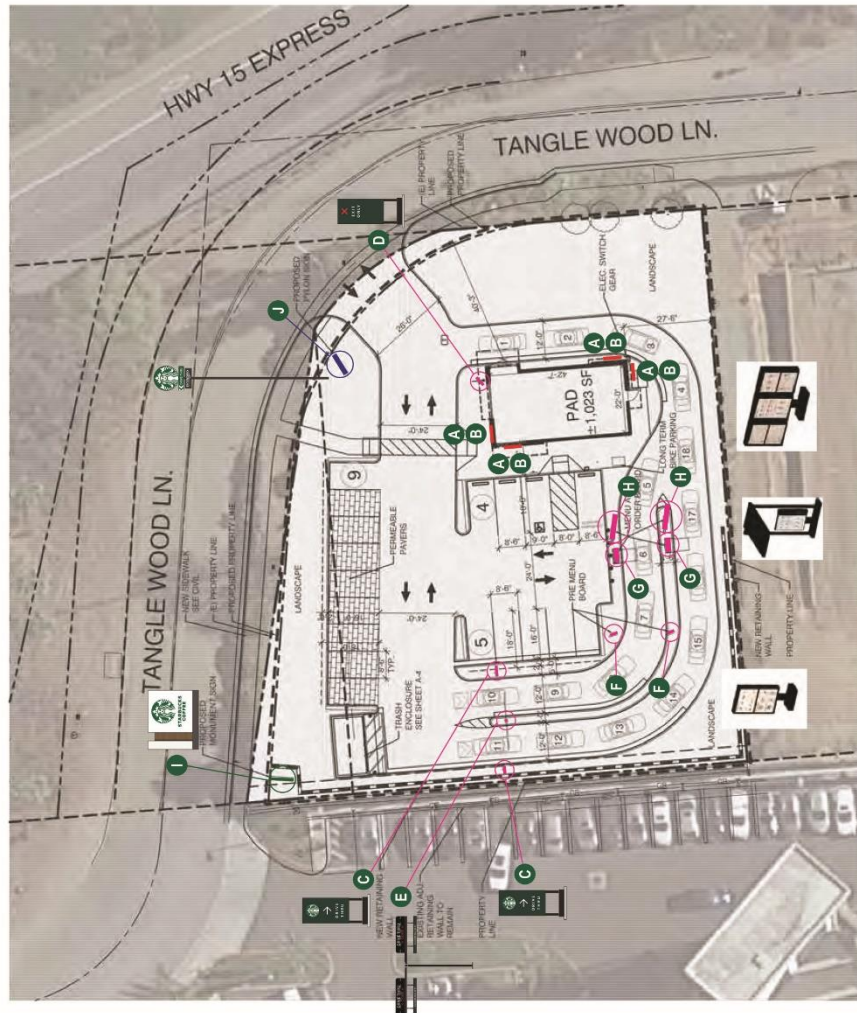


**PROPOSED PROJECT: PL 22-0325
 PRELIMINARY GRADING SECTIONS**

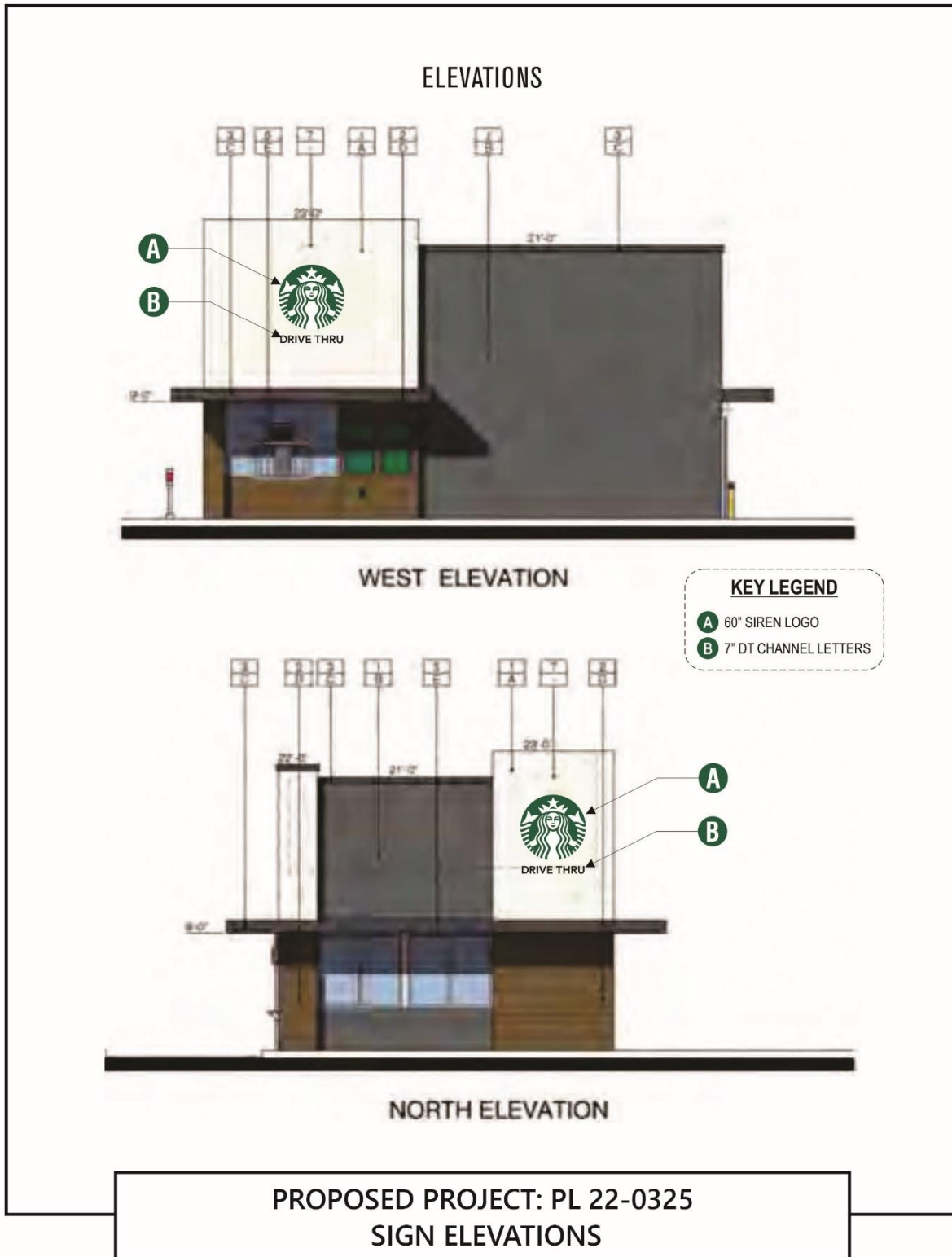


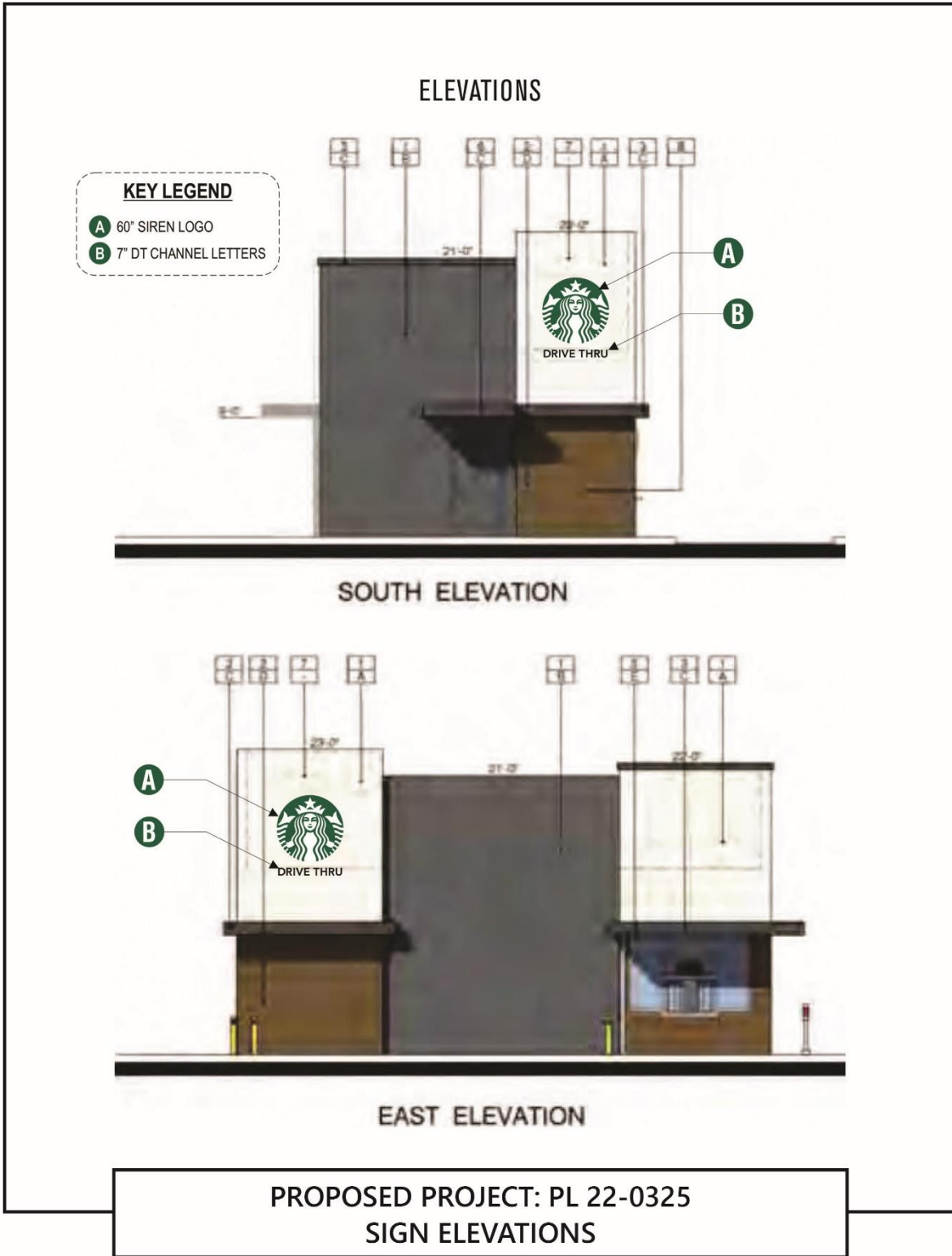
SITE PLAN

- KEY LEGEND**
- A 80" SIREN LOGO DISC
 - B 7" DT CHANNEL LETTERS
 - C DF DT DIRECTIONAL
 - D DF DT THANK/EXIT DIRECTIONAL
 - E CLEARANCE BAR
 - F PRE MENU
 - G DIGITAL ORDER SCREEN w/ CANOPY
 - H DT 5 PANEL MENU SIGN
 - I EXISTING MONUMENT SIGN
 - J PYLON SIGN



**PROPOSED PROJECT: PL 22-0325
 SIGN SITE PLAN**

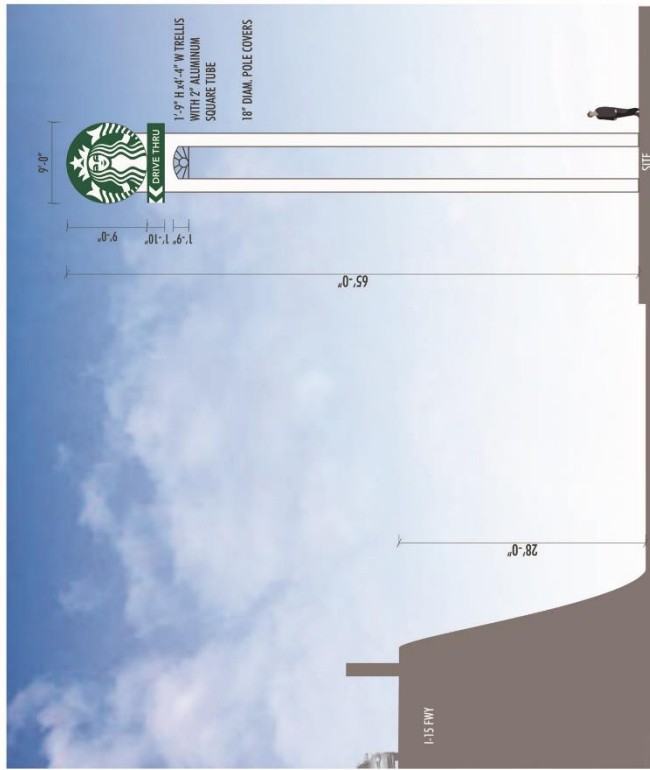






FREEWAY ORIENTED PYLON SIGNS

- One (1) freeway oriented pylon / pole sign is permitted for the tenant per the following guidelines:
- Maximum sign area per side not to exceed 80 square feet. Sign height not to exceed 65'-0".
 - Tenant is permitted their established type font, logo, and colors.
 - Sign shall be internally LED illuminated.



**PROPOSED PROJECT: PL 22-0325
 FREEWAY SIGN**

MONUMENT SIGNS

One (1) single-tenant monument sign is permitted per the following guidelines:

- Maximum sign area per side not to exceed 30 square feet. Sign height not to exceed 6'-0".
- Tenant is permitted their established type font, logo, and colors.
- Sign shall be internally LED illuminated.

