



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall - Parkview Room
April 6, 2023
2:00 p.m.

A. Call to Order: _____

Zoning Administrator: Andrew Firestine, Director of Development Services

Staff Present: _____

Public Present: _____

B. Agenda item:

1. Conditional Use Permit - Extension of Time (Original Case File PHG17-0025)

REQUEST: An extension of time for a previously approved Conditional Use Permit for the development of an approximately 71,316 SF, three-story residential care facility; Grading Exemption(s) for retaining walls and fill slopes in excess of 10 feet in height. The project includes 22 memory care and 74 assisted living units (totaling 96 beds) and up to 43 parking spaces.

Location: 1802 N. Center City Parkway (APN 226-190-22-00)

Applicant: The Mitchell Group (Tigg Mitchell)

Planner: Jay Paul, Senior Planner

ENVIRONMENTAL STATUS: A Final Initial Study/Mitigated Negative Declaration was adopted for the Project (ENV17-0007)

DECISION OF THE ZONING ADMINISTRATOR:

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

C. Adjournment: _____

I certify that these actions were taken at the Zoning Administrator meeting on April 6, 2023.

Zoning Administrator

Witness

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

ZONING ADMINISTRATOR

CASE NUMBER: PHG17-0025

APPLICANT: The Mitchell Group (Tigg Mitchell)

PROJECT LOCATION: On the east Sside of North Centre City Parkway, south of Iris Lane, addressed as 1802 N. Centre City Parkway (APN 226-190-22-00).

REQUEST: Two-year Extension of Time for a Conditional Use Permit and Grading Exemption for a residential care facility.

STAFF RECOMMENDATION: Approve, subject to conditions

BACKGROUND/PROJECT DESCRIPTION: The project includes a request for a Conditional Use Permit (CUP) for the development of an approximately 71,316 SF, three-story residential care facility; Grading Exemption(s) for retaining walls and fill slopes in excess of 10 feet in height. The project includes 22 memory care and 66 assisted living units (88 units accommodating up to 96 beds) and up to 43 parking spaces. Access to the project would be provided by a single driveway fronting onto Centre City Parkway. Centre City Parkway is proposed to be widened across the project frontage to provide a transition lane for ingress and egress into the site. The existing creek along the eastern boundary of the proposed development area is proposed to be retained and preserved as a project feature.

A Conditional Use Permit, Grading Exemption and General Plan Amendment (PHG17-0025) were previously approved by the City Council on April 10, 2019. The Conditional Use Permit is valid for three-years, unless an extension of time is granted. Previous City Ordinance (O2020-12) authorized an automatic 1-year extension extending the expiration date through April 10, 2023. The applicant submitted a time extension request on March 7, 2023. This action suspends expiration of the map until a final decision is made regarding the extension request. The purpose of this agenda item is to review and consider the extension request. The criteria for determining the appropriateness for granting an extension of time for a Conditional Use Permit is based on the Project's compliance with the City's current General Plan, Zoning Ordinance, and the requirements of the California Environmental Quality Act (CEQA).

ENVIRONMENTAL REVIEW:

A Final Initial Study/Mitigated Negative Declaration (City File No. ENV 17-0007) was adopted for the project in accordance with CEQA and a Notice of Determination posted with the County Clerk.

REASON FOR STAFF RECOMMENDATION:

Staff has determined the Conditional Use Permit, as conditioned, conforms to the General Plan, Zoning Code requirements and CEQA provisions. The Planning and Engineering Divisions' Conditions of Approval of been updated to conform to current formatting. Therefore, staff recommends the requested 2-year extension of time and updated Conditions of Approval be approved. With this extension of time, the Conditional Use Permit is valid through April 10, 2025.

Respectfully submitted,

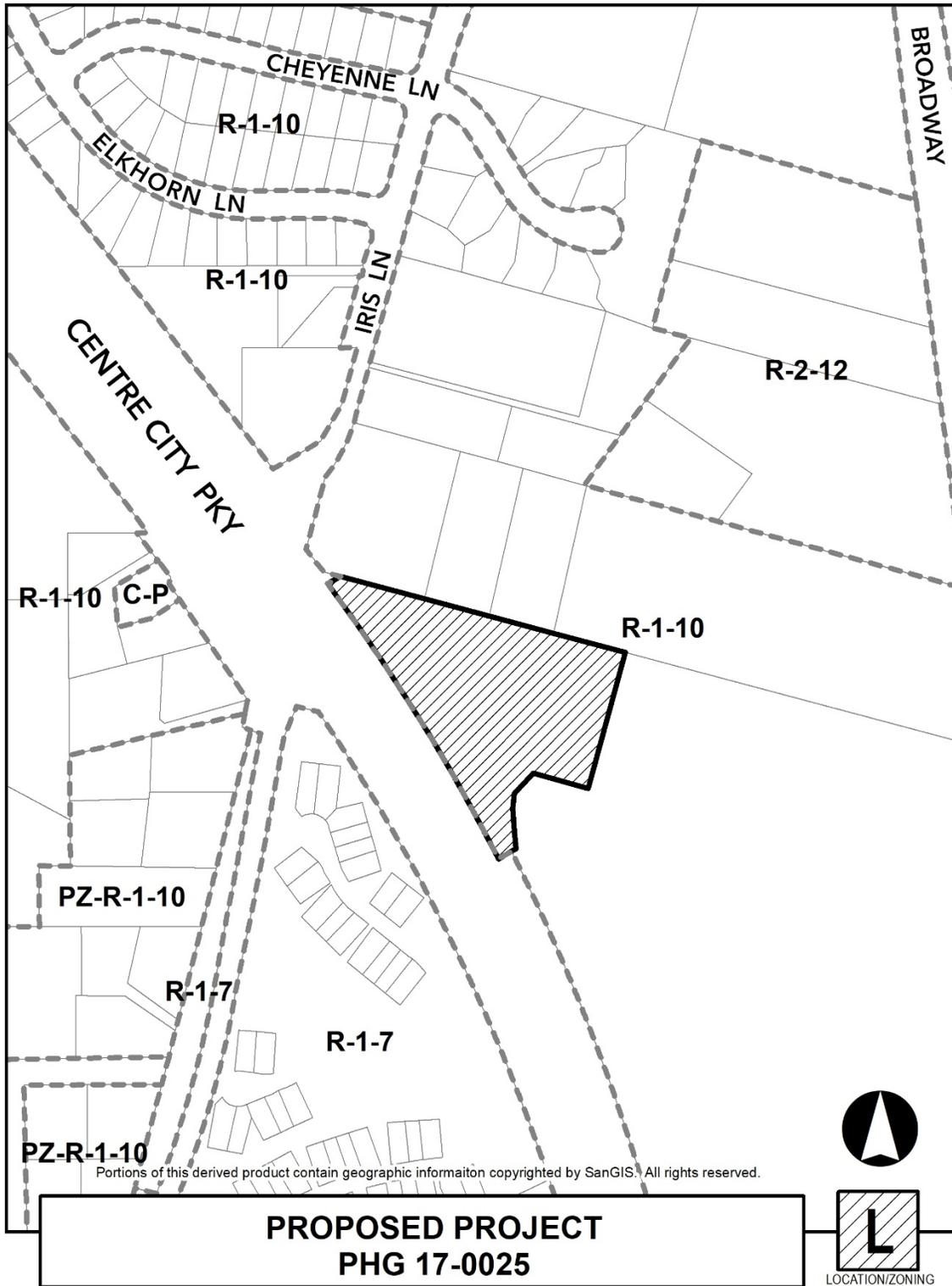
J Paul

Jay Paul
Senior Planner

ATTACHMENTS:

1. Project Location
2. Site Plan
3. Zoning Administrator Resolution No. 2023-04, including Exhibits A, B, C and D

ATTACHMENT 1



ATTACHMENT 3

Zoning Administrator

Hearing Date: April 6, 2023

Effective Date: April 17, 2023

ZONING ADMINISTRATOR RESOLUTION NO. 2023-04

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A 2-YEAR EXTENSION OF TIME FOR A
CONDITIONAL USE PERMIT AND GRADING
EXEMPTION

APPLICANT: The Mitchell Group (Tigg Mitchell)

CASE NO: PHG 17-0025

WHEREAS, The Mitchell Group (“Applicant”), filed a land use development application, Planning Case No. PHG17-0025 (“Application”), constituting a request for an extension of time for an approved Conditional Use Permit and Grading Exemption on a 3.48-acre site located on the east side of N. Centre City Parkway, south of Iris Lane, addressed at 1802 N. Centre City Parkway (Assessor’s Parcel No. 226-190-22-00), in the R-1-10 Zone (“Project”); 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, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City of Escondido (“City”) is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, the Escondido City Council approved a Conditional Use Permit and Grading Exemption for the development of a residential-care facility on April 10, 2019, and adopted Resolution No. 2019-48, including the environmental determination for the project; and

WHEREAS, a Conditional Use Permit and corresponding Grading Exemption, which has been conditionally approved, was scheduled to expire three years from the effective date of approval, unless additional time was granted, or an extension of time is approved in accordance with Article 61 of the Escondido Municipal Code; and

WHEREAS, City of Escondido Ordinance No. 2020-12 granted an automatic extension for the Project up to an additional 12 months, extending the expiration date to April 10, 2023; and

WHEREAS, the Applicant requests that the Zoning Administrator approve an extension of time as permitted by Chapter 33, Article 61, of the Escondido Municipal Code; and

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the 2-year

extension of time 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, on April 6, 2023, the Zoning Administrator held a public meeting as prescribed by law, at which time the Zoning Administrator received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Zoning Administrator, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated April 6, 2023, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public meeting; and

WHEREAS, the public meeting before the Zoning Administrator was conducted in all respects as required by the Escondido Municipal Code and the rules of the Zoning Administrator; and

WHEREAS, the Zoning Administrator desires at this time and deems it to be in the best public interest to approve a 2-year extension of time, with an expiration date of April 10, 2025.

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

1. The above recitations are true and correct.

2. The Zoning Administrator, in its independent judgment, has determined that all of the requirements of CEQA have been met.

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

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

5. The 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 approved as set forth on the Application and Project drawings, all designated as approved by the Zoning Administrator, and which shall not be altered without the express authorization by the

Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, 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 the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 6th day of April, 2023.

ANDREW FIRESTINE
Zoning Administrator,
City of Escondido

WITNESS

Note: This action may be appealed to Planning Commission
pursuant to Zoning Code Section 33-130

EXHIBIT "A"

Legal Extension of Time

PHG17-0025

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

PARCEL 1:

THAT PORTION OF BLOCK 421 OF RANCHO RINCON DEL DIABLO, IN CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, MADE BY J.M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 421, AS SHOWN ON RECORD OF SURVEY MAP NO. 10306; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 07°41'19" EAST, A DISTANCE OF 1,593.59 FEET TO A POINT ON SAID NORTHEASTERLY LINE; SAID POINT BEING ALSO THE NORTHEASTERLY CORNER OF LAND DESCRIBED IN DEED TO B.G. CARROL, ET UX, RECORDED JUNE 22, 1943, IN BOOK 1520, PAGE 99, AS FILE NO. 36643, OFFICIAL RECORDS; THENCE ALONG THE NORTHEASTERLY BOUNDARY OF SAID CARROL'S LAND, NORTH 74°56'12" WEST, A DISTANCE OF 745.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 14°38'48" WEST, A DISTANCE OF 282.17 FEET; THENCE NORTH 74°56'12" WEST, A DISTANCE OF 114.59 FEET; THENCE SOUTH 43°22'52" WEST, A DISTANCE OF 55.93 FEET; THENCE SOUTH 06°09'03" WEST, A DISTANCE OF 30.55 FEET; THENCE SOUTH 03°27'14" EAST, A DISTANCE OF 46.78 FEET; THENCE SOUTH 06°14'19" EAST, A DISTANCE OF 35.08 FEET; THENCE SOUTH 62°42'46" WEST, A DISTANCE OF 11.10 FEET TO A POINT ON THE NORTHEASTERLY LINE OF CENTRE CITY PARKWAY, BEING ALSO KNOWN AS STATE ROUTE XI-SD-77F, AS SHOWN ON M.S. 606; SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 4,000.00 FEET; A RADIAL BEARING TO SAID POINT NORTH 62°42'46" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°2'15", A DISTANCE OF 655.37 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THAT LAND DEEDED TO RINCON DIABLO MUNICIPAL WATER DISTRICT AS SHOWN ON RECORD OF SURVEY MAP NO. 10306; THENCE ALONG SAID WESTERLY LINE AND THE SOUTHEASTERLY PROLONGATION THEREOF, SOUTH 74°56'12" EAST, A DISTANCE OF 594.06 FEET TO THE TRUE POINT OF BEGINNING.

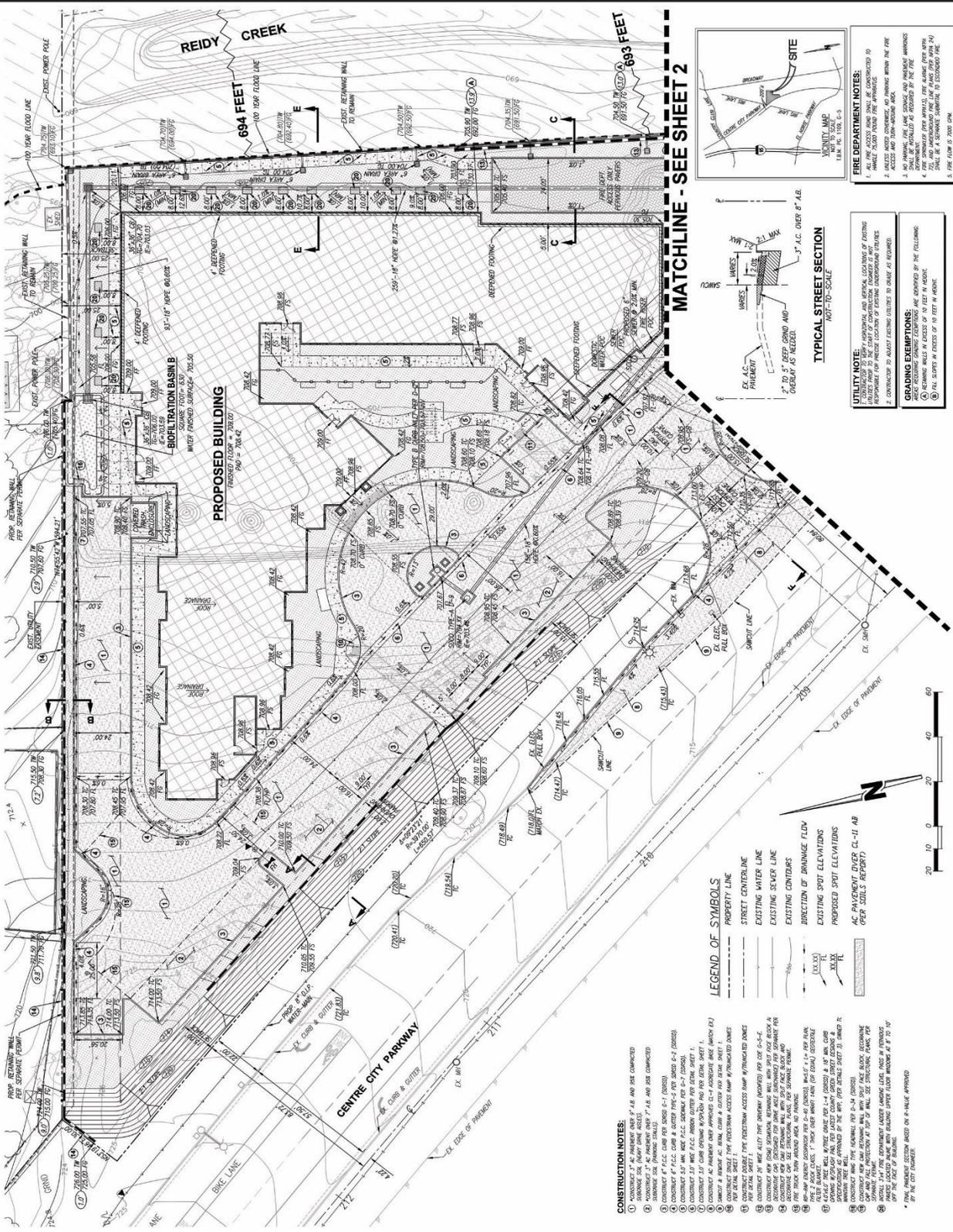
PARCEL 2:

THAT PORTION OF BLOCK 421 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, MADE BY J.M. PASCOE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING WITHIN CENTRE CITY PARKWAY, A PUBLIC HIGHWAY ALSO KNOWN AS STATE ROUTE XI-SD-77F AS SHOWN ON M.S. 606, BEING A STRIP OF LAND 30.00 FEET IN WIDTH LYING IMMEDIATELY ADJACENT TO AND SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF PARCEL "A" OF CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 3, 1998 AS DOCUMENT NO. 1998-0565687, OFFICIAL RECORDS, SAID SOUTHWESTERLY LINE BEING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID CENTRE CITY PARKWAY, SAID SOUTHWESTERLY LINE AND SAID NORTHEASTERLY RIGHT-OF-WAY LINE BEING A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 4,000.00.