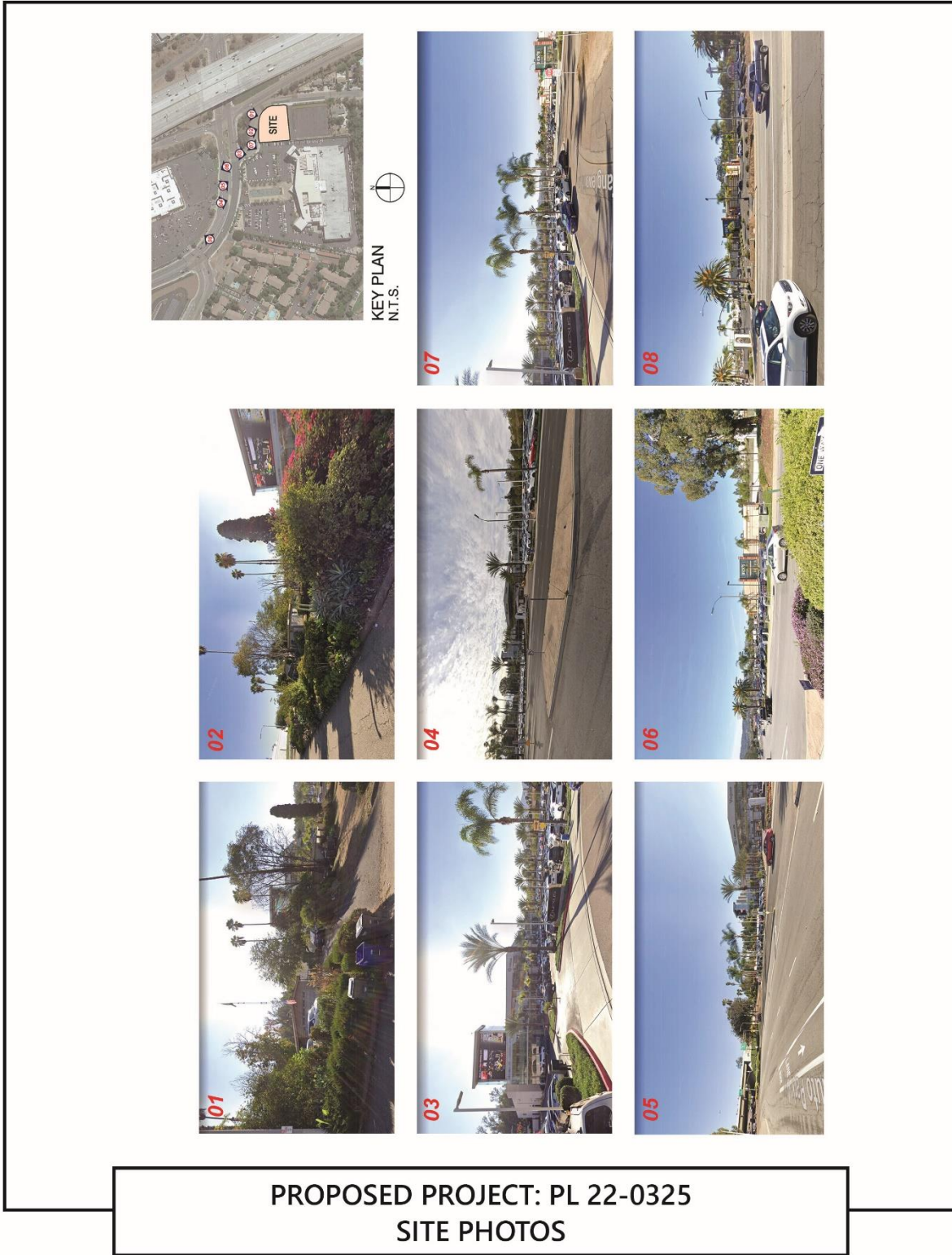
MONUMENT SIGN



**PROPOSED PROJECT: PL 22-0325
MONUMENT SIGN**

Attachment 3

Site Photos



ATTACHMENT 4



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: Starbucks Coffee / PL22-0325 and PL22-0326

Project Location - Specific: The approximately .53-acre site is located on the southwest side of Tanglewood Lane, adjacent to the Interstate 15, addressed at 1525 Tanglewood Lane (APN: 235-090-35-00)

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

Description of Project:

A request for a Master Development Plan and Precise Development Plan to facilitate the construction of a 1,023 square-foot drive-through coffee facility, along with associated on-site improvements including, but not limited to, dual drive-through lanes, trash enclosures, off-street parking, landscaping, and signage.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Barret Bradley (NewMark Merrill Companies)

Address: 427 College Boulevard, Suite K, Oceanside, CA 92057 Telephone: 720-607-3032

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

Exempt Status:

The project is categorically exempt, as separate and independent basis, pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects).

Reasons why project is exempt:

The .53-acre project site is within City limits on a lot substantially surrounded by urban uses, and will be developed with a new structure less than 2,500 square feet in size, and associated on-site improvements. The site is zoned for the use and is consistent with the applicable general plan policies as well as with the Planned Development - Commercial (PD-C) zoning designation and Planned Development land use designation outlined in the City's General Plan. It has been determined that the project would not result in any significant impacts to traffic, noise, air quality, or water quality. The project does not include the use of hazardous substances. The project site does not contain any sensitive habitat and all required utilities and public services can be provided to the site with existing facilities located within adjacent streets or easements.

Lead Agency Contact Person:

Area Code/Telephone/Extension: 760-839-4529

Signature: Ivan Flores

Associate Planner

Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

Planning Commission
Hearing Date: November 08, 2022
Effective Date: November 09, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-12

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
RECOMMENDING APPROVAL OF A MASTER
DEVELOPMENT PLAN AND PRECISE
DEVELOPMENT PLAN TO THE CITY COUNCIL

APPLICANT: Barret Bradley (NewMark Merrill Companies)

CASE NO: PL22-0325/PL22-0326

WHEREAS, NewMark Merrill Companies Inc. ("Applicant"), filed a land use development application, Planning Case Nos. PL22-0325 and PL22-0326 ("Application") constituting a request for a Master Development Plan and Precise Development Plan to allow for the construction of a 1,023 square-foot dual-lane drive-through coffee facility ("Project") on a .53 gross acre site located at 1525 Tanglewood Lane (APN 235-090-35-00), in the Planned Development – Commercial (PD-C) Zone; and

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

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and

the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”); and

WHEREAS, drive-through facilities can be identified as permitted uses within the PD-C Zone, subject to the approval of a Master Development Plan and Precise Development Permit, in accordance with Article 19 of the Escondido Zoning Code; and

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

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

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

WHEREAS, on November 08, 2022, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all person’s full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;

- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated November 08, 2022, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.
2. As a separate and independent basis, the Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects).
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the substantive findings and determinations attached hereto as Exhibit "C" relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

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

5. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is conditionally recommended for City Council approval by the Planning Commission as set forth on the Application and Project drawings. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the

time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 8th day of November, 2022, by the following vote, to wit:

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

KATHARINE BARBA, Chair
Escondido Planning Commission

ATTEST:

ADAM FINESTONE, Secretary of the
Escondido Planning Commission

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

Jessica Engel, Minutes Clerk
Escondido Planning Commission

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

Exhibit A

Legal Description

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

THE SOUTHERLY 125.00 FEET OF THE NORTHERLY 300.00 FEET OF THE EASTERLY 175.00 FEET OF LOT 2, BLOCK 312 AS SHOWN ON SHEET "B" OF THE RE-SURVEY OF A PORTION OF RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 724, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892, THE SOUTHERLY AND NORTHERLY LINE OF THE ABOVE DESCRIBED PARCEL TO BE PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 2 AND THE WESTERLY LINE TO BE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 2. SAID DISTANCE TO BE MEASURED AT RIGHT ANGLES TO THE NORTHERLY AND EASTERLY LINES OF SAID LOT.

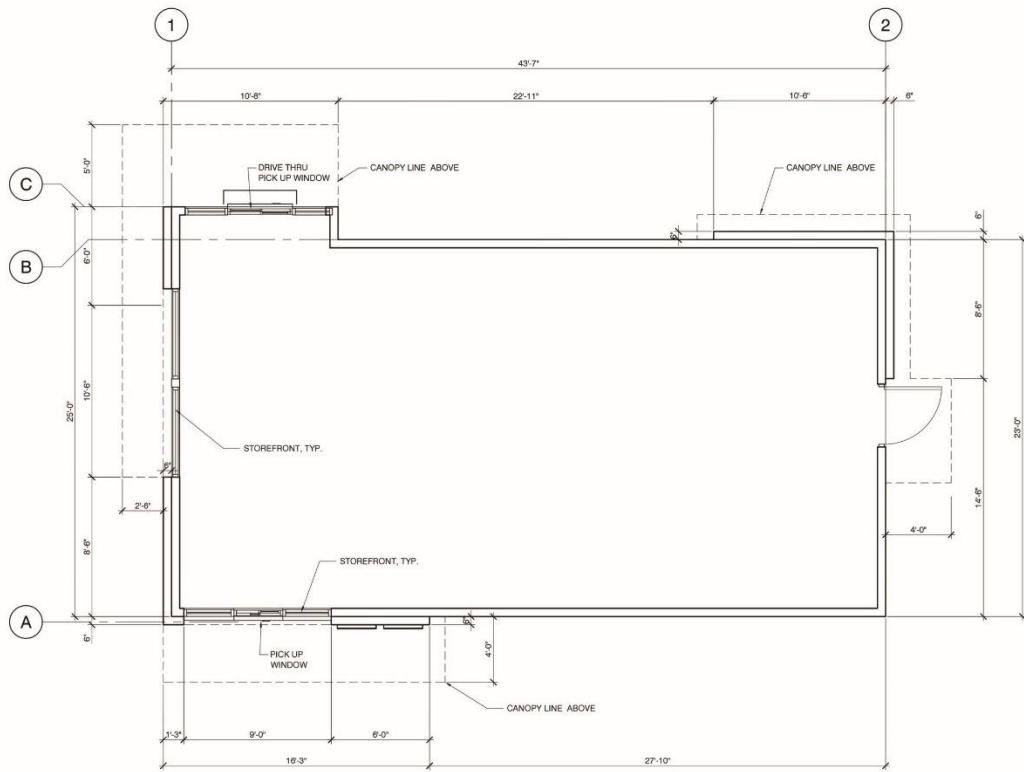
TOGETHER WITH THAT PORTION OF THE EASTERLY 175.00 FEET OF THE NORTHERLY 175.00 FEET OF LOT 2 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE EASTERLY 175.00 FEET OF THE NORTHERLY 175.00 FEET OF SAID LOT 2; THENCE ALONG THE FOLLOWING NUMBERED COURSES: (1) PARALLEL TO THE EASTERLY LINE OF SAID LOT 2, N. 4°44'02" W., 33.77 FEET; (2) S. 81°49'25" E., 151.35 FEET TO THE SOUTH LINE OF THE NORTHERLY 175.00 FEET OF SAID LOT 2; (3) ALONG SAID SOUTH LINE S. 85°16'59"W., 147.52 FEET TO THE POINT OF BEGINNING.

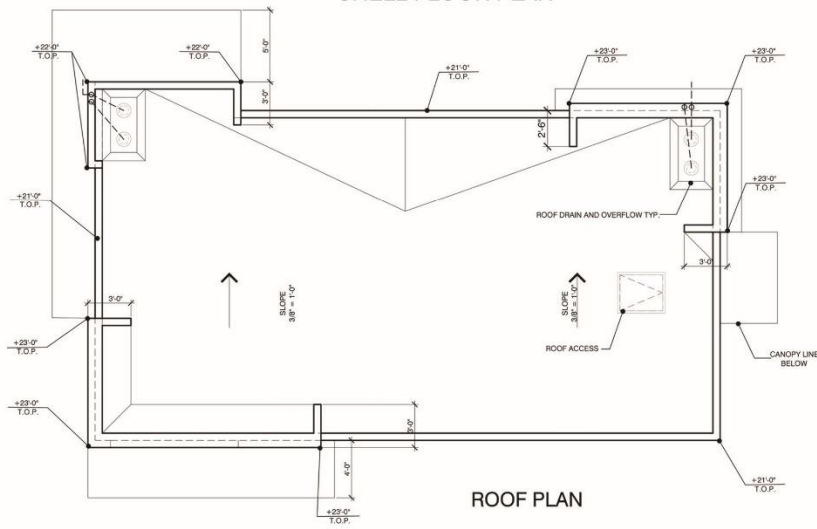
EXCEPTING FROM THE FIRST HEREINABOVE DESCRIBED PROPERTY THAT CERTAIN PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF THE SOUTHERLY 125.00 FEET OF THE NORTHERLY 300.00 FEET OF THE EASTERLY 175.00 FEET OF SAID LOT 2; THENCE ALONG THE EASTERLY LINE OF SAID LOT 2, 04°44'02" EAST, 42.15 FEET; THENCE LEAVING SAID EASTERLY LINE FROM A TANGENT WHICH BEARS NORTH 20°10'20" WEST, ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 83.00 FEET, THROUGH AN ANGLE OF 35°17'15" A DISTANCE OF 51.12 FEET TO SAID NORTHERLY LINE OF SAID SOUTHERLY 125.00 FEET; THENCE ALONG SAID NORTHERLY LINE NORTH 85°16'59" EAST, 27.46 FEET TO THE POINT OF BEGINNING.

APN: PORTION 235-090-35-00

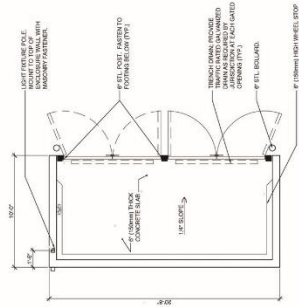
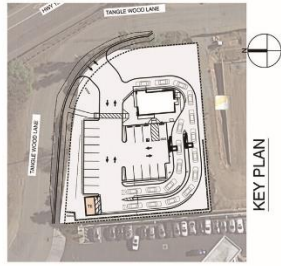


SHELL FLOOR PLAN

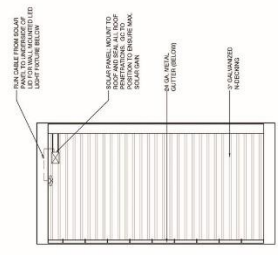


ROOF PLAN

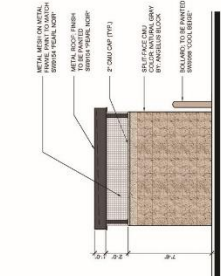
**PROPOSED PROJECT: PL 22-0325
CONCEPTUAL FLOOR AND ROOF PLAN**



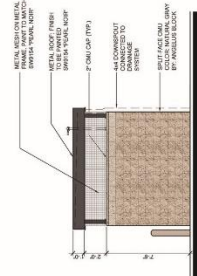
FLOOR PLAN



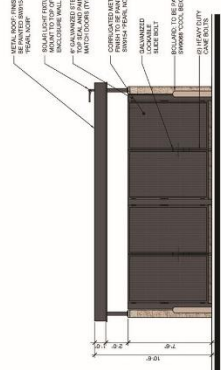
ROOF PLAN



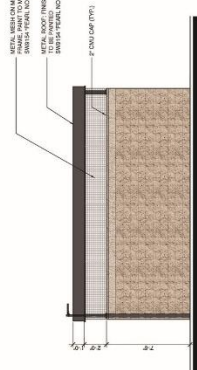
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

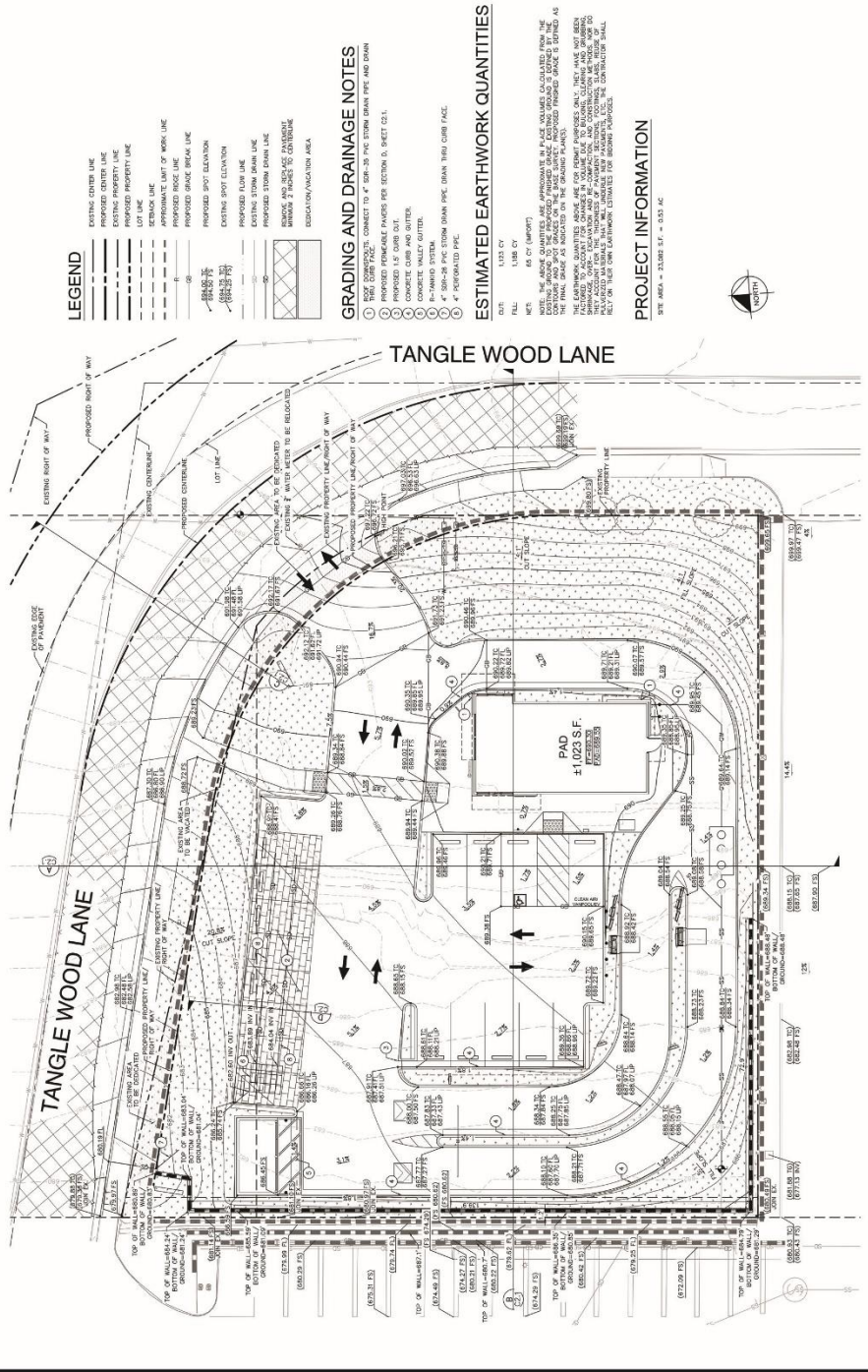
**PROPOSED PROJECT: PL 22-0325
EXTERIOR ELEVATIONS TRASH ENCLOSURE**



KEY PLAN
N.T.S.



**PROPOSED PROJECT: PL 22-0325
SITE PHOTOS**



LEGEND

- EXISTING CENTER LINE
- PROPOSED CENTER LINE
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- LOT LINE
- SEWER LINE
- APPROXIMATE LIMIT OF WORK LINE
- PROPOSED GRADE BREAK LINE
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- PROPOSED FILL LINE
- PROPOSED STORM DRAIN LINE
- MANHOLE AND STRUCTURE FOOTPRINT
- WINDROW 3 PILES TO CONTAINMENT
- EXERCISE/YACHTEN AREA

GRADING AND DRAINAGE NOTES

1. PROPOSED FORDABLE PAVES FOR SECTION 1A, SHEET 02.1.
2. PROPOSED 4" DIA. 30' PVC STORM DRAIN PIPE AND DRAIN TRAP.
3. PROPOSED 4" DIA. 30' PVC STORM DRAIN PIPE AND DRAIN TRAP.
4. CONCRETE CURB AND GUTTER.
5. CONCRETE WALKWAY GUTTER.
6. 8" TYPED SYSTEM.
7. 4" PERFORATED PIPE.

ESTIMATED EARTHWORK QUANTITIES

CUT: 1,133 CY
 FILL: 1,188 CY
 NET: 55 CY (IMPORT)

NOTE: THE ABOVE QUANTITIES ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE EXISTING GRADE AND PROPOSED GRADE TO BE SHOWN ON THE FINAL PLAN AS INDICATED IN THE GRADING PLANS. THE EARTHWORK QUANTITIES ABOVE ARE FOR GENERAL PURPOSES ONLY. THE PLAN HAS NOT BEEN VERIFIED FOR THE ACCURACY OF THE QUANTITIES. THE CONTRACTOR SHALL VERIFY THE QUANTITIES AND PROVISIONS OF THE SPECIFICATIONS FOR THE PROJECT. THE CONTRACTOR SHALL RELY ON HIS OWN ESTIMATE FOR THE QUANTITIES.

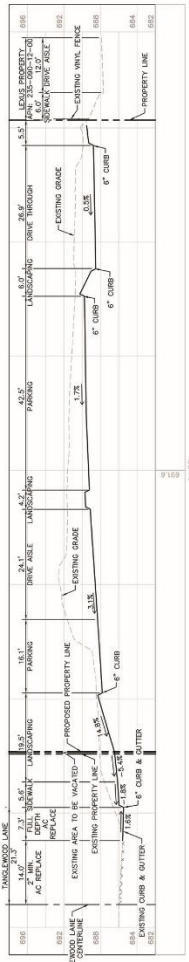
PROJECT INFORMATION

878 AREA = 23,085 S.F. = 0.52 AC

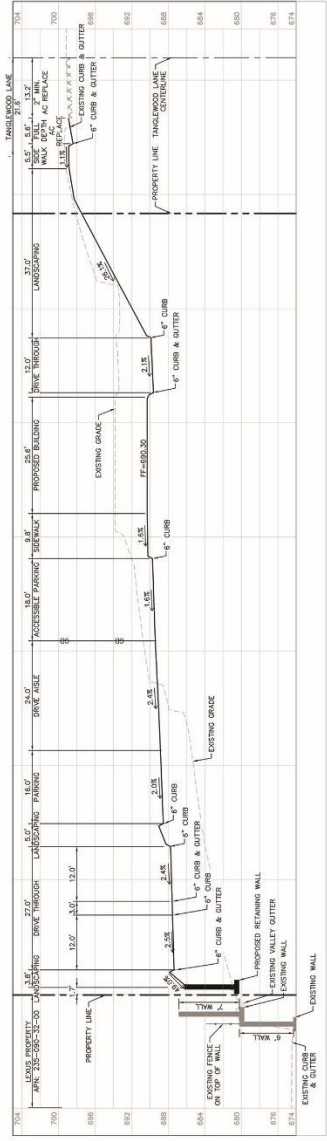
**PROPOSED PROJECT: PL 22-0325
 PRELIMINARY GRADING PLANS**

LEGEND

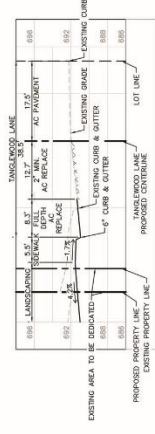
PROPOSED GRADE BREAK LINE
 EXISTING GRADE
 FINISH GRADE
 1" CURB & GUTTER
 6" CURB & GUTTER
 12" CURB & GUTTER
 18" CURB & GUTTER
 24" CURB & GUTTER
 30" CURB & GUTTER
 36" CURB & GUTTER
 42" CURB & GUTTER
 48" CURB & GUTTER
 54" CURB & GUTTER
 60" CURB & GUTTER
 66" CURB & GUTTER
 72" CURB & GUTTER
 78" CURB & GUTTER
 84" CURB & GUTTER
 90" CURB & GUTTER
 96" CURB & GUTTER
 102" CURB & GUTTER
 108" CURB & GUTTER
 114" CURB & GUTTER
 120" CURB & GUTTER



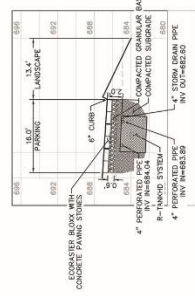
SECTION A



SECTION B



SECTION C

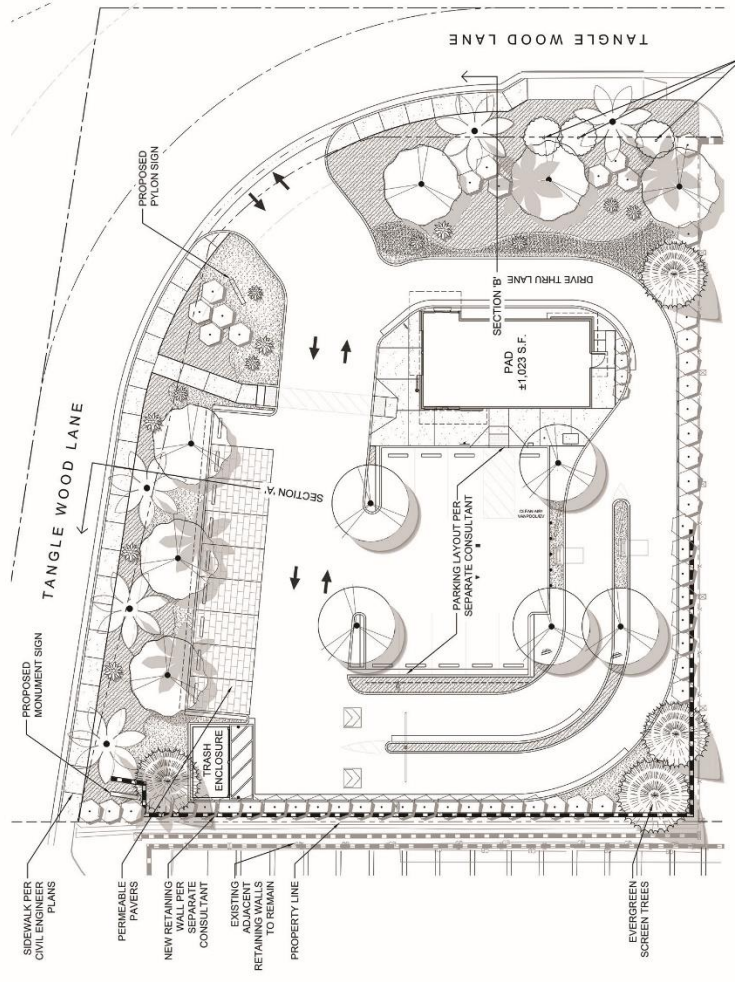


SECTION D - PERMEABLE PAVERS

**PROPOSED PROJECT: PL 22-0325
 PRELIMINARY GRADING SECTIONS**

CONCEPT PLANT SCHEDULE

NO.	PLANT NAME	QUANTITY	SIZE
1	15 Gal. L.	6	15 Gal. L.
2	15 Gal. L.	6	15 Gal. L.
3	15 Gal. L.	6	15 Gal. L.
4	15 Gal. L.	6	15 Gal. L.
5	15 Gal. L.	6	15 Gal. L.
6	15 Gal. L.	6	15 Gal. L.
7	15 Gal. L.	6	15 Gal. L.
8	15 Gal. L.	6	15 Gal. L.
9	15 Gal. L.	6	15 Gal. L.
10	15 Gal. L.	6	15 Gal. L.
11	15 Gal. L.	6	15 Gal. L.
12	15 Gal. L.	6	15 Gal. L.
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93	15 Gal. L.	6	15 Gal. L.
94	15 Gal. L.	6	15 Gal. L.
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96	15 Gal. L.	6	15 Gal. L.
97	15 Gal. L.	6	15 Gal. L.
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99	15 Gal. L.	6	15 Gal. L.
100	15 Gal. L.	6	15 Gal. L.