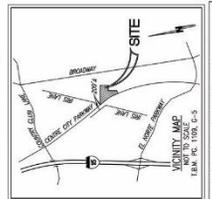
SAID 30.00 FOOT STRIP OF LAND TO TERMINATE NORTHERLY AT A LINE RADIAL TO SAID CURVE AT THE NORTHWEST CORNER OF SAID PARCEL "A" AND TERMINATE SOUTHERLY

AT A LINE RADIAL TO SAID CURVE AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL "A".

APN: 226-190-22

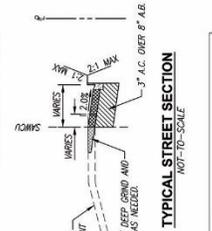


MATCHLINE - SEE SHEET 2



FIRE DEPARTMENT NOTES:

1. ALL FIRE ACCESS ROADS SHALL BE CONNECTED TO THE CITY STREET SYSTEM.
2. ALL ACCESS ROADS SHALL BE CONSTRUCTED TO 10' WIDE AND 10' HIGH.
3. ALL ACCESS ROADS SHALL BE CONSTRUCTED TO 10' WIDE AND 10' HIGH.
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5. ALL ACCESS ROADS SHALL BE CONSTRUCTED TO 10' WIDE AND 10' HIGH.



UTILITY NOTE:

ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS OF EXISTING UTILITIES FROM THE CITY OF COLUMBIA. THE CITY OF COLUMBIA IS NOT RESPONSIBLE FOR THE LOCATION OF UTILITIES OR THE DEPTH OF UTILITIES.

GRADING EXEMPTIONS:

ALL GRADING EXEMPTIONS ARE APPROVED BY THE FOLLOWING:

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LEGEND OF SYMBOLS

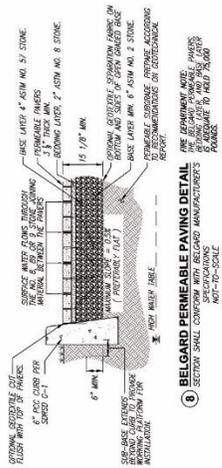
- PROPERTY LINE
- STREET CENTERLINE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING CONDUITS
- DIRECTION OF DRAINAGE FLOW
- EXISTING SPOT ELEVATIONS
- PROPOSED SPOT ELEVATIONS
- A.C. PAVEMENT OVER CL-11 AB (PER SOILS REPORT)

CONSTRUCTION NOTES:

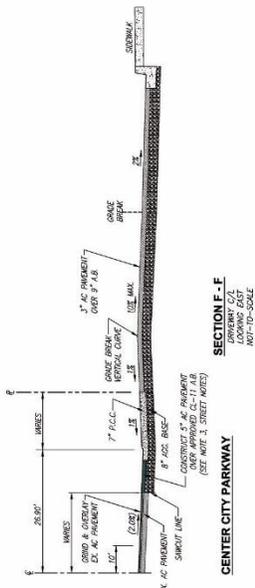
1. CONSTRUCT 10' WIDE AND 10' HIGH.
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**PROPOSED PROJECT
PHG 17-0025**

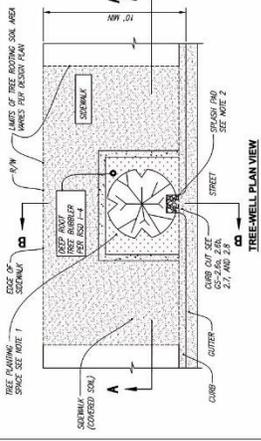




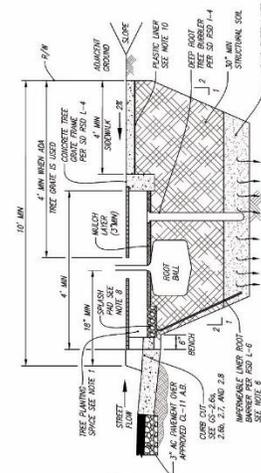
8 BELGARD PERMEABLE PAVING DETAIL
 SECTION SHALL CONFORM TO MANUFACTURER'S SPECIFICATIONS AND MANUFACTURERS IS REQUIRED TO HELP IN JOINT PANELS.
 PERMEABLE PAVERS SECTION CONFORMS TO GREEN STREET STANDARDS GS-5.3a
 NOT TO SCALE



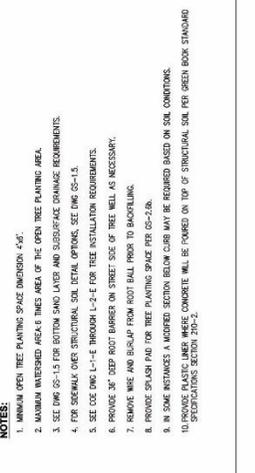
SECTION F-F
 CENTER CITY PARKWAY
 NOT TO SCALE



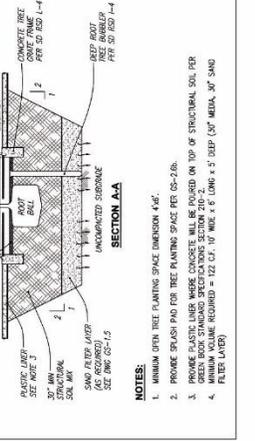
TREE-WELL PLAN VIEW
 NOT TO SCALE



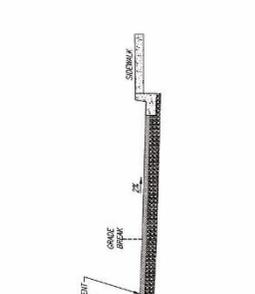
SECTION B-B
 NOT TO SCALE



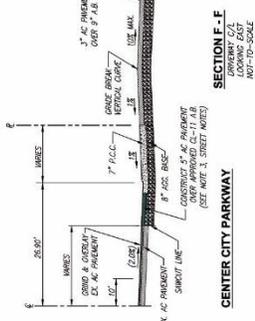
SECTION A-A
 NOT TO SCALE



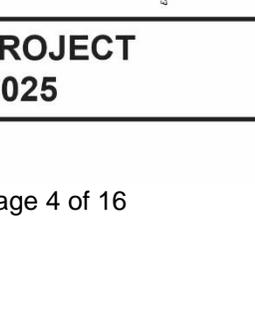
SECTION B-B
 NOT TO SCALE



SECTION C-C
 NOT TO SCALE



SECTION D-D
 NOT TO SCALE



SECTION E-E
 NOT TO SCALE



SECTION F-F
 NOT TO SCALE

NOTES:

1. MINIMUM OPEN TREE PLANTING SPACE DIMENSION 4'-6".
2. PROVIDE BRUSH PAD FOR TREE PLANTING SPACE PER GS-2.6b.
3. PROVIDE PLASTER LINER WHERE CONCRETE WILL BE POURD ON TOP OF STRUCTURAL SOIL PER GREEN BOOK STANDARD SPECIFICATIONS SECTION 210-2.
4. GREEN BOOK STANDARD SPECIFICATIONS SECTION 210-2.
5. SEE DIM GS-1.5 FOR BOTTOM SAND LAYER AND SURFSURFACE DRAINAGE REQUIREMENTS.
6. PROVIDE 30" DEEP ROOT BARRIER ON STREET SIDE OF TREE WELL AS NECESSARY.
7. REMOVE WIRE AND BUSHUP FROM ROOT BALL PRIOR TO BACKFILLING.
8. PROVIDE SPREAD PAD FOR TREE PLANTING SPACE PER GS-2.6b.
9. IN SOME INSTANCES A MODIFIED SECTION BELOW CURB MAY BE REQUIRED BASED ON SOIL CONDITIONS.
10. PROVIDE PLASTER LINER WHERE CONCRETE WILL BE POURD ON TOP OF STRUCTURAL SOIL PER GREEN BOOK STANDARD SPECIFICATIONS SECTION 210-1.

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**PROPOSED PROJECT
 PHG 17-0025**





PROPOSED PROJECT
PHG 17-0025



SECOND FLOOR PLAN

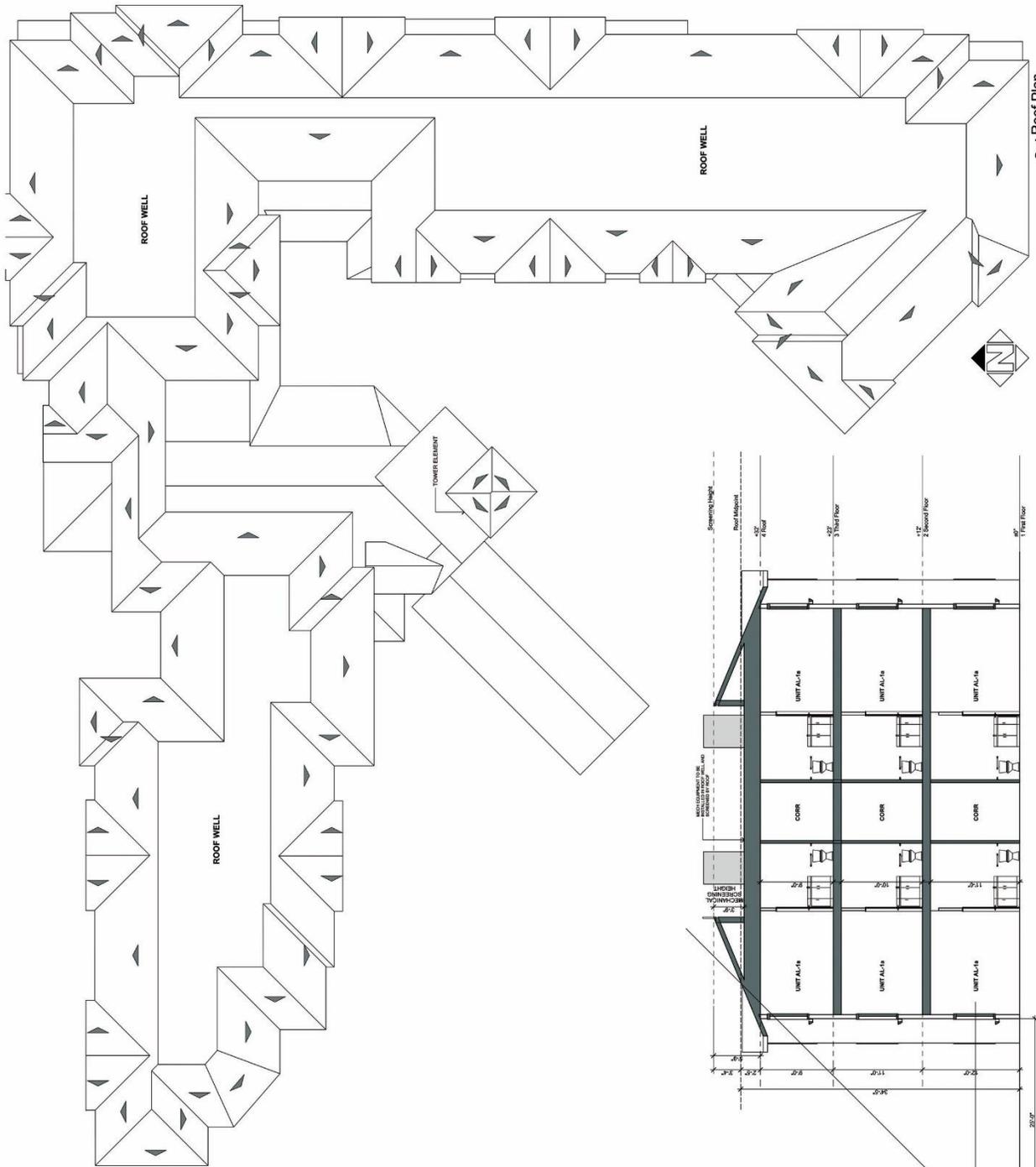


01 Third Floor Plan

**PROPOSED PROJECT
PHG 17-0025**

FP

THIRD FLOOR PLAN



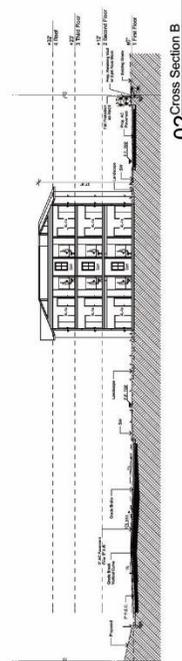
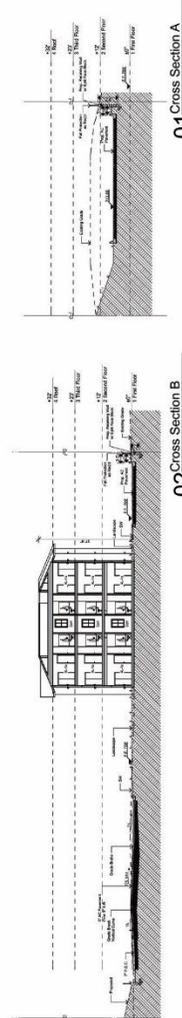
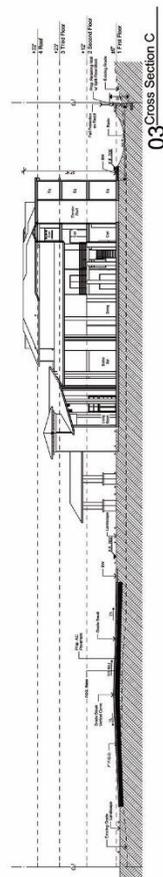
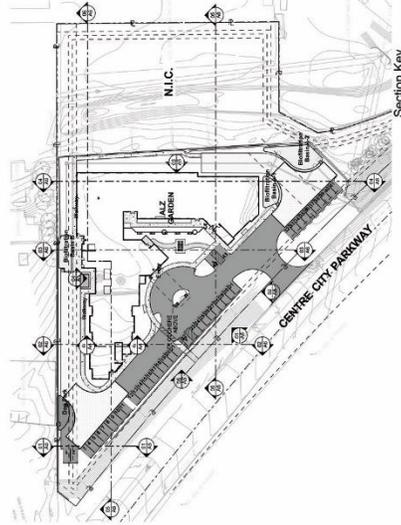
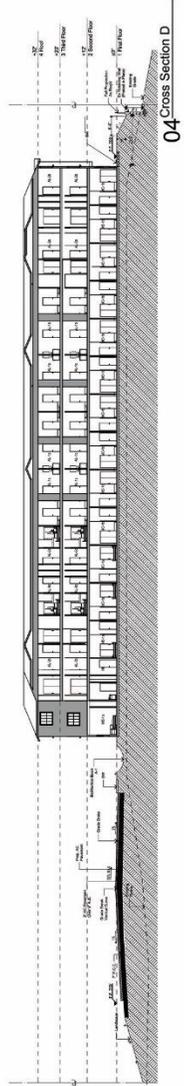
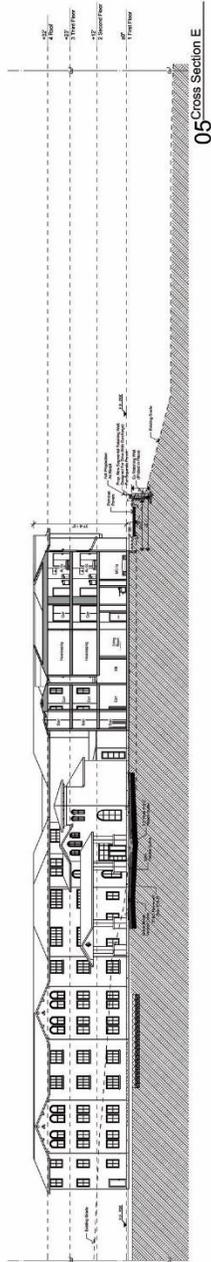
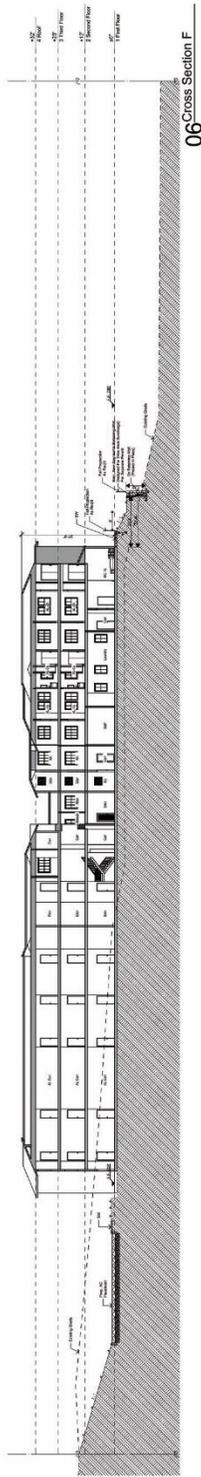
01 Roof Plan