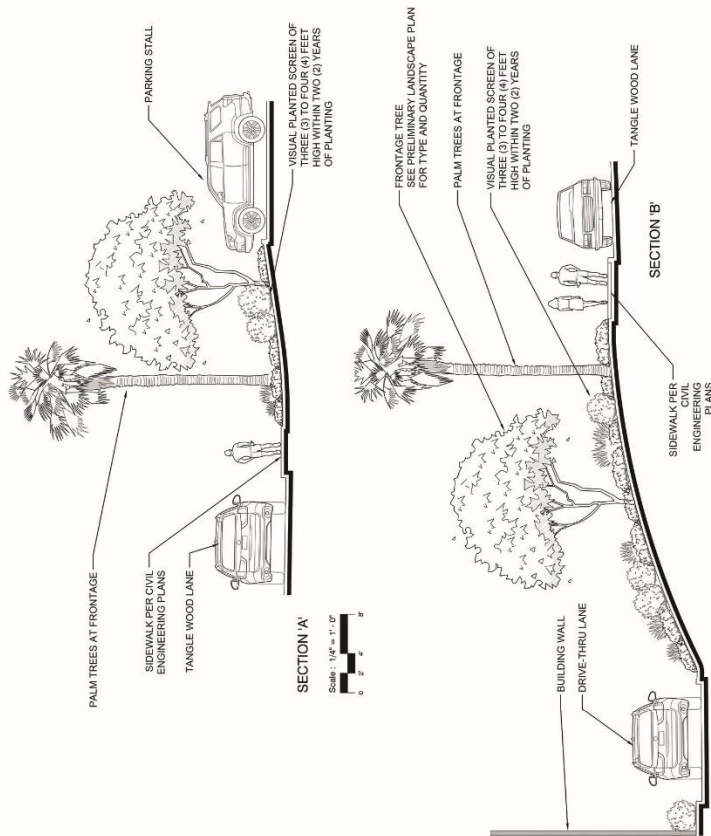


PRELIMINARY WATER USE CALCULATIONS:
 M.A.W.A. = 64.2 (0.42) (0.45 x 0.35) = 41,510 gal / yr.
 E.T.W.U. = 64.2 (0.42) (0.35 x 0.35) = 136,860 gal / yr.
 0.81

IRRIGATION SYSTEM DESIGN STATEMENT:
 THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO MAINTAIN ALL PLANTS AND TREES IN THE LANDSCAPE THROUGHOUT THE GROWING SEASON. THE SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO MAINTAIN ALL PLANTS AND TREES IN THE LANDSCAPE THROUGHOUT THE GROWING SEASON. THE SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO MAINTAIN ALL PLANTS AND TREES IN THE LANDSCAPE THROUGHOUT THE GROWING SEASON.

NOTES:
 1. ALL PLANTS AND TREES SHALL BE INSTALLED WITH APPROVED ROOT GUARDS.
 2. ALL PLANTS AND TREES SHALL BE INSTALLED WITH APPROVED ROOT GUARDS.
 3. ALL PLANTS AND TREES SHALL BE INSTALLED WITH APPROVED ROOT GUARDS.

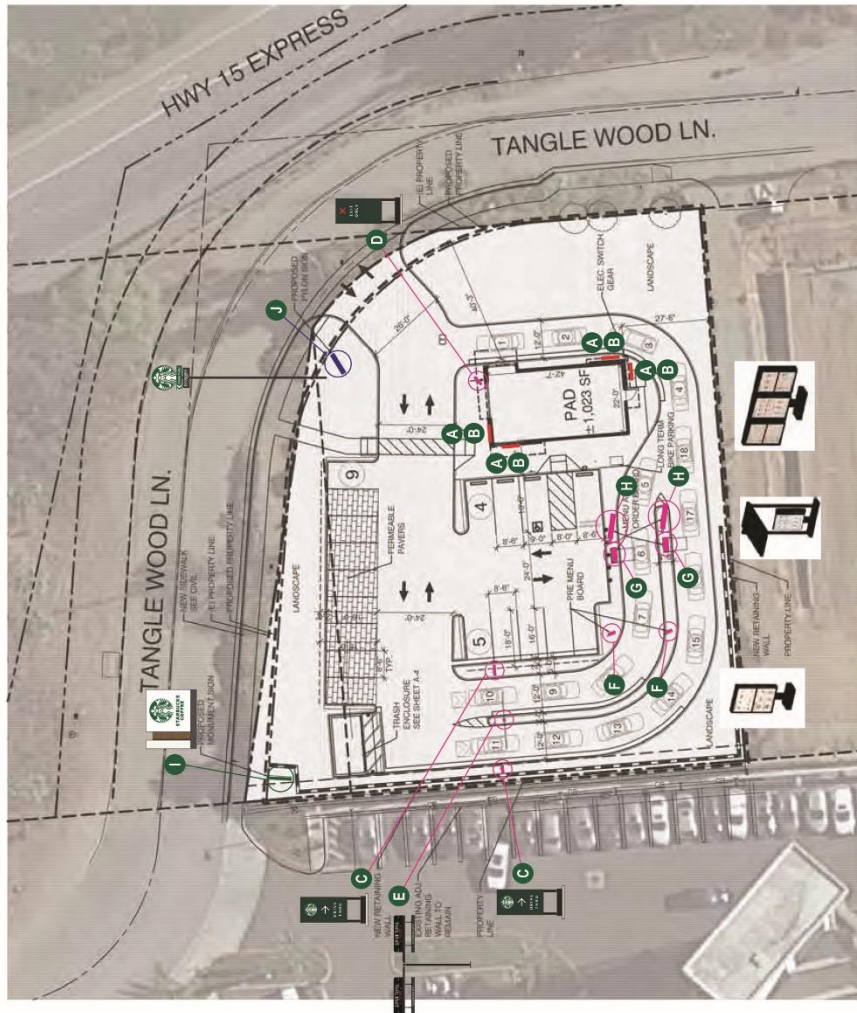
**PROPOSED PROJECT: PL 22-0325
 PRELIMINARY SITE PLAN**



**PROPOSED PROJECT: PL 22-0325
PRELIMINARY ELEVATIONS**

SITE PLAN

- KEY LEGEND**
- A 60" SIREN LOGO DISC
 - B 7" DT CHANNEL LETTERS
 - C DF DT DIRECTIONAL
 - D DF DT THANK/EXIT DIRECTIONAL
 - E CLEARANCE BAR
 - F PRE MENU
 - G DIGITAL ORDER SCREEN w/ CANOPY
 - H DT 5 PANEL MENU SIGN
 - I EXISTING MONUMENT SIGN
 - J PYLON SIGN



**PROPOSED PROJECT: PL 22-0325
SIGN SITE PLAN**

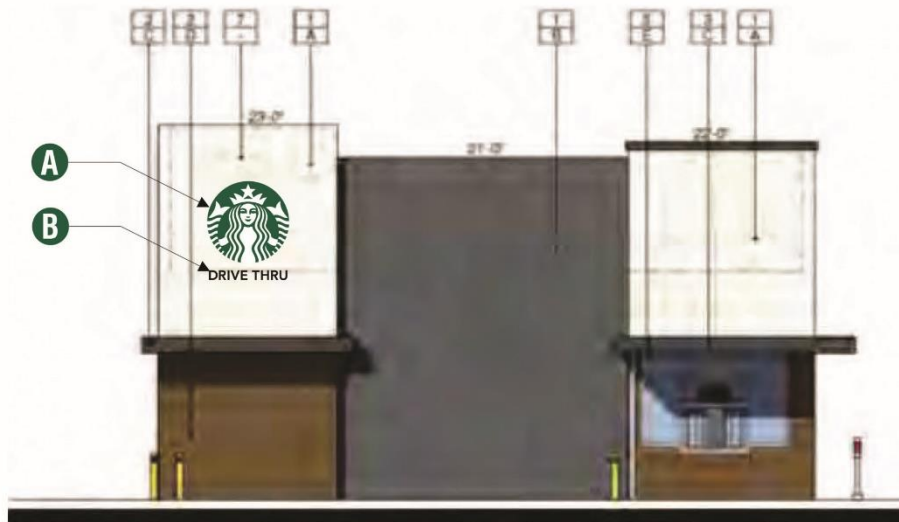
ELEVATIONS

KEY LEGEND

- A 60" SIREN LOGO
- B 7" DT CHANNEL LETTERS



SOUTH ELEVATION



EAST ELEVATION

PROPOSED PROJECT: PL 22-0325
SIGN ELEVATIONS

ELEVATIONS



WEST ELEVATION

KEY LEGEND

- A 60" SIREN LOGO
- B 7" DT CHANNEL LETTERS



NORTH ELEVATION

PROPOSED PROJECT: PL 22-0325
SIGN ELEVATIONS

MONUMENT SIGNS

One (1) single-tenant monument sign is permitted per the following guidelines:

- Maximum sign area per side not to exceed 30 square feet. Sign height not to exceed 6'-0".
- Tenant is permitted their established type font, logo, and colors.
- Sign shall be internally LED illuminated.

MONUMENT SIGN

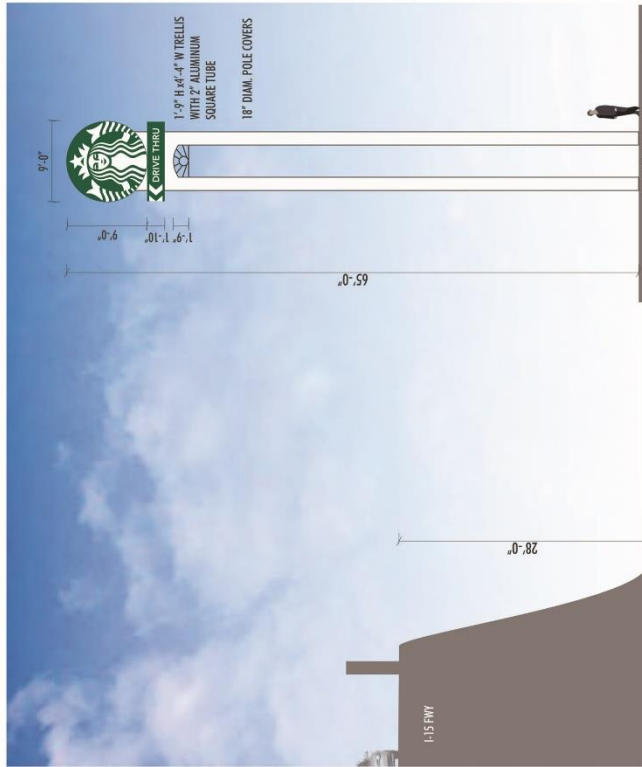


PROPOSED PROJECT: PL 22-0325
MONUMENT SIGN



FREEWAY ORIENTED PYLON SIGNS

- One (1) freeway oriented pylon / pole sign is permitted for the tenant per the following guidelines:
- Maximum sign area per side not to exceed 80 square feet. Sign height not to exceed 65'-0".
 - Tenant is permitted their established type font, logo, and colors.
 - Sign shall be internally LED illuminated.