04 SECTION A

**PROPOSED PROJECT
PHG 17-0025**



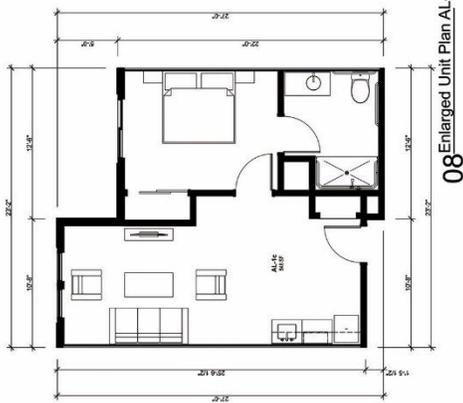
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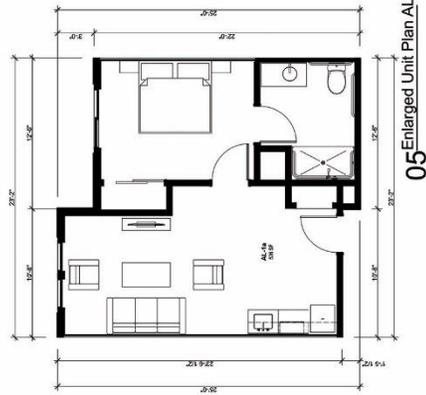
**PROPOSED PROJECT
PHG 17-0025**

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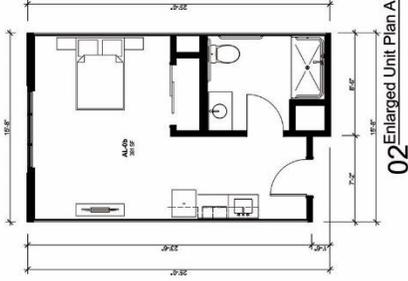
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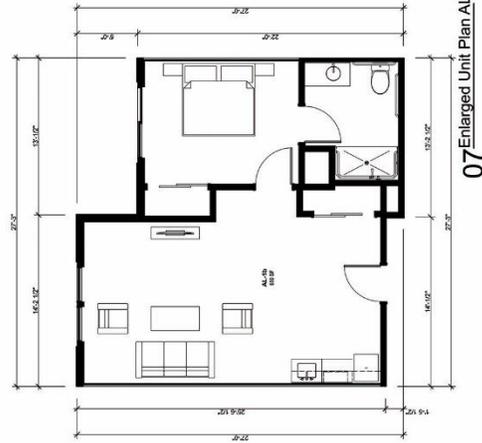
08 Enlarged Unit Plan AL-1c



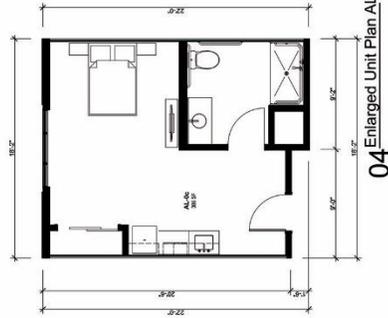
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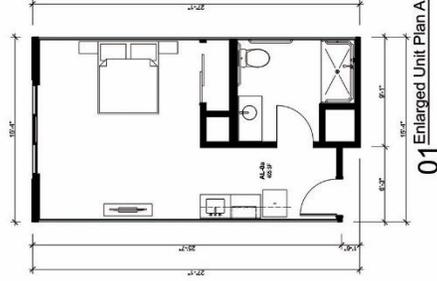
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07 Enlarged Unit Plan AL-1b



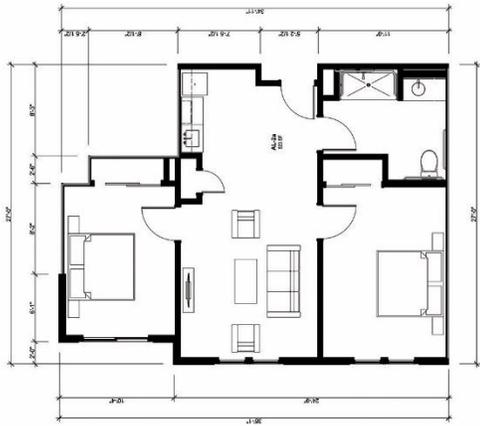
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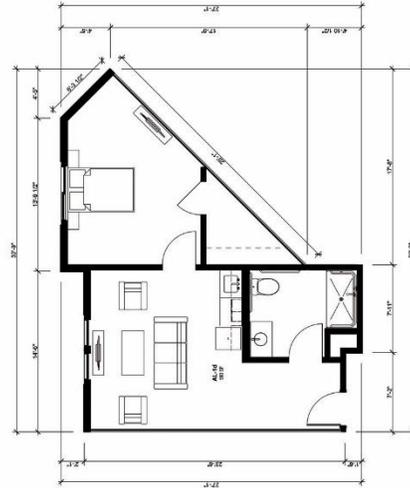
01 Enlarged Unit Plan AL-0a

**PROPOSED PROJECT
PHG 17-0025**

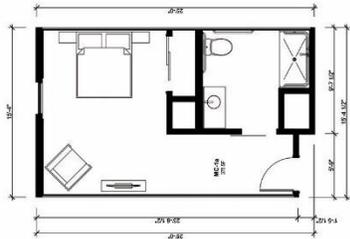
UP
UNIT PLANS



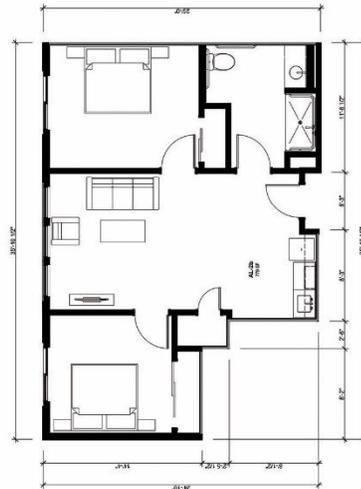
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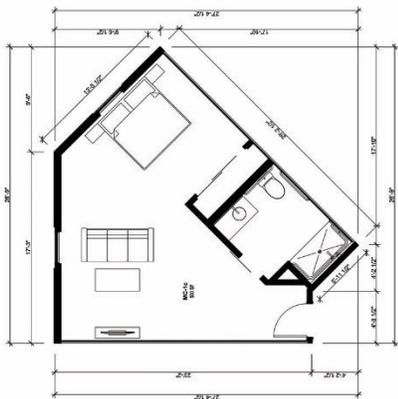
01 Enlarged Unit Plan AL-1d



05 Enlarged Unit Plan MC-1a



04 Enlarged Unit Plan AL-2b



08 Enlarged Unit Plan MC-1c



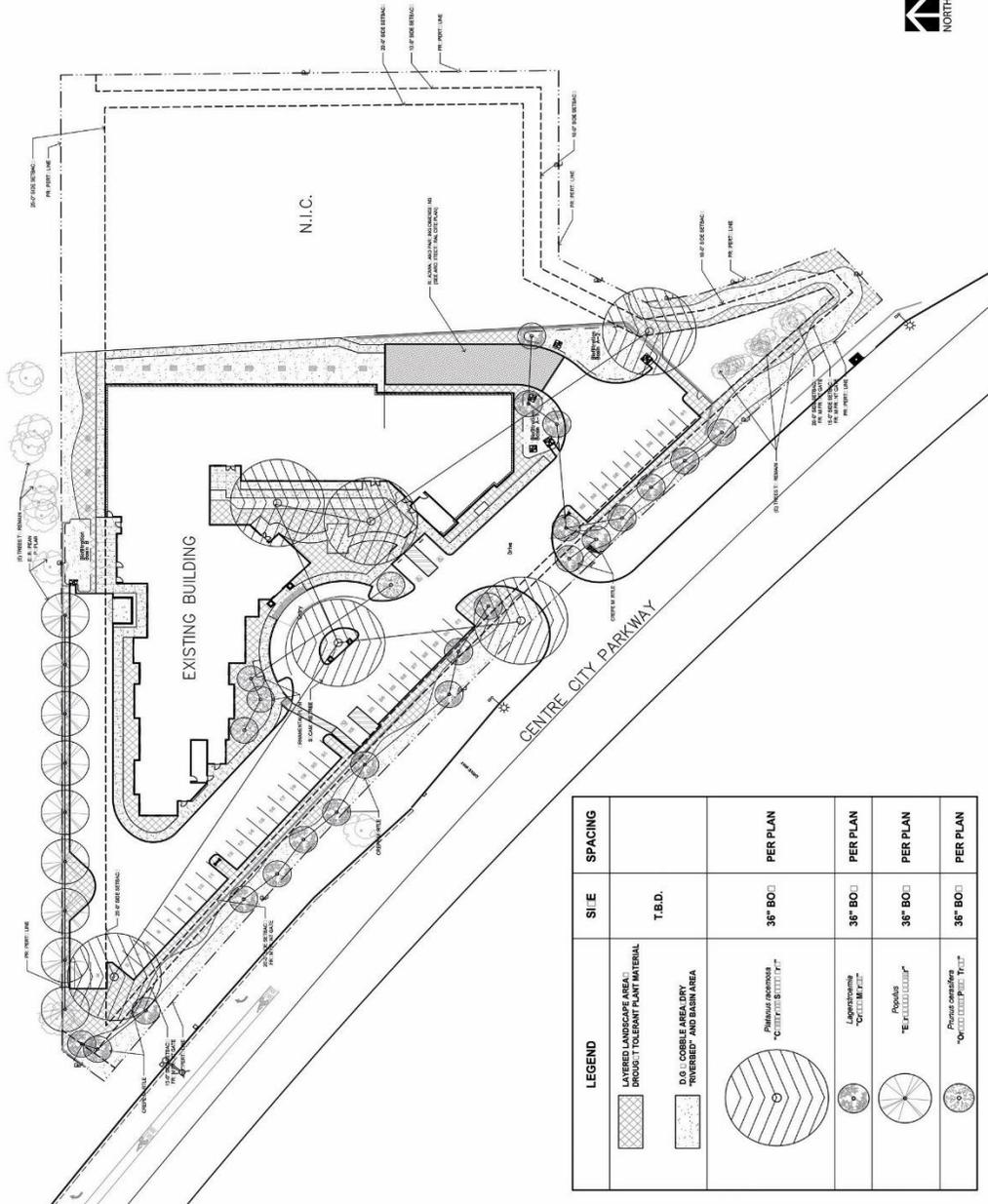
07 Enlarged Unit Plan MC-1b

**PROPOSED PROJECT
PHG 17-0025**



UNIT PLANS

PICTURE	NAME
	LANTANA
	KANGAROO PAW
	CEANOTUS
	ICEBERG ROSE
	GA ANNA MULTI-COLOR
	RIVER BED
	Platanus racemosa "GALLIUM FELT"
	Leguminosae "GALLIUM FELT"
	Populus "GALLIUM FELT"
	Prunus cerasifera "GALLIUM FELT"



LEGEND	SITE	SPACING
LAYERED LANDSCAPE AREA, DROUGHT TOLERANT PLANT MATERIAL	T.B.D.	
0.5' - 0.65' ASBESTOS 'TOWERBED' AND BASIN AREA		
Platanus racemosa "GALLIUM FELT"	36" BO	PER PLAN
Leguminosae "GALLIUM FELT"	36" BO	PER PLAN
Populus "GALLIUM FELT"	36" BO	PER PLAN
Prunus cerasifera "GALLIUM FELT"	36" BO	PER PLAN

**PROPOSED PROJECT
PHG 17-0025**



LANDSCAPE PLAN

EXHIBIT “C”
Findings of Fact
Extension of Time
PHG17-0025

Environmental Determination(s)

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. A Final Initial Study/Mitigated Negative Declaration (“IS/MND”) was adopted for the project in accordance with the California Environmental Quality Act (“CEQA”) and a Notice of Determination posted with the County Clerk.

Conditional Use Permit and Grading Exemption Determination(s)

1. The Zoning Administrator finds that the extension of time request is reasonable, was filed within the time periods specified, and meets all requisite findings for the requested extension of time on the Conditional Use Permit and associated Grading Exemption.
2. The proposed Conditional Use Permit authorizing a residential-care facility and Grading Exemption on the Project site is consistent with the applicable General Plan land use designation of Suburban, that conditionally allows the subject use(s). No changes in City policy have occurred that would conflict with the project. This request would extend the Conditional Use Permit and associated Grading Exemption to April 10, 2025.
3. All findings of fact associated with City Council Resolution No. 2019-48 that approved Case No. PHG17-0025 and the environmental determination, are incorporated herein as though fully set forth. The proposed project will comply with all the applicable regulations, conditions, and polices imposed by the Escondido Municipal and Zoning Codes.
4. The location and design of the proposed three-story residential-care facility would be consistent with the goals and policies of the Escondido General Plan related to providing housing opportunities for a wide range of special needs households, including the elderly and disabled. The General Plan supports the development of congregate-care type facilities through the Conditional Use Permit (CUP) process, and the development of older, adult-care facilities within residential land use designations. The proposed project would be in conformance with the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities; would not create excessive noise levels; and adequate services could be provided to the site. Extensive

grading is not necessary to accommodate the proposed facility. The use of taller retaining walls and slopes (and Grading Exemption) are necessary to support the pad area for the building and parking, required road improvements and to avoid impacts into the adjacent creek and flood plain. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, and adequate services could be provided to the site. The proposed project has been designed to avoid any potential impacts to sensitive habitat or species located on or off of the subject site.

3. The General Plan encourages compatible in-fill development and discourages the intrusion of uses which do not reflect the character of the existing neighborhood. The project would be compatible with the character of the existing neighborhood because the project site is located adjacent to and would take access from a major road, which would not disrupt the traffic pattern or disrupt the physical arrangement of the surrounding neighborhood. The project site also is adjacent to the Rincon del Diablo Municipal Water District corporate offices and maintenance yard to the north; Escondido High School agricultural operations, stadium and play fields to the east and south; and multi-story development to the west and northeast. A major commercial node also is located further south of the site at the intersection of El Norte Parkway and Centre City Parkway. The project design, building orientation, and conditions of approval would ensure compatibility with the variety of surrounding land uses, especially the single-family development to the north. Therefore, the project would not result in an adverse disruption to the established developments and circulation within the area, and would not be out of character with the surrounding development pattern.
4. Granting this Conditional Use Permit for the proposed residential care facility is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the proposed use would not create any adverse traffic or noise impacts to surrounding properties, as indicated in the staff report and environmental document prepared for the project. Outdoor lighting would be designed in accordance with the City's outdoor lighting requirements, which would minimize potential glare and spillover to adjacent properties. Appropriate setbacks and landscape buffer areas would be provided, especially from residential properties. Appropriate access, on-site circulation and parking would be provided.
5. This proposal is in response to services required by the community because residential-care facilities provide housing and services for the community and their specific client needs.
6. The proposed Conditional Use Permit has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and reasons stated above and detailed in the Planning Commission staff report dated March 12, 2019, City Council Report dated April 10, 2019 and Zoning Administrator Report dated April 6, 2023. The impacts of the proposed project will not adversely affect the policies of the General Plan or the provisions of the Municipal Code.