**PROPOSED PROJECT: PL 22-0325
FREEWAY SIGN**

EXHIBIT “C”

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. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures) because such categorical exemption applies to proposed developments that do not exceed 2,500 square feet on sites zoned for such use, if not involving the use of significant amount of hazardous substances; the use can be serviced by all necessary public services and facilities; and is not an environmentally sensitive area. The Project is a 1,023 square foot development and satisfies all requirements noted above.
3. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects) because such categorical exemption applies to proposed developments within city limits on sites of no more than five acres substantially surrounded by urban uses, where the site has no habitat value for special status species, can be adequately served by all required utilities and public services, and the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (CEQA Guidelines § 15332(b)-(e)). Technical studies were requested by the Planning Division to substantiate the categorical exemption as applied to the Project.
4. The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.
5. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the November 08, 2022, Planning Commission 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.

Planned Development Findings (Escondido Zoning Code section 33-403)

The proposed Project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions,

and Improvement Standards adopted by the City:

1. The Project does not include a residential component and is for the construction of a drive-through coffee facility. The Project is located within the Planned Development - Commercial (PD-C) zone. As required by Article 19 of the EZC, the adoption of a Master Development Plan and Precise Development Plan is required for the development of sites located within PD-C zoning district. As discussed in the staff report, the redevelopment of this site will fulfill several of the goals and principles outlined in the 2012 General Plan.
2. The Project is located on the southside of Tanglewood Lane, and is adjacent to Interstate 15 (I-15). The site is one of the remaining residential uses in an area that has been trending towards commercial development. The Planned Development would support existing commercial uses and provide additional services to multi-family uses located within the target area as identified in the City's Land Use and Community Form chapter of the General Plan.
3. The Project will have a single driveway that has access from Tanglewood Lane to provide vehicle and bicycle access. The Project will also be responsible for construction of sidewalk along its frontage which will fill a gap in the pedestrian network in the area. The driveway is located in an area that will maximize the sight distance for approaching vehicles on Tanglewood Lane. Based on the submitted traffic study, there is adequate driveway throat depth that would allow vehicles to enter and find parking without causing conflict to site circulation. The queuing will provide enough room for 18 vehicles, and there is additional space on-site that could accommodate at least 4 more vehicles before reaching Tanglewood Lane.
4. The Project is for the construction of a drive-through coffee facility. The Project is located in an area that is primarily non-residential uses with residential uses further to the west. The Project includes the redevelopment of a parcel with an existing single-family residence, and can be adequately serviced by existing public facilities.
5. The proposed planned development will redevelop an underutilized site containing a non-conforming single-family residence. The Project would contribute to an attractive, efficient, and stable environment by redeveloping the site with an appropriate commercial use for the area.
6. As discussed in the staff report, very minimal grading is proposed on the site. The proposed elevation will be raised above the adjacent properties to the west; however, the site will follow the grade of Tanglewood Lane. The Project will not be visually obstructive with surrounding areas and facilities.
7. The subject site is one of the last remaining unimproved parcels in the Promenade Retail Center and Vicinity Target Area. Article 19 of the EZC requires the approval of a Master

Plan and Precise Development Plan to facilitate the development of the site. The Project would complement the target area, and would assist in the realization of the target area as outlined in the City's 2012 General Plan.

Exhibit “D”

CONDITIONS OF APPROVAL

This Project is conditionally recommended for approval as set forth on the application received by the City of Escondido on **June 14, 2022**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all recommended for approval to the City Council on **November 08, 2022**, 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 one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

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

3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications

to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. 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.

7. Availability of Permit Conditions.

- a. Prior to grading 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.
 - 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. 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 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 Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.

- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential Projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential Projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction Projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential Projects or portions thereof, or Section 5.408.1.4 for non-residential Projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of 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. A minimum of 18 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, 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. In accordance with the California Green Building Standard Code, at least eight percent of the total number of required spaces shall be designated for clean air vehicles (CAV), and shall be shown on the revised site plan to the satisfaction of the Planning and Building divisions.
4. 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, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.

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

removal. The sealant shall be a type satisfactory to the Director of Development Services.

- e. New or retrofitted trash enclosures 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 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. The applicant shall be responsible for replacing mature trees onsite at a ratio of 1:1 with preference towards trees of equal size and caliper. The replacement trees shall be shown on the landscape plans and shall be approved by the Director of Development Services, or their designee, prior to approval of the landscaping plans.

F. Specific Fire Department Conditions:

1. A minimum fire flow of 1,500 GPM at 20 PSI is required.
2. Adequate water supply and all-weather paved access shall be in place prior to bringing combustibles/lumber on-site.

G. Specific Engineering Division Conditions:

GENERAL

1. The applicant shall provide the City Engineer with a Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed Project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. A surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with

the City of Escondido prior to the approval of the Grading Plan. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the Project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the Project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

5. No Building Permits shall be issued for any construction until the Grading permit is issued, rough grade certification is attained and
 - a) All conditions of the Site Development Plan have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If site conditions change adjacent to the proposed development prior to completion of the Project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Department a copy of the Site Development Plan as presented to the Planning Commission and/or the City Council. The Site Development Plan will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Site Development Plan and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

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

STREET

Tanglewood Lane

CLASSIFICATION

Local Collector (42/62)

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

3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
4. Access to this Project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
5. All on-site driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
6. Final street improvements shall be to the satisfaction of the City Engineer.
7. Plans for construction within any easement or right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
8. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
9. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
10. The Project is subject to the vacation of public rights-of-way within or adjoining the Project boundary. Specific areas to be vacated shall be determined to the satisfaction of the City Engineer. The street vacation must be approved by the City Council prior to recordation of the Final Map. The developer shall be responsible for relocation of all existing utilities within this street vacation.
11. The developer may be responsible for an overlay of Tanglewood Lane due to the many utility trenches necessary to serve this Project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
12. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.

13. The Project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
14. Pedestrian access routes shall be provided into the Project to the satisfaction of the City Engineer.
15. The developer shall be required to remove and relocate the existing LED street light in accordance with Escondido Standard Drawing No. E-1-E.
16. The Project shall provide stripping for a continental cross walk at the intersection of Tanglewood Lane and Auto Park Way for pedestrians traveling East or West across Tanglewood Lane.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a digital copy of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the Project. The developer shall be responsible for maintaining all erosion control facilities throughout the Project.
3. 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.
4. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
5. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
6. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the Project and/or the required improvements..
7. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
8. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall

be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.

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

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the private owner.
3. The Project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted and approved as part of the grading plan check.
4. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the Project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the Project footprint that are subject to vehicular traffic shall be designed for H2O loading.
8. The Project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time

the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The Project owner will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the Project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system or will be required to transition the Project to a priority storm water development Project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.

9. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. 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.
2. 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 shall be responsible for all maintenance of these water lines and appurtenances.
3. 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.
4. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains
5. There shall be no permanent structures located within the City's Public utility Easements.
6. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
7. Any water services 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.
8. 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.

9. 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 each lot 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.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed along the Project frontage and all areas disturbed by the Project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Private owner.

EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way for Tanglewood Lane contiguous to the Project to bring the roadway to the required classification.

UTILITY UNDERGROUNDING AND RELOCATION

1. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction. All new utilities shall be constructed underground.



PLANNING COMMISSION

Agenda Item No.: H.1
Date: November 8, 2022

PROJECT NUMBER / NAME: PL22-0357 / Planning Commission Bylaws

REQUEST: Minor Amendment to Planning Commission Bylaws

LOCATION: N/A

APN / APNS: N/A

GENERAL PLAN / ZONING: N/A

APPLICANT: Development Services Department

PRIMARY REPRESENTATIVE:
Adam Finestone, AICP
City Planner

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: The Planning Commission adopted the current Planning Commission bylaws on August 23, 2022, through adoption of Planning Commission Resolution No. 2022-05.

PROJECT PLANNER: Adam Finestone, City Planner

CEQA RECOMMENDATION: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

STAFF RECOMMENDATION: Approve minor amendment to Planning Commission bylaws

REQUESTED ACTION: Adopt Resolution No. 2022-13

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Adam Finestone, City Planner

A. B.ACKGROUND:

The City of Escondido Planning Commission is governed by State laws, City ordinances, and other policies established by the City Council. These standards and policies collectively provide guidance to have a fair decision-making process and to make appropriate determinations concerning land use or community development applications.

Chapter 20 of the Escondido Municipal Code provides general regulations related to the establishment, composition, appointment and removal of members, powers and duties, and adoption of rules of procedure of the Planning Commission. Pursuant to section 20-8, the “planning commission shall have the power to adopt its own rules of procedure,” which it first did in 2018 through the establishment of bylaws. The bylaws were amended in August of this year through adoption of Planning Commission Resolution No. 2022-05.

B. SUMMARY OF REQUEST:

At the August 23, 2022, Planning Commission meeting, the Commission adopted a major amendment to the bylaws. As part of the motion to adopt the resolution approving the bylaws adoption, several small revisions were made to the bylaws. Subsequent to distribution of the approved bylaws to members of the Commission, it was noted that one of the small revisions was not incorporated. Specifically, the Commission had directed that the bylaws be modified to allow presentations to be made by members of the public, and not just by project proponents or appellants.

Additionally, since the August 23, 2022, Planning Commission meeting, staff has identified a need to provide more visibility to members of the Planning Commission, and the public in-general, related to upcoming items slated for consideration by the Commission. As such, as part of the City Planner’s Report, the agenda packets will include a list of projects and policy items which staff believes will be presented to the Commission over the next three months. This has been noted in the bylaws.

Revisions to the bylaws have been identified in strike-through/underline format in Attachment 1 to this report.

C. FISCAL ANALYSIS:

There is no fiscal impact associated with the bylaws.

D. ENVIRONMENTAL STATUS:

Consideration of the minor amendment to the Planning Commission bylaws is not considered a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5), which excludes from the definition of a project, “organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.”

E. PUBLIC INPUT:

Project Name: Minor Amendment to Planning Commission Bylaws
Planning Commission Meeting
Date: November 8, 2022

None.

F. CONCLUSION AND RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 2022-13, amending the Planning Commission bylaws

ATTACHMENTS:

1. Existing Planning Commission bylaws, adopted August 23, 2022, with tracked changes
2. Planning Commission Resolution No. 2022-13, including Exhibit "A"

ATTACHMENT 1

Section A: Introduction.

1. The Escondido Planning Commission (“Planning Commission” or “Commission”) is established pursuant to Chapter 20 of the Escondido Municipal Code, and is authorized by Government Code section 65100 et. seq.
2. The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters which guide the future development of the City.
 - a. Planning Policy Matters.
 - i. The Planning Commission considers and provides recommendations to the City Council on land use policies and documents including, but not limited to, the Escondido General Plan, specific plans, and the Escondido Zoning Code. These and other documents establish development standards and design parameters for future development projects and improvements in the City.
 - b. Development Projects.
 - i. The Planning Commission has decision-making authority on various development projects and serves in an advisory capacity to the City Council on other projects, as described in the Escondido Zoning Code.
 - ii. The Planning Commission shall hear appeals of administrative decisions and decisions made by the

Zoning Administrator pursuant to section 33-1303 of the Escondido Zoning Code.

- iii. Decisions of the Planning Commission can be appealed to the City Council pursuant to section 33-1303 of the Escondido Zoning Code.

Section B: Planning Commission Meetings.

1. Type of Meetings.

a. Regular Meetings.

- i. Regular meetings of the Planning Commission shall be held at 7:00 p.m. on the second and fourth Tuesdays of each month.
- ii. Regular meetings may be canceled by the Director of Development Services or their designee if there is no business to be conducted by the Commission.

b. Special Meetings.

- i. Special meetings of the Planning Commission may be scheduled from time-to-time at the determination of the Director of Development Services or their designee if there is urgent business to be conducted.

2. Location:

- a. All regular and special meetings of the Planning Commission shall be held in the Council Chambers of the City of Escondido, California. Changes to the location shall be properly identified in

any public hearing notices and agendas prepared for said meeting.

- b. Further changes in the location of meetings may be authorized if required pursuant to state mandates and public health emergencies. This includes virtual meetings.

3. Posting and Distribution of Agenda.

- a. At least 72 hours before a regular meeting, the Secretary of the Planning Commission or their designee shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public, and on the City of Escondido's website (www.escondido.org).

- b. The Planning Commission agenda shall be delivered to Planning Commissioners via email unless otherwise requested by individual Commissioners.

4. Order and Description of Business.

- a. Regular business of the Planning Commission shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Planning Commission Chair, or Vice-Chair in the absence of the Chair:

- i. Call to Order
- ii. Flag Salute: The Chair or their designee shall lead the Pledge of Allegiance.

- iii. Roll Call: The Minutes Clerk shall call role and identify any Planning Commissioners who are not present.
- iv. Consideration of Minutes: The Planning Commission shall review the minutes of the prior meeting, and shall approve or approve with modifications said meeting minutes.
- v. Written Communications: The City Planner or their designee shall identify any written communication that has been provided on the dais for the Planning Commission's consideration. Under state law, items provided to the Commission as written communications can have no action taken unless they are specifically related to an item on the Planning Commission's agenda.
- vi. Oral Communications: The Chair shall provide an opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
- vii. Public Hearings: The Planning Commission shall hold public hearings on items for which have been duly noticed pursuant to the Escondido Zoning Code and state law.
- viii. Current Business: The Planning Commission shall consider items on the agenda for which no public hearing notice is required.

- ix. Future Agenda Items: This is an opportunity for Planning Commissioners to identify items of interest within the jurisdiction of the Commission which they would like to discuss at a future meeting, by following the process stated in section B(5)(c)(ii) of these laws. No discussion on these items is permitted.
- x. Oral Communications: This is a second opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
- xi. Planning Commissioner Reports: Commissioners are afforded the opportunity to provide information regarding activities related to issues in the Commission's purview. No discussion on these items is permitted.
- xii. City Planner Report: The City Planner or their designee shall provide information to the Commission on activities related to issues in the Commission's purview. Items tentatively identified to be presented to the Planning Commission over the next three months will also be identified. Discussion shall be limited to requests by Commissioners for clarification.
- xiii. Adjournment

- b. In the event that both the Chair and Vice-Chair are not able to attend a meeting, the City Planner shall coordinate with an individual Commissioner to call the meeting to order. The first order of business will be to select an acting Chair to serve in that role for the remainder of the meeting.

5. Content of Agenda.

- a. Under state law, the Planning Commission is limited to consideration of items which are on a posted agenda.
- b. The City Planner shall be responsible for preparation of the agenda.
- c. Items may be placed on an agenda by city staff, or upon the request of at least two members of the Planning Commission present at the meeting at which the item is identified.
 - i. Items placed on the agenda by city staff:
 - 1. Items placed on the agenda by city staff shall be accompanied by a staff report or other written materials providing sufficient information to enable the Planning Commission to consider and deliberate upon the item.
 - ii. Items placed on the agenda by the Planning Commission:
 - 1. Any Planning Commissioner may request an item be considered at a future meeting during the Future Agenda Items portion of the agenda.

2. No discussion of the requested item shall be allowed. As such, a Commissioner should be as clear with their request as possible.
3. Request by a Planning Commissioner shall require the concurrence of at least one additional Commissioner prior to the item being placed on a future agenda.
4. City staff will prepare a memorandum as part of the agenda packet identifying the item and the Planning Commissioner who initially requested it be placed on the agenda. No staff report or other written information will be provided by city staff.
5. The Planning Commissioner who requested the item be placed on the agenda may provide staff with written information to be included with the agenda packet.
6. Placement of items on the agenda by members of the Commission shall be for discussion purposes only. No action shall be taken by the Commission and city staff will not take further action on such items unless instructed to do so by the City Council or City Manager.
7. No item shall be placed on the agenda by the Planning Commission that relates to a specific

development project that is under review by City staff, nor to any policy issue identified in the Planning Commission Work Plan or other topic anticipated to be brought forward to the Commission in the coming 12 months.

- d. Development projects shall be considered prior to policy items or other current business items.
 - e. Items placed on the agenda by staff shall be considered before items placed on the agenda at the request of the Planning Commission.
 - f. At the beginning of a Planning Commission meeting, the City Planner shall be authorized to recommend to the Chair that the order of Public Hearing or Current Business items on the agenda be modified, and shall state the reason for the recommendation. It shall be the Chair's sole discretion as to whether to accept the recommendation.
6. Manner of Addressing the Planning Commission - Time Limit.
- a. Each person wishing to address the Commission shall fill out a speaker slip and provide it to the Minutes Clerk prior to the item being considered by the Commission.
 - b. When called upon by the Planning Commission Chair, each person addressing the Commission shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record, and shall limit their address

to three minutes. If significant numbers of persons desire to speak on a given item, the presiding officer has the discretion to limit speaking times and/or alter the sequence of hearing matters on the agenda.

- c. Longer time limits may be permitted for a project proponent or appellant, or for a spokesperson representing an organized group of individuals present at the meeting. This shall generally be limited to 15 minutes, unless additional time is requested by the proponent, appellant or group spokesperson ahead of time. In such an instance, staff will communicate with the Chair who will have sole discretion as to whether to grant such extra time. Said request and the Chair's decision on it shall be stated by the Chair prior to the proponent, appellant, or spokesperson's comments.
 - i. A spokesperson representing a group of individuals shall be allotted a maximum of three minutes per member of the group in attendance. Each member of the group shall fill out a speaker slip identifying the name of the individual who will be speaking on behalf of that group.
- d. ~~Only a~~ Any member of the public, a project proponent or appellant shall be permitted to provide a multimedia presentation to the Commission. A request to provide such a presentation must be made, and the electronic content provided to staff, at least 24 hours prior to the meeting. Presentations provided by the public shall be allotted a maximum of three minutes.

- e. City staff presentations and responses to Commission questions are not governed by the time limits described in this section.

7. Commission Action on Agenda Matters.

- a. When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made and seconded, it may be stated by the presiding officer before debate. A motion may be withdrawn by the mover without consent of the Commissioners.
- b. The presiding officer shall at any time by majority consent of the Commissioners, permit a Commissioner to propose the reordering of agenda items.
- c. If a question contains two or more divisible propositions, the presiding officer may, and upon request of a Commissioner shall, divide the same.
- d. The Planning Commission shall take action on the following agenda items only:
 - i. Minutes of prior meetings;
 - ii. Public Hearing items;
 - iii. Certain Current Business items as detailed in any staff report prepared for said items; and
 - iv. Decisions to place items on a future agenda.
- e. Action cannot be taken on any oral or written communications related to items not on the agenda.
- f. Prior to the request for a motion and second by any Commissioner on an agenda matter, the Commission shall be

allowed to hear any presentation by staff or member of the public, ask questions, and discuss among themselves the matter to be decided. At the conclusion of the presentation, questions and discussion by Commissioners, a request for a motion and second may be made and a roll call vote shall be taken. A motion that fails to obtain a second or a majority vote shall die.

g. Precedence of Motions

i. When a motion is before the Commission, no motion shall be entertained except (precedence in order indicated):

1. To adjourn
2. To fix hour of adjournment
3. To lay on the table
4. For the previous question
5. To postpone to a certain day
6. To refer
7. To amend
8. To postpone indefinitely

ii. A motion to adjourn shall be in order any time, except as follows:

1. When repeated without intervening business or discussion
2. When made as an interruption of a Commissioner while speaking
3. When the previous question has been ordered

4. While a vote is being taken
- iii. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is adjourned.
 - iv. A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by adding it to the agenda of the next regular meeting, to be discussed at the following regular meeting.
 - v. A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Commissioner of "question" does not accomplish the same purpose. If a motion fails, debate is reopened; if motion passes, then vote shall be taken on the main motion.
 - vi. A motion to amend shall be in order and is debatable only as to amendment. A motion to amend an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and amendments are to be voted first, then the main motion is amended.

- vii. A motion to postpone indefinitely shall be fully debatable and if the same is adopted, the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.
- viii. A motion to refer shall not be debatable except for the propriety of referring.
- h. Closing Time of Planning Commission Meetings.
 - i. No agenda item may be introduced after the hour of 10:00 p.m.; however, the meeting may be extended beyond 10:00 p.m. upon a majority vote of the Commission.
 - ii. Items not introduced at a Planning Commission meeting as a result the time limitations described above shall be placed on the next available agenda.
- i. Meeting Minutes.
 - i. The Minutes Clerk is instructed to prepare action minutes for each Planning Commission meeting. The Planning Commission Clerk shall add a brief description/topic for oral communication speakers and note whether the speaker was speaking in favor or opposition to agendized items.
 - ii. The Commission shall keep action minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote shall be recorded with each

motion, order or resolution. Audio recordings, action minutes, records, resolutions, transactions, findings and determinations shall be of public record and be posted online.

iii. Activities and processes regarding meeting minutes may be changed as a result of direction from the City Clerk's office. Such changes shall not require immediate amendment to these bylaws, but shall be incorporated into said bylaws as part of any subsequent update.

j. Cancellation of Meetings.

i. Regular meetings may be cancelled from time to time due to a lack of business or for other reasons. A meeting cancellation notice shall be provided by the Secretary.

Section C: Roles and Responsibilities.

1. General.

- a. The Commission is not involved in the administration or operation of City departments.
- b. Commissioners should not contact the media or speak on behalf of the advisory body unless authorized to do so.

2. Commissioners.

- a. Pursuant to Municipal Code Section 20-2, the Planning Commission is comprised of seven Commissioners, each of whom shall be entitled to vote on all items on the agenda except where a conflict of interest may exist.

3. Officers.

- a. The Planning Commission shall select a Chair and Vice-Chair at the first regular meeting held after March 31st of each year.
- b. The Chair shall have the following responsibilities:
 - i. Preside at and conduct all meetings of the Commission;
 - ii. Administer all rules of the Commission;
 - iii. Rule upon other business transacted by the Commission;
 - iv. Appointment of all committees and subcommittees;
 - v. Preserve order and decorum at all meetings of the Commission;
 - vi. Ensure equal ability for input from all Commissioners;
 - vii. Allow for adequate and complete public participation; and
 - viii. Represent or appoint another Commissioner to represent the Commission before the City Council. Such representation shall reflect the view of the majority of the Commission on any particular matter upon which the Commission has acted.
- c. The Vice-Chair shall, in the absence of the Chair, exercise all responsibilities of the Chair.

4. Selection of Officers.

- a. Selection of Chair and Vice-Chair shall be included on the agenda for the first regular meeting after March 31st of each year.
- b. When called for by the Chair, Commissioners may nominate any Commissioner, including themselves, for the role of Chair.

- c. The Chair shall ask the nominated Commissioners if they have interest in serving in the role of Chair.
- d. Each nominated Commissioner shall be allowed adequate time to make a statement to the Commission regarding their qualifications, desire, and other reason(s) they should be considered for the position.
- e. Upon completion of Commissioner statements, the Chair shall call for a vote. Each Commissioner will have the ability to vote for any nominated Commissioner.
- f. In the event that no Commissioner succeeds in gaining a majority of votes, the Commissioner with the fewest votes shall be eliminated from consideration and another vote shall be held. This process shall continue until one Commissioner has received a majority of votes.
- g. Selection of the Vice-Chair shall occur immediately after selection of the Chair, utilizing the same procedure identified above.

5. Committees and Subcommittees.

- a. Creation.
 - i. Committees and subcommittees shall be appointed by the Chair at the time deemed necessary or advisable so as to conduct Commission business properly.
 - ii. Each committee shall consist of no fewer than two and no more than three Commission members.

- iii. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Chair, in which case they shall serve until their successors are appointed.
- iv. The Commission Chair shall fill any vacancy in committees.

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- i. All reports of committees and subcommittees shall be made at the direction of the Chair; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee.
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1. This section shall apply to all official correspondence and communication related to projects and policy topics which are within the purview of the Planning Commission. It does not apply to correspondence and communication related to topics not within the purview of the Planning Commission.
2. Communication between Planning Commission and Staff.
 - a. In the event that Staff and members of the Commission shall have a need to communicate outside of public meetings or other public setting, communication shall occur in full compliance with the Ralph M. Brown Act and any other laws and regulations governing public meetings.
 - b. In the event that staff has a need to communicate with all members of the Planning Commission, that communication shall be undertaken independently between staff and no more than three Commissioners at a time.
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Comments provided through this means which are received less than 24 hours before the meeting will be provided to Commissioners on the dais, and the first three minutes read into the record by the Minutes Clerk.

- iv. The time limits above do not apply to weekends and city holidays.
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5. Commissioner's communications, including those using a personal email address, may be subject to disclosure under the Public Records Act.

Section E: Amendments

1. These bylaws may be added to, amended, or revised at any meeting of the Planning Commission by a majority of a quorum of the Planning Commission by proper notice in advance of the meeting.

ATTACHMENT 2

Planning Commission

Hearing Date: November 8, 2022

Effective Date: November 21, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-13

A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF ESCONDIDO,
CALIFORNIA, AMENDING BYLAWS OF THE
ESCONDIDO PLANNING COMMISSION

APPLICANT: City of Escondido

CASE NO: PL22-0357

WHEREAS, the City of Council established the Planning Commission and granted it responsibilities in the area of land use, development, and planning permit decisions; and

WHEREAS, Chapter 20 of the City of Escondido Municipal Code governs the formation and operation of the Planning Commission. Per section 20-8 of the Municipal Code, the Planning Commission shall have the power to adopt its own rules of procedure; and

WHEREAS, bylaws are the written rules that control the internal affairs of an organization. Bylaws generally define things like the group's official name, purpose, requirements for membership, officer titles and responsibilities, how offices are to be assigned, how meetings should be conducted, and how often meetings will be held; and

WHEREAS, the Escondido Planning Commission adopted bylaws in 2018 through adoption of Planning Commission Resolution No. 2018-01, and amended said bylaws on August 23, 2022, through adoption of Planning Commission Resolution No. 2022-05; and

WHEREAS, the Escondido Planning Commission desires to amend its bylaws to provide clarity as to its rules of procedure and conduct of meetings; and

WHEREAS, such bylaws shall not be inconsistent with the laws of the State of California or with the ordinances, resolutions, or regulations of the City of Escondido, as well as all applicable laws. These bylaws are intended to assist and be used by the Planning Commission in performing its duties and conducting its meetings. If a conflict arises between these bylaws and any applicable local, state, or federal law, the preemptive law shall control.

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

1. That the above recitations are true and correct.
2. That the Planning Commission certifies that it has reviewed and considered the environmental determination that the amendment of bylaws is not considered a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

3. The Planning Commission finds that the amended bylaws, attached hereto as Exhibit "A" and incorporated as though fully set forth herein, will be essential in helping the Commission carry out its purpose and how it will go about its business.

4. Subject to the provisions of all applicable statutes and in order to carry out the duties and functions of the Planning Commission vested in it by Chapter 20 of the City of Escondido Municipal Code and the statutes of the State of California, the Planning Commission hereby amends its bylaws. In addition to the rules and procedures set forth herein, the Planning Commission is likewise governed by the Brown Act, the Public Records Act, and all other applicable statutes and laws.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 8th day of August, 2022, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Katharine Barba, Chair
Escondido Planning Commission

ATTEST:

ADAM FINESTONE, Secretary of the
Escondido Planning Commission

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

JESSICA ENGEL, Minutes Clerk
Escondido Planning Commission

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



City of Escondido

Planning Commission Bylaws

Adopted: August 23, 2022

Effective: September 3, 2022

Planning Commission Resolution No. 2022-05

Amended: _____

Effective: _____

Planning Commission Resolution No. 2022-__

ESCONDIDO PLANNING DIVISION
201 N. BROADWAY
ESCONDIDO, CALIFORNIA 92025
Phone: (760) 839-4671
www.escondido.org/planning

Section A: Introduction.

1. The Escondido Planning Commission (“Planning Commission” or “Commission”) is established pursuant to Chapter 20 of the Escondido Municipal Code, and is authorized by Government Code section 65100 et. seq.
2. The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters which guide the future development of the City.
 - a. Planning Policy Matters.
 - i. The Planning Commission considers and provides recommendations to the City Council on land use policies and documents including, but not limited to, the Escondido General Plan, specific plans, and the Escondido Zoning Code. These and other documents establish development standards and design parameters for future development projects and improvements in the City.
 - b. Development Projects.
 - i. The Planning Commission has decision-making authority on various development projects and serves in an advisory capacity to the City Council on other projects, as described in the Escondido Zoning Code.
 - ii. The Planning Commission shall hear appeals of administrative decisions and decisions made by the

Zoning Administrator pursuant to section 33-1303 of the Escondido Zoning Code.

- iii. Decisions of the Planning Commission can be appealed to the City Council pursuant to section 33-1303 of the Escondido Zoning Code.

Section B: Planning Commission Meetings.

1. Type of Meetings.

a. Regular Meetings.

- i. Regular meetings of the Planning Commission shall be held at 7:00 p.m. on the second and fourth Tuesdays of each month.
- ii. Regular meetings may be canceled by the Director of Development Services or their designee if there is no business to be conducted by the Commission.

b. Special Meetings.

- i. Special meetings of the Planning Commission may be scheduled from time-to-time at the determination of the Director of Development Services or their designee if there is urgent business to be conducted.

2. Location:

- a. All regular and special meetings of the Planning Commission shall be held in the Council Chambers of the City of Escondido, California. Changes to the location shall be properly identified in

any public hearing notices and agendas prepared for said meeting.

- b. Further changes in the location of meetings may be authorized if required pursuant to state mandates and public health emergencies. This includes virtual meetings.

3. Posting and Distribution of Agenda.

- a. At least 72 hours before a regular meeting, the Secretary of the Planning Commission or their designee shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public, and on the City of Escondido's website (www.escondido.org).

- b. The Planning Commission agenda shall be delivered to Planning Commissioners via email unless otherwise requested by individual Commissioners.

4. Order and Description of Business.

- a. Regular business of the Planning Commission shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Planning Commission Chair, or Vice-Chair in the absence of the Chair:

- i. Call to Order
- ii. Flag Salute: The Chair or their designee shall lead the Pledge of Allegiance.

- iii. Roll Call: The Minutes Clerk shall call role and identify any Planning Commissioners who are not present.
- iv. Consideration of Minutes: The Planning Commission shall review the minutes of the prior meeting, and shall approve or approve with modifications said meeting minutes.
- v. Written Communications: The City Planner or their designee shall identify any written communication that has been provided on the dais for the Planning Commission's consideration. Under state law, items provided to the Commission as written communications can have no action taken unless they are specifically related to an item on the Planning Commission's agenda.
- vi. Oral Communications: The Chair shall provide an opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
- vii. Public Hearings: The Planning Commission shall hold public hearings on items for which have been duly noticed pursuant to the Escondido Zoning Code and state law.
- viii. Current Business: The Planning Commission shall consider items on the agenda for which no public hearing notice is required.

- ix. Future Agenda Items: This is an opportunity for Planning Commissioners to identify items of interest within the jurisdiction of the Commission which they would like to discuss at a future meeting, by following the process stated in section B(5)(c)(ii) of these laws. No discussion on these items is permitted.
- x. Oral Communications: This is a second opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
- xi. Planning Commissioner Reports: Commissioners are afforded the opportunity to provide information regarding activities related to issues in the Commission's purview. No discussion on these items is permitted.
- xii. City Planner Report: The City Planner or their designee shall provide information to the Commission on activities related to issues in the Commission's purview. Items tentatively identified to be presented to the Planning Commission over the next three months will also be identified. Discussion shall be limited to requests by Commissioners for clarification.
- xiii. Adjournment

- b. In the event that both the Chair and Vice-Chair are not able to attend a meeting, the City Planner shall coordinate with an individual Commissioner to call the meeting to order. The first order of business will be to select an acting Chair to serve in that role for the remainder of the meeting.

5. Content of Agenda.

- a. Under state law, the Planning Commission is limited to consideration of items which are on a posted agenda.
- b. The City Planner shall be responsible for preparation of the agenda.
- c. Items may be placed on an agenda by city staff, or upon the request of at least two members of the Planning Commission present at the meeting at which the item is identified.
 - i. Items placed on the agenda by city staff:
 - 1. Items placed on the agenda by city staff shall be accompanied by a staff report or other written materials providing sufficient information to enable the Planning Commission to consider and deliberate upon the item.
 - ii. Items placed on the agenda by the Planning Commission:
 - 1. Any Planning Commissioner may request an item be considered at a future meeting during the Future Agenda Items portion of the agenda.

2. No discussion of the requested item shall be allowed. As such, a Commissioner should be as clear with their request as possible.
3. Request by a Planning Commissioner shall require the concurrence of at least one additional Commissioner prior to the item being placed on a future agenda.
4. City staff will prepare a memorandum as part of the agenda packet identifying the item and the Planning Commissioner who initially requested it be placed on the agenda. No staff report or other written information will be provided by city staff.
5. The Planning Commissioner who requested the item be placed on the agenda may provide staff with written information to be included with the agenda packet.
6. Placement of items on the agenda by members of the Commission shall be for discussion purposes only. No action shall be taken by the Commission and city staff will not take further action on such items unless instructed to do so by the City Council or City Manager.
7. No item shall be placed on the agenda by the Planning Commission that relates to a specific

development project that is under review by City staff, nor to any policy issue identified in the Planning Commission Work Plan or other topic anticipated to be brought forward to the Commission in the coming 12 months.

- d. Development projects shall be considered prior to policy items or other current business items.
 - e. Items placed on the agenda by staff shall be considered before items placed on the agenda at the request of the Planning Commission.
 - f. At the beginning of a Planning Commission meeting, the City Planner shall be authorized to recommend to the Chair that the order of Public Hearing or Current Business items on the agenda be modified, and shall state the reason for the recommendation. It shall be the Chair's sole discretion as to whether to accept the recommendation.
6. Manner of Addressing the Planning Commission - Time Limit.
- a. Each person wishing to address the Commission shall fill out a speaker slip and provide it to the Minutes Clerk prior to the item being considered by the Commission.
 - b. When called upon by the Planning Commission Chair, each person addressing the Commission shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record, and shall limit their address

to three minutes. If significant numbers of persons desire to speak on a given item, the presiding officer has the discretion to limit speaking times and/or alter the sequence of hearing matters on the agenda.

- c. Longer time limits may be permitted for a project proponent or appellant, or for a spokesperson representing an organized group of individuals present at the meeting. This shall generally be limited to 15 minutes, unless additional time is requested by the proponent, appellant or group spokesperson ahead of time. In such an instance, staff will communicate with the Chair who will have sole discretion as to whether to grant such extra time. Said request and the Chair's decision on it shall be stated by the Chair prior to the proponent, appellant, or spokesperson's comments.
 - i. A spokesperson representing a group of individuals shall be allotted a maximum of three minutes per member of the group in attendance. Each member of the group shall fill out a speaker slip identifying the name of the individual who will be speaking on behalf of that group.
- d. Any member of the public, a project proponent or appellant shall be permitted to provide a multimedia presentation to the Commission. A request to provide such a presentation must be made, and the electronic content provided to staff, at least 24 hours prior to the meeting. Presentations provided by the public shall be allotted a maximum of three minutes.

- e. City staff presentations and responses to Commission questions are not governed by the time limits described in this section.

7. Commission Action on Agenda Matters.

- a. When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made and seconded, it may be stated by the presiding officer before debate. A motion may be withdrawn by the mover without consent of the Commissioners.
- b. The presiding officer shall at any time by majority consent of the Commissioners, permit a Commissioner to propose the reordering of agenda items.
- c. If a question contains two or more divisible propositions, the presiding officer may, and upon request of a Commissioner shall, divide the same.
- d. The Planning Commission shall take action on the following agenda items only:
 - i. Minutes of prior meetings;
 - ii. Public Hearing items;
 - iii. Certain Current Business items as detailed in any staff report prepared for said items; and
 - iv. Decisions to place items on a future agenda.
- e. Action cannot be taken on any oral or written communications related to items not on the agenda.
- f. Prior to the request for a motion and second by any Commissioner on an agenda matter, the Commission shall be

allowed to hear any presentation by staff or member of the public, ask questions, and discuss among themselves the matter to be decided. At the conclusion of the presentation, questions and discussion by Commissioners, a request for a motion and second may be made and a roll call vote shall be taken. A motion that fails to obtain a second or a majority vote shall die.

g. Precedence of Motions

i. When a motion is before the Commission, no motion shall be entertained except (precedence in order indicated):

1. To adjourn
2. To fix hour of adjournment
3. To lay on the table
4. For the previous question
5. To postpone to a certain day
6. To refer
7. To amend
8. To postpone indefinitely

ii. A motion to adjourn shall be in order any time, except as follows:

1. When repeated without intervening business or discussion
2. When made as an interruption of a Commissioner while speaking
3. When the previous question has been ordered

4. While a vote is being taken

- iii. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is adjourned.
- iv. A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by adding it to the agenda of the next regular meeting, to be discussed at the following regular meeting.
- v. A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Commissioner of "question" does not accomplish the same purpose. If a motion fails, debate is reopened; if motion passes, then vote shall be taken on the main motion.
- vi. A motion to amend shall be in order and is debatable only as to amendment. A motion to amend an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and amendments are to be voted first, then the main motion is amended.

- vii. A motion to postpone indefinitely shall be fully debatable and if the same is adopted, the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.
 - viii. A motion to refer shall not be debatable except for the propriety of referring.
- h. Closing Time of Planning Commission Meetings.
- i. No agenda item may be introduced after the hour of 10:00 p.m.; however, the meeting may be extended beyond 10:00 p.m. upon a majority vote of the Commission.
 - ii. Items not introduced at a Planning Commission meeting as a result the time limitations described above shall be placed on the next available agenda.
- i. Meeting Minutes.
- i. The Minutes Clerk is instructed to prepare action minutes for each Planning Commission meeting. The Planning Commission Clerk shall add a brief description/topic for oral communication speakers and note whether the speaker was speaking in favor or opposition to agendized items.
 - ii. The Commission shall keep action minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote shall be recorded with each

motion, order or resolution. Audio recordings, action minutes, records, resolutions, transactions, findings and determinations shall be of public record and be posted online.

iii. Activities and processes regarding meeting minutes may be changed as a result of direction from the City Clerk's office. Such changes shall not require immediate amendment to these bylaws, but shall be incorporated into said bylaws as part of any subsequent update.

j. Cancellation of Meetings.

i. Regular meetings may be cancelled from time to time due to a lack of business or for other reasons. A meeting cancellation notice shall be provided by the Secretary.

Section C: Roles and Responsibilities.

1. General.

- a. The Commission is not involved in the administration or operation of City departments.
- b. Commissioners should not contact the media or speak on behalf of the advisory body unless authorized to do so.

2. Commissioners.

- a. Pursuant to Municipal Code Section 20-2, the Planning Commission is comprised of seven Commissioners, each of whom shall be entitled to vote on all items on the agenda except where a conflict of interest may exist.

3. Officers.

- a. The Planning Commission shall select a Chair and Vice-Chair at the first regular meeting held after March 31st of each year.
- b. The Chair shall have the following responsibilities:
 - i. Preside at and conduct all meetings of the Commission;
 - ii. Administer all rules of the Commission;
 - iii. Rule upon other business transacted by the Commission;
 - iv. Appointment of all committees and subcommittees;
 - v. Preserve order and decorum at all meetings of the Commission;
 - vi. Ensure equal ability for input from all Commissioners;
 - vii. Allow for adequate and complete public participation; and
 - viii. Represent or appoint another Commissioner to represent the Commission before the City Council. Such representation shall reflect the view of the majority of the Commission on any particular matter upon which the Commission has acted.
- c. The Vice-Chair shall, in the absence of the Chair, exercise all responsibilities of the Chair.

4. Selection of Officers.

- a. Selection of Chair and Vice-Chair shall be included on the agenda for the first regular meeting after March 31st of each year.
- b. When called for by the Chair, Commissioners may nominate any Commissioner, including themselves, for the role of Chair.

- c. The Chair shall ask the nominated Commissioners if they have interest in serving in the role of Chair.
- d. Each nominated Commissioner shall be allowed adequate time to make a statement to the Commission regarding their qualifications, desire, and other reason(s) they should be considered for the position.
- e. Upon completion of Commissioner statements, the Chair shall call for a vote. Each Commissioner will have the ability to vote for any nominated Commissioner.
- f. In the event that no Commissioner succeeds in gaining a majority of votes, the Commissioner with the fewest votes shall be eliminated from consideration and another vote shall be held. This process shall continue until one Commissioner has received a majority of votes.
- g. Selection of the Vice-Chair shall occur immediately after selection of the Chair, utilizing the same procedure identified above.

5. Committees and Subcommittees.

- a. Creation.
 - i. Committees and subcommittees shall be appointed by the Chair at the time deemed necessary or advisable so as to conduct Commission business properly.
 - ii. Each committee shall consist of no fewer than two and no more than three Commission members.

- iii. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Chair, in which case they shall serve until their successors are appointed.
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Comments provided through this means which are received less than 24 hours before the meeting will be provided to Commissioners on the dais, and the first three minutes read into the record by the Minutes Clerk.

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Section E: Amendments

- 1. These bylaws may be added to, amended, or revised at any meeting of the Planning Commission by a majority of a quorum of the Planning Commission by proper notice in advance of the meeting.



PLANNING COMMISSION

Agenda Item No.: H.3
Date: November 8, 2022

TO: Planning Commissioners
FROM: Adam Finestone, City Planner
SUBJECT: Policy Discussion: Planning Commission Work Plan

Pursuant to the Planning Commission bylaws, on October 25, 2022, Commissioner Speer requested, and Commissioner Mecaro concurred, that the Commission discuss the existing Planning Commission work plan at a future meeting. Staff requests that the Chair accommodate this discussion or defer to Commissioner Speer to do so.

A copy of the work plan has been provided as Attachment 1 for reference.

EXHIBIT “A”

2022 – 2023 Planning Commission Work Plan

Section 1. Ongoing or Recurring Work Plan Elements

1. Education. Provide support for Commissioners through on-going training and learning opportunities to enable more informed decision-making.
 - Registration for in-state travel to professional trade conferences (i.e. League of California Cities and/or APA)*;
 - Registration for professional trade webinars (ULI, APA, AEP, etc.) and/or relevant web castings*; and/or
 - Provide staff-facilitated presentations.

** Training and learning opportunities involving “for-fee” registrations will be made available to Commission members on a rolling basis, starting with the newest members first. The number of registrations will be established by the Department budget, which is subject to change from time to time.*

2. Director’s report. Provide a report from the City Planner or Director of Community Development at the end of each Commission meeting to identify upcoming agenda items.

Section 2. Current Work Plan Elements

	Project Name	Brief Description	Deliverable	Council Authorized (Y/N)	State Mandate (Y/N)	CAP Related Implementation (Y/N)	Status and Program Timeline	Budget Required	Funded (Y/N)	Planning Commission Role
1	Senate Bill 9 (SB 9)	Amendments to the Municipal and Zoning Codes related to two-family developments and urban lot splits	Zoning Code Amendment(s)	N/A	No	No	<ul style="list-style-type: none"> • In development • Timeline 4 to 6 months • Est. Summer 2022 	None	N/A	<ul style="list-style-type: none"> • Public Hearing(s) • Advisory to City Council
2	Housing Element Update	Update of the City’s goals, policies, and programs to promote the maintenance, improvement, and development of housing opportunities	General Plan Amendment	Yes	Yes	No	<ul style="list-style-type: none"> • In development • Timeline: 14 to 18 months • Est. Fall 2022 	\$118,000 plus EIR costs	Yes	<ul style="list-style-type: none"> • Informational study sessions • Public Hearing(s) • Advisory to City Council
3	Business Recovery Ordinance	Evaluate the City’s regulatory business relief measures and determine if any measures should be effective on a more permanent basis	Zoning Code Amendment(s) <u>or</u> Specific Plan Amendment(s)	Yes	No	No	<ul style="list-style-type: none"> • In development • Timeline: 3 to 4 months • Est. Fall/Winter 2022 	None	N/A	<ul style="list-style-type: none"> • Public Hearing(s) • Advisory to City Council
4	Annual Omnibus Code Clean-Up	Amendments to various sections of the Municipal and Zoning Codes to address recent changes in State law, to provide clarity in our regulations, and to correct errors	Zoning Code Amendment(s)	Yes	Yes	No	<ul style="list-style-type: none"> • In development • Timelines: 4 to 6 months • Est. Fall/Winter 2022 	None	N/A	<ul style="list-style-type: none"> • Public Hearing(s) • Advisory to City Council

5	East Valley Specific Plan	New rezoning program to accommodate future housing needs and the appropriate densities	Specific Plan adoption	Yes	Yes	No	<ul style="list-style-type: none"> In development Timeline: 14 to 18 months Est. Winter/Spring 2023 	\$147,000 plus EIR costs	Yes	<ul style="list-style-type: none"> Informational study sessions Public Hearing(s) Advisory to City Council
6	Annual Progress Reports for 2022	Annual report of General Plan, Housing Element, and Climate Action Plan implementation	Informational reports	N/A	Yes	Yes	<ul style="list-style-type: none"> Not initiated Timeline: 2 to 3 months Est. Winter/Spring 2023 	None	N/A	<ul style="list-style-type: none"> Discussion Receive and file
7	2022 General Plan Amendment	Create a General Plan environmental justice element and update the safety element (Community Protection chapter).	General Plan Amendments	Yes	Yes	Yes	<ul style="list-style-type: none"> In development Timeline: 12 to 18 months Est. Spring/Summer 2023 	\$200,000	Yes	<ul style="list-style-type: none"> Informational study sessions Public Hearing(s) Advisory to City Council
8	Grape Day Park Master Plan	Complete a comprehensive update to the draft Grape Day Park Master Plan which was endorsed by the City Council in 2015 but not formally adopted.	Park Master Plan	Yes	No	No	<ul style="list-style-type: none"> In development Timeline: 9 to 12 months Est. Spring/Summer 2023 	TBD upon consultant selection	Yes	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
9	EV Parking Ordinance	Adopt standards for EV charging stations in new multi-family and commercial developments and in single-family model homes	Municipal Code and Zoning Code Amendments	N/A	No	Yes	<ul style="list-style-type: none"> Not initiated Timeline: 3 to 4 months Est. Spring/Summer 2023 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
10	Alternatively-Fueled Water Heater Ordinance	Amendment to the local Building Code (Chapter 6 of the Municipal Code) to require the installation of electric water heaters in new residential developments and significant remodels	Municipal Code and Zoning Code Amendments	N/A	No	Yes	<ul style="list-style-type: none"> Not initiated Timeline: 3 to 4 months Est. Spring/Summer 2023 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
11	Electric Cooking Appliance Ordinance	Amendment to the local Building Code (Chapter 6 of the Municipal Code) to require electric cooking appliances in all new multi-family development and significant remodels	Municipal Code and Zoning Code Amendments	N/A	No	Yes	<ul style="list-style-type: none"> Not initiated Timeline: 3 to 4 months Est. Spring/Summer 2023 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
12	Net Zero Energy Reach Ordinance	Amendment to the local Building Code (Chapter 6 of the Municipal Code) to require all new non-residential development to achieve net zero energy	Municipal Code and Zoning Code Amendments	N/A	No	Yes	<ul style="list-style-type: none"> Not initiated Timeline: 3 to 4 months Est. Spring/Summer 2023 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council

13	Comprehensive Sign Ordinance Update	Amendment to Article 66 of the Zoning Code to resolve conflicts with first amendment rights and standards for signage	Zoning Code Amendment	No	Yes	No	<ul style="list-style-type: none"> Not initiated Timeline: 6 to 9 months Est. Summer/Fall 2023 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
14	TDM Ordinance	Amendments to the Zoning Code to require transportation demand management practices in new non-residential developments.	Zoning Code Amendment(s)	N/A	No	Yes	<ul style="list-style-type: none"> Not initiated Timeline: 6 to 8 months Est. Summer/Fall 2023 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
15	Pre-Approved ADU Plans	Develop sets of pre-approved floor plans to help incentivize new accessory dwelling unit production	Special study	Yes	No	No	<ul style="list-style-type: none"> Not initiated Timeline: 12 to 18 months Est. Fall 2023 	\$70,000 to \$100,000	Yes	<ul style="list-style-type: none"> Discussion Receive and file
16	Landscape Ordinance Update	Amendment to Article 62 of the Zoning Code to reduce water consumption, to install greywater and rain barrel systems in new single-family homes and to create new landscaping standards as required by the CAP, such as cool roofs on multi-family projects	Municipal Code and Zoning Code Amendments	N/A	No	Yes	<ul style="list-style-type: none"> Not initiated Timeline 8 to 12 months Est. Fall/Winter 2023 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
17	Open Space Standards Review and Ordinance Update	Evaluate the open space standards in the downtown specific plan and develop recommendations to right-size the requirements and incorporate new strategies to incorporate green space in new projects	Special study and Specific Plan Amendment	Yes	No	No	<ul style="list-style-type: none"> Not initiated Timeline: 12 to 16 months Est. Fall/Winter 2023 	\$40,000 to \$60,000	Yes	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
18	Downtown Parking Study and Ordinance Update	Develop a parking management plan and update off-street parking standards in the downtown area	Special study and Specific Plan Amendment	Yes	No	Yes	<ul style="list-style-type: none"> Not initiated Timeline: 16 to 24 months Est. Winter/Spring 2024 	\$75,000 to \$125,000	Yes	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
19	By-Right Approvals for Affordable Housing Projects	Amendment to the Zoning Code to require by-right approval of housing projects that includes 20% affordable housing units on sites included in the 6 th cycle Housing Element sites inventory.	Zoning Code Amendment			No	<ul style="list-style-type: none"> Not initiated Timeline: 3 to 6 months Est. Spring 2024 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council

20	Objective Design Standards	Amendment to Zoning Code and specific plans to incorporate objective design standards for multi-family residential development projects	Zoning Code Amendment and Specific Plan Amendments	No	Yes	No	<ul style="list-style-type: none"> • Not initiated • Timeline: 3 to 6 months • Est. Spring 2024 	None	N/A	<ul style="list-style-type: none"> • Public Hearing(s) • Advisory to City Council
21	Active Transportation Plan ("ATP")	Prepare a multi-modal infrastructure analysis and plan for implementation	Special study	Yes	No	Yes	<ul style="list-style-type: none"> • Not initiated • Timeline: 12 to 18 months • Est. Fall/Winter 2023 	\$275,000	Yes	<ul style="list-style-type: none"> • Informal study session(s) • <i>Commission action is not required on the ATP</i>
22	Climate Action Plan Implementation	Undertake a variety of actions necessary for implementation of the Climate Action Plan	Municipal and Zoning Code Amendments, General Plan Amendments, Specific Plan Amendments, Special Studies, Informational Reports	Yes	Partially	Yes	<ul style="list-style-type: none"> • Ongoing 	Varies	Partially	<ul style="list-style-type: none"> • Informational study session(s) • Public Hearing(s) • Discussion • Other • Advisory to City Council
23	Housing Element Implementation	Undertake a variety of actions necessary for implementation of the Sixth cycle Housing Element	Municipal and Zoning Code Amendments, General Plan Amendments, Specific Plan Amendments, Special Studies, Informational Reports	Yes	Yes	Partially	<ul style="list-style-type: none"> • Ongoing 	Varies	Partially	<ul style="list-style-type: none"> • Informational study session(s) • Public Hearing(s) • Discussion • Other • Advisory to City Council

Section 3. Potential Future Work Plan Elements

	Project Name	Brief Description	Deliverable	Council Authorized (Y/N)	State Mandate (Y/N)	CAP Related Implementation (Y/N)	Status and Program Timeline	Budget Required	Funded (Y/N)	Planning Commission Role
	Comprehensive Nonconforming Ordinance Update	Amendment to Article 61 of the Zoning Code to update the standards and requirements for nonconforming uses and structures	Zoning Code Amendment	No	No	No	<ul style="list-style-type: none"> On hold 	None	N/A	<ul style="list-style-type: none"> Public Hearing(s) Advisory to City Council
	Building and Permit Processing Guide	Collateral material and marketing material overview of City development services and how to process land use development projects	Informational report	No	No	No	<ul style="list-style-type: none"> On hold 	None	N/A	<ul style="list-style-type: none"> Discussion Receive and file
	Communications and Outreach Strategy	Discuss issues and opportunities community awareness and engagement strategies and identify more effective and efficient ways to get information out to the public	Discussion item	No	No	No	<ul style="list-style-type: none"> On hold 	None	N/A	<ul style="list-style-type: none"> Discussion