EXHIBIT "D"

PLANNING CASE NOS. PHG17-0025

CONDITIONS OF APPROVAL (Extension of Time)

This Project is conditionally approved as set forth on the Extension of Time application received by the City of Escondido on March 7, 2023, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on April 6, 2023, and shall not be altered without express authorization by the Development Service Department.

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

A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** This Extension of Time shall automatically expire after two years from the previous expiration date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code. This expiration date for the project is April 10, 2025.

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. 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.

- 13. 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.

14. 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.

15. 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.

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.

B. Construction, Maintenance, and Operation Obligations:

17. 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.

18. 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.

19. Utilities. All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.

20. 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.

- 21. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 22. Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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.
- 30. 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.

31. 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.

32. 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.

33. All new utilities shall be undergrounded.

C. Parking and Loading/Unloading.

1. A minimum of 41 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. Parking for clean air vehicles (CAV) shall be provided in accordance with the California Green Building Standard Code, 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 If the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined

in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

- b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of 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. Mechanical parking lot sweeping and other noise generating outdoor maintenance activities shall be restricted to daytime operational hours. The outdoor open space area identified for Memory Care shall incorporate appropriate noise attenuation walls/features based on a final noise study for the project to demonstrate compliance with the General Plan outdoor noise goals, to the satisfaction of the Director of Development Services.
2. As proposed, the buildings, architecture, color and materials, and the conceptual landscaping of the proposed development shall be in accordance with the staff report, exhibits, project Details of Request and conditions of approval, to the satisfaction of the Planning Division.
3. All roof mounted, ground-mounted or wall mounted mechanical equipment and devices must be screened from public views utilizing materials and colors that match the building in conformance with Zoning Code Section 33-1085, to the satisfaction of the Director of Community Development. The final building plans shall clearly indicate that all mechanical equipment and devices are properly screened. A cross section and roof plan shall be included (which details the location and height of all rooftop equipment) to demonstrate that the height of the roof element is sufficient to screen the mechanical equipment.
4. All retaining walls shall be constructed of decorative materials or incorporate a decorative finish, and matching cap. The existing retaining wall along the Reidy Creek drainage channel and

northern boundary of the project site shall be finished with a suitable material/color to blend in with the surrounding environment and to discourage graffiti. The final material and colors shall be indicated on the building and landscape plans. Any proposed chain-link fencing shall be black clad vinyl coated. The location and design of any walls and fencing shall be noted on the building plans and the final landscape plans.

5. No structures shall be constructed in the adjacent creek and habitat area without approval of the Director of Community Development and with the appropriate permits from the resource agencies, as may be required. Activities in the creek and sensitive habitat areas shall be limited to: general maintenance of vegetation and any storm water/drainage features (including invasive species, trimming of trees), removal of trash and debris, graffiti, etc.
6. All grading and grading exemptions shall be in substantial conformance with the concept grading design and detail of request. Grading exemptions may vary by up to one foot in height based on the final grading/previse grading plan, to the satisfaction of the City Engineer.
7. The facility shall obtain and maintain a proper license from the State of California for the operation of a residential-care facility.
8. The landscaping plan shall include specimen sized evergreen trees, to the satisfaction of the Planning Division. Root barriers shall be provided in accordance with the Landscape Ordinance.
9. The landscape design for the storm water basins shall be a visual amenity for the project to include an appropriate variety of plants and features.
10. The parking landscaping along Centre City Parkway shall be designed and installed in accordance with the Centre City Parkway landscape design guidelines. The parkway landscaping and irrigation, along with any off-site walls and slopes created by the project shall be permanently maintained by the facility.
11. The rear (eastern) portion of the site shall be landscaped with a combination of specimen-sized trees, shrubs and ground cover to provide an appropriate passive and active open space areas for the residents. This area also shall include amenities for the residents such as benches, gathering spaces and shade structures.
12. The northeastern area of the site shall include specimen sized tress and dense landscaping/shrubs to provide appropriate shielding and buffer area of the site to the adjacent residential property to the north. A solid wall/fence (up to six feet in height) shall be constructed along a portion of the northern property boundary to provide appropriate barrier between the site and trash enclosure area to the adjacent residential property to the north.
13. The approval of the Conditional Use Permit is granted subject to the approval of the Final IS/MND and is subject to all project features and mitigation measures contained therein. The Applicant shall implement, or cause the implementation of the Final IS/MND Mitigation Monitoring and Reporting Program (MMRP). The project shall be in compliance with all of the following mitigation measures:

Mitigation Measures

BIO-1:

Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 0.33 acres. Mitigation shall be provided by either (1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or (2) purchase of non-native grassland or equivalent habitat credits at an approved.

BIO-2:

No clearing, grubbing, grading, or other construction activities shall occur between February 15 and September 15, the raptor and migratory bird nesting season, unless a qualified biologist completes a pre-construction survey to determine if active nests are present or absent. If no active nests are present, then construction activities may proceed. If active raptor nests are present, no grading or removal of habitat shall take place within 300 feet of active nesting sites during the nesting/breeding season (February 15 through September 15).

The pre-construction survey must be conducted within 10 calendar days prior to the start of construction activities (including the removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City for review and approval prior to initiating any construction activities.

BIO-3

Vegetation clearing or brushing shall occur outside of the typical breeding season for raptors and migratory birds (February 15 to September 15). If this is not possible, then a qualified biologist shall conduct a survey for nesting birds no more than five calendar days prior to construction to determine the presence or absence of nests on the project site. The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. No construction activities shall occur within 300 feet of tree dwelling raptor nests, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (Leq) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) Leq, which will reduce the impact to below a level of significance.

BIO-4

During construction activities, the construction contractor shall ensure that the limits of grading are flagged or marked with silt fencing prior to grading to prevent indirect impacts to the adjacent Reidy Creek and sensitive riparian habitat. Prior to grading, a qualified biologist shall review the flagging and silt fencing and during grading the qualified biologist shall monitor the limits of clear and grub and grading activities. Monitoring shall be conducted on an as needed basis as determined by the qualified biologist.

BIO-5

If it is determined that the proposed project cannot avoid the jurisdictional features on the project site and would result in significant impacts to jurisdictional waters, regulatory permits will be required to be obtained prior to project construction. To comply with the state and federal regulations for impacts on jurisdictional wetland features/resources, the following permits will be required to be obtained, or verified that they are not required: USACE 401 Permit, RWQCB 404 Permit (in accordance with Section 404

and 401 of the Clean Water Act [CWA]), and a CDFW Streambed Alteration Agreement under Section 1600 of California Fish and Game Code (CFGF). Mitigation to offset the impacts to Waters of the U.S. and State will be implemented in accordance with these regulatory permit conditions.

CUL-1

If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. An on-site archaeological monitor or Principal Investigator, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained and afforded a reasonable amount of time to evaluate the significance of the find. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA/NEPA for managing unanticipated discoveries have been met.

CUL-2

In the event that evidence of human remains is discovered, construction activities within 50 feet of the discovery will be halted or diverted, and the requirements above will be implemented. Depending on the occurrence, a larger radius may be necessary and will be required at the discretion of the on-site archaeologist. In addition, the provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. When human remains are discovered, state law requires that the discovery be reported to the County Coroner (Section 7050.5 of the Health and Safety Code) and that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner notifies the Native American Heritage Commission, which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The MLD may not be the same person as the tribal monitor. The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains in situ, or in a secure location in close proximity to where they were found, where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).

NOI-1

Temporary Construction Barrier. In order to reduce the temporary noise impact from construction along the norther property boundary adjacent to residential development, a temporary noise barrier is required (as detailed in Figure 9b, page 24 of the acoustical assessment, dated October 9, 2018 revised). The barrier would be constructed out of min. 5/8-inch plywood with no gaps, that would span the length of the adjacent property boundary, and would have a minimum height of six feet above the project grade.

The barrier shall be installed prior to grading operations on the site. The barrier shall be installed prior to grading operations on the site.

NOI-2

Construction Notification. The construction contractor shall provide written notification to all residences located within 75 feet of the proposed construction activities at least three weeks prior to the start of construction activities, informing them of the estimated start date and duration of daytime vibration-generating construction activities. This notification shall include information about the potential for nuisance vibration. The City shall provide a phone number for the affected residences to call if they have concerns about construction-related vibration.

NOI-3

Vibration Best Management Practices. For construction activities within 75 feet of residences along the northern project boundary, the construction contractor shall implement the following measures during construction:

- a. Stationary sources, such as temporary generators, shall be located as far from nearby vibration-sensitive receptors as possible.
- b. Trucks shall be prohibited from idling along streets serving the construction site where vibration-sensitive receptors are located.
- c. Demolition, earthmoving, and ground-impacting operations shall be phased so as not to occur in the same time period.

TCUL-1

It is recommended the City of Escondido Planning Division ("City") enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a preexcavation agreement) with a tribe(s) that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources; and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains; funerary objects; cultural and religious landscapes; ceremonial items; traditional gathering areas; and cultural items located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

TCUL-2

Prior to issuance of a grading permit, the City shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008), and a Native American monitor(s) associated with a TCA Tribe(s) to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor(s). This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor(s) is associated with a TCA Tribe(s). The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

TCUL-3

The qualified archaeologist and a Native American monitor(s) shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

TCUL-4

During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist, or an archaeological monitor working under the direct supervisor of the qualified archaeologist, and the Native American monitor(s) shall be on site full-time. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, those fill materials shall be absent of any tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor(s), shall be responsible for determining the duration and frequency of monitoring.

TCUL-5

the event that previously unidentified cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor(s) shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

TCUL-6

If a cultural resource is discovered that may qualify as a historical, unique archaeological, and/or tribal cultural resource, the qualified archaeologist shall notify the City of said discovery, and shall conduct consultation with TCA tribe(s) to determine the most appropriate mitigation. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor(s), shall determine the significance of the discovered resource. Recommendations for the resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor(s) and be submitted to the City for review and approval.

TCUL-7

The avoidance and/or preservation of significant cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources must first be considered and evaluated as required by CEQA. Where any significant resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor(s), and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor(s), shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

TCUL-8

If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows:

- 1.) It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

OR

- 2.) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/ researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.

TCUL-9

Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor(s) shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

F. Specific Engineering Division Conditions:

GENERAL

1. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to grading plan approval.

2. The developer/applicant shall submit 3 copies of the final site plan revised to reflect the final Engineering Conditions of Approval to the Planning Division for approval and Certification. One copy of this approved Certified Site Plan must be included with the first submittal of final engineering plans to the Engineering Division.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be designed in compliance with the City of Escondido Design Standards and requirements of the City Engineer. Private driveway opening and drive aisles shall be designed in accordance with the requirements of the City Engineer, Fire Marshal, and City Planner.
2. The developer shall construct frontage public improvements on Centre City Parkway to City's Design Standards. Frontage improvements shall include extending the existing Iris Lane northbound trap right lane (63' from centerline) along the project frontage, constructing the deceleration lane (60' from centerline), and transitional improvements to join existing edge of pavement to the south per the City's CCP driveway opening criteria and to the satisfaction of the City Engineer.
3. The project driveway approach on Centre City Parkway shall be designed as a street intersection with curb returns, and triangular island, with a minimum throat width of twenty-six (26) feet, per the City's CCP driveway opening criteria and to the satisfaction of the City Engineer.
4. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
5. The developer shall be required to design an off-site and on-site signing and striping plan that includes signage and striping per the current California MUTCD for the bike lanes, right turn traps lanes, project entrance/exit left turn restrictions, and to the satisfaction of the Traffic Engineer. 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.
6. The developer may be responsible for an overlay of Centre City Parkway 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.
7. The developer shall be required to construct two LED street lights in accordance with Escondido Standard Drawing No. E-1-E on Centre City Parkway at the project entrance and at the southerly property line.
8. If site conditions change adjacent to the proposed development prior to completion of the project, the developer shall 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.
9. The developer shall be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to issuance of an Encroachment Permit for construction within the public right-of-way.

10. 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.

An engineered improvement plan is required for all public improvements (unless only sidewalks, driveways and/or streetlights are required). The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department prior to issuance of building permits. The project shall conform with the City of Escondido's Storm Water Management Requirements. Both Construction BMPs and Permanent Treatment BMPs shall be provided for the project.
2. A site landscaping and irrigation plan shall be submitted with the first submittal of the grading plan to the Engineering Division.
3. The project owner will be responsible to implement best management practices to prevent storm water pollution in accordance with the approved Erosion Control Plan, CASQA guidelines and City of Escondido Municipal Code during all phases of project construction to the satisfaction of the City Engineer.
4. A Final Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual (BMP Manual) shall be prepared for all onsite improvements, newly created impervious frontage, and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations (if applicable), treatment calculations, post-construction storm water treatment measures and maintenance requirements.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance.
6. The owner or association shall be responsible for maintenance of Treatment BMPs in the public right-of-way intended for treatment of the Centre City Parkway frontage public improvements.
7. The project owner shall be responsible for design and construction of all permeable surfaces proposed for the project to the specifications of the version of the County of San Diego Green Streets manual approved by the County of San Diego 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. The 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 that complies with the City's Storm Water Design Manual in place at the time the grading permit is issued.

9. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
10. All retaining walls shall be reconstructed on private property and maintained by the owner. The proposed segmental and cmu retaining wall system shall include the following: Six (6) copies of the retaining wall calculations stamp and signed with expiration date from a licensed engineer. Wall details and retaining wall profiles shall be shown on the grading plans. Three (3) copies of the project soils report. Copy of the retaining wall system Design Manual.
11. The on-site trash enclosure shall drain toward the landscaped area and include a solid roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
12. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
13. 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.

*All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.*

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 and Storm Water Management Requirements.
2. All on-site storm drain run-off shall be directed toward an approved storm water treatment facility prior to discharging into the street or approved drainage course in accordance with the approved Storm Water Quality Management Plan.
3. Downspouts of the building 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.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection.

RECYCLED WATER

1. The developer may be required to enter into an agreement with Rincon Del Diablo Municipal Water District for the use of reclaimed water for irrigation of major common areas when recycled water is available.

SEWER

1. The existing public sewer main that currently located within the project site shall be field verified by the project engineer. The actual location of the sewer shall be shown on the site plan. The project plans shall keep the existing sewer line and easement free of any encroachment by the project improvements of propose relocation of the existing sewer to the satisfaction of the Utilities Engineer. Access to the existing or proposed sewer shall be provided to the satisfaction of the City Engineer. A public sewer main extension may be required to provide sewer service. Construction of the sewer main shall be in accordance with the Standards and specifications of the City Escondido.
2. The developer shall be required to replace the existing sewer pipeline within the proposed slope with C900 pipe. The developer shall provide an all-weather access road (suitable for use by maintenance vehicles) to all sewer mainlines and manholes within the easement.
3. The developer, through his engineer, shall verify the location of all public utility easements within this project and shall verify that public utilities are within these easements.
4. Sewer laterals shall be six (6) inch PVC minimum with a standard clean-out at the right-of-way and/or easement line per standard drawing S-2-E and at all angle points, and shall be designed and constructed per the current UPC. If the existing sewer lateral is less than 6 inches, then it shall be replaced with a minimum 6" sewer lateral in accordance with City Standards.
5. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

EASEMENTS AND DEDICATIONS

1. The developer shall grant the necessary public utilities, open space, and drainage easement over the section of Reidy Creek that is located within the project site to the satisfaction of the City Engineer.
2. Necessary public utility easements (for sewer) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.

Material necessary for processing a dedication or easement shall include: a current grant deed or title report, a legal description and plat of the dedication or easement signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final documents.

FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install new BMP's,

and stabilize and/or close-up a non-responsive of abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the property boundary or along fronting streets shall be relocated underground as required by the Utility Undergrounding Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

SURVEYING AND MONUMENTATION

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded.