



City of Escondido Zoning Administrator

MEETING AGENDA AND RECORD OF ACTIONS

201 North Broadway
City Hall – Parkview Conference Room

August 25, 2022

3:00 p.m.

A. Call to Order: _____

Zoning Administrator: _____

Staff Present: _____

Public Present: _____

B. Agenda items:

1. **EXTENSION OF TIME – CASE NO. PL 22-0303:**

A request for a one-year time extension for a previously approved Minor Conditional Use Permit (PHG 19-0079) for the operation of a daycare and preschool facility for up to 73 children (ages 18 months to six years old). The school will occupy two existing buildings in an existing 0.89-acre commercial center in the Escondido Boulevard District of the South Centre City Specific Plan. No changes to the project are proposed in conjunction with this extension.

Location: 1911 Sunset Drive.

Applicant: Leonardo Dale, MPA Architects, Inc., for Magic Montessori.

Planner: Jasmin Perunovich, Assistant Planner

DECISION OF THE ZONING ADMINISTRATOR:

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

2. **MINOR CONDITIONAL USE PERMIT – CASE NO. PL 22-0111**

A request for a Major Plot Plan for the construction of a 88,390 square foot tilt-up concrete industrial building, and a Grading Exemption for a 2:1 fill slope up to 21 feet high along the southeast portion of the site, on an 8.96-acre parcel. The subject property is located within Planning Area 8 of the Escondido Resource & Technology Center Specific Plan and has a General Plan land use designation of SPA 8 (Specific Planning Area 8).

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



City of Escondido Zoning Administrator

Location: 1970 Citracado Parkway, APNs (232-592-02-00, 232-592-03-00, 232-592-04-00, 232-592-05-00, 232-592-06-00 & 232-592-17-00) within the Escondido Research and Technology Center

Applicant: John Gerritsen, Mason & Associates, Inc.

Planner: Darren Parker, Associate Planner

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

3. TENTATIVE PARCEL MAP – PL 21-0508

A request for the approval of a Tentative Parcel Map and adoption of a Final Initial Study/Mitigated Negative Declaration for a 3-lot residential subdivision. Proposed lot sizes range from 29,157 square feet to 37,355 square feet (net lot area). The Project site is zoned RE-20 (Residential Estate, 20,000 square foot minimum lot size), and has a General Plan land use designation of Estate II.

Location: On the east and west side of Calle Catalina, south of Gamble Lane, APN 230-071-23-00

Applicant: Ron Holloway, BHA, Inc.

Planner: Jay Paul, Senior Planner

DECISION OF THE ZONING ADMINISTRATOR: _____

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

C. Adjournment: _____

I certify that these actions were taken at the Zoning Administrator meeting on August 25, 2022.

Zoning Administrator

Witness

ZONING ADMINISTRATOR

- CASE NUMBER:** PL22-0303
- APPLICANT:** Leonardo Dale, MPA Architects, Inc, for Magic Montessori
- PROJECT LOCATION:** 1911 Sunset Drive; APN (236-311-17-00)
- REQUEST:** A request for a one-year time extension for a previously approved Minor Conditional Use Permit (PHG19-0079) for the operation of a daycare and preschool facility for up to 73 children (ages 18 months to six years old). The school will occupy two existing buildings in an existing 0.89-acre commercial center in the Escondido Boulevard District of the South Centre City Specific Plan. No changes to the project are proposed in conjunction with this extension.
- STAFF RECOMMENDATION:** Approval of extension for one additional year
- GENERAL PLAN DESIGNATION:** SPA (Specific Plan Area #15)
- ZONING:** S-P (South Centre City Specific Plan, Escondido Boulevard District)

BACKGROUND/PROJECT DESCRIPTION:

A Minor Conditional Use Permit (“CUP”), PHG19-0079, for the operation of a preschool and daycare facility for up to 73 children, was reviewed and conditionally approved by the Zoning Administrator on May, 25, 2021, and became effective on June 7, 2021.

Pursuant to the Conditions of Approval, the Permit shall automatically expire after one year from the date of approval, or the expiration date of any extension granted in accordance with the Escondido Municipal and Zoning Codes. 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.

The CUP was set to expire on June 7, 2022. The applicant submitted building plans, B22-1250, to Building Division on April 12, 2022. However, the applicant was unable to secure a building permit before the project expiration.

The applicant filed a request for a one-year extension on June 2, 2022. Because the request was filed prior to the current expiration date, the expiration of the Minor CUP is stayed until a final decision is made regarding the extension request. Pursuant to Zoning Code Section 33-1319(7), the Zoning Administrator is the authorized decision-maker for reviewing and granting discretionary approvals related to time extensions.

ENVIRONMENTAL STATUS:

California Environmental Quality Act (“CEQA”) Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures), as described further in the Findings of Fact, attached as Exhibit “B” to Resolution No. 2021-03.

REASON FOR STAFF RECOMMENDATION:

Staff supports a one-year time extension because the project is consistent with the original CUP approval. No changes to the project are proposed in conjunction with this extension.

The previous Zoning Administrator staff report (dated May 25, 2021) and Zoning Administrator Resolution No. 2021-03 may be viewed at the following links:

https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/zoningadministrator/2021/5.25.21_ZAAgendaPacket.pdf

Respectfully submitted,

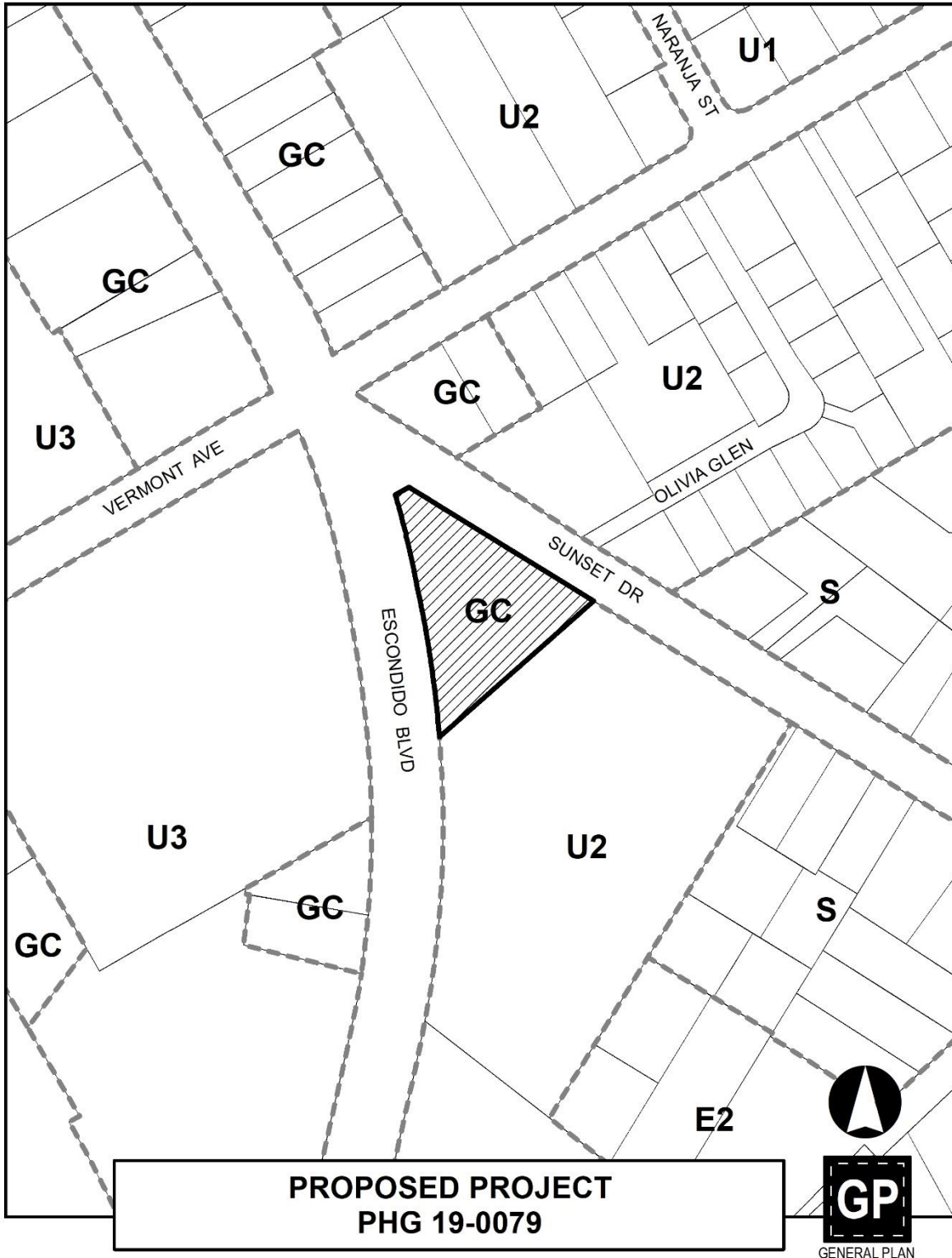
Jasmin Perunovich

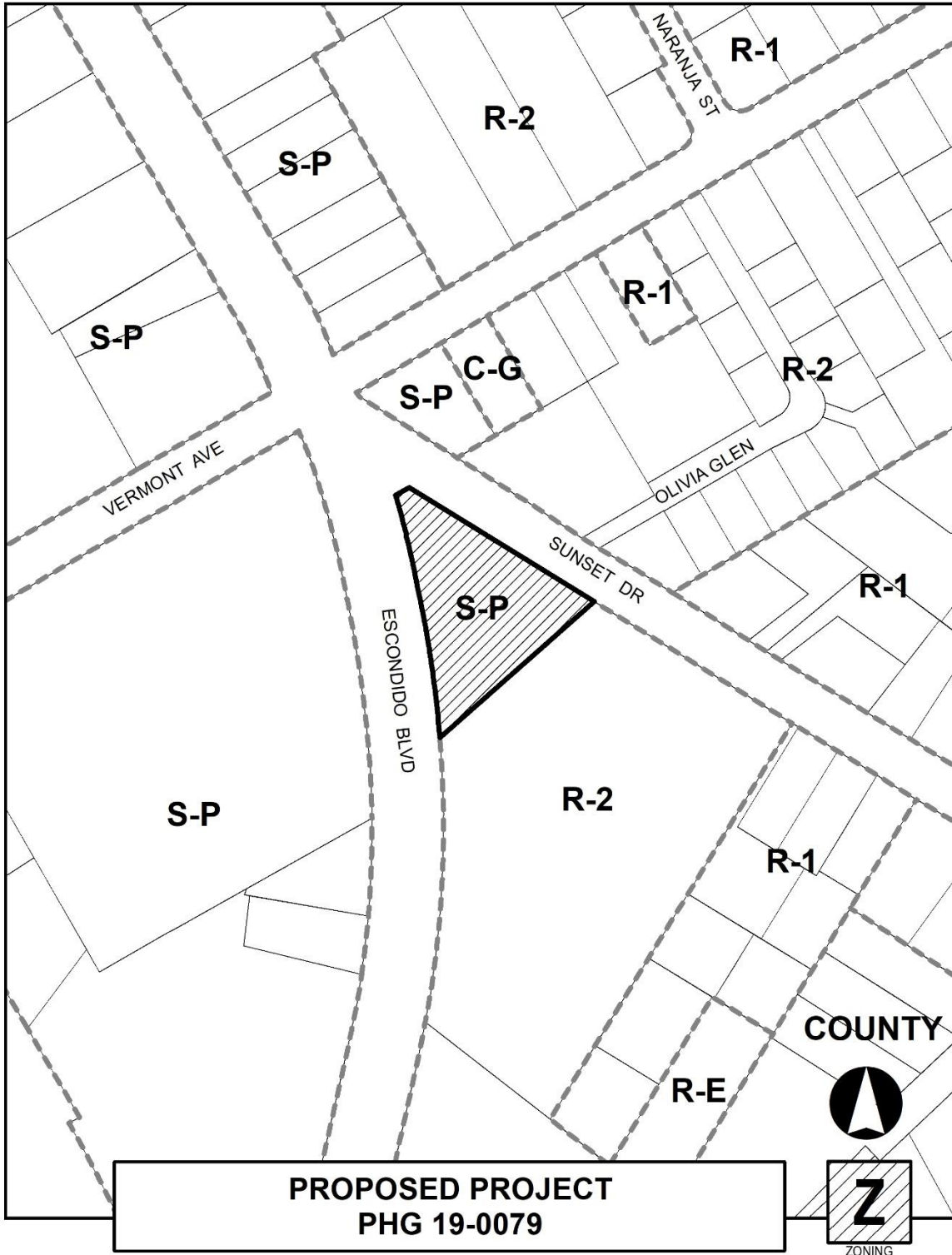
Jasmin Perunovich,
Assistant Planner

ATTACHMENTS:

1. Project Location, Zoning, and General Plan Maps
2. Draft Zoning Administrator Resolution No. 2022-06, Including Exhibits A, B, C and D

ATTACHMENT 1







**PROPOSED PROJECT
PHG 19-0079**



A

AERIAL



MEMORANDUM

DATE: May 24, 2021

TO: Zoning Administrator

FROM: Jasmin Perunovich, Assistant Planner I

SUBJECT: May 25, 2021, Zoning Administrator Public Hearing
Item B.2, PHG19-0079

Please note that the project description contained in the Zoning Administrator public hearing notices and in the staff report for tomorrow's public hearing incorrectly identified the age group of the children. The project will have up to 73 children, with an age group of Infants to six years old. The staff report erroneously states that the age group of the children is 18 months to six years old.

I can be reached at (760) 839-4552, or via email at jperunovich@escondido.org, if you have any questions.

ATTACHMENT 2

Zoning Administrator

Hearing Date: August 25, 2022

Effective Date: September 5, 2022

RESOLUTION NO. 2022-06

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MINOR CONDITIONAL USE PERMIT FOR THE OPERATION OF A PRESCHOOL AND DAYCARE FACILITY FOR UP TO 73 CHILDREN IN THE S-P ZONE.

APPLICANT: Leonardo Dale, MPA Architects, Inc, for Magic Montessori
CASE NO: PL22-0303

WHEREAS, the Zoning Administrator of the City of Escondido did, on August 25, 2022, hold a public meeting to consider a request for a one-year extension of time for a previously approved Minor Conditional Use Permit (PHG19-0079) for the operation of a daycare and preschool facility for up to 73 children (ages infants to 6 years old). The school will occupy two existing buildings (one measuring 1,830 square feet and the other 2,195 square feet) in an existing 0.89-acre commercial center in the Escondido Boulevard District of the South Centre City Specific Plan. Building façade and site modifications are proposed, which include a new 1,385 square foot fenced outdoor playground for the children, construction of a covered loading and unloading area in front of the building for student drop-off and pick-up, reconfiguration of the parking lot circulation and parking

space striping, and refurbishment of existing landscaping (“Project”). All persons desiring to speak did so; and

WHEREAS, the Project is located at a property addressed as 1911 Sunset Drive, more particularly described in Exhibit “A,” attached hereto and incorporated herein by reference; and

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public meeting, including, without limitation, written information, and the staff report dated August 25, 2022, which along with its attachments is incorporated herein by this reference; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was issued on May 26, 2021; and

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

WHEREAS, Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

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

1. That the above recitations are true and correct.
2. That the Zoning Administrator has reviewed and considered the previous Notice of Exemption prepared for the project and has determined that it is complete and

adequate, and there are no significant environmental effects which are cannot be mitigated.

3. That, considering the Findings of Fact attached to the staff report as Exhibit "B," the project plans attached as Exhibit "C," and applicable law, the Zoning Administrator hereby approves the requested one-year extension, subject to the Conditions of Approval attached as Exhibit "D."

4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 12 months of the date of this approval, unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Engineering Services Departments. The project also is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

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

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the
City of Escondido, California, at a regular meeting held on the 25th day of August, 2022.

Adam Finestone
Zoning Administrator,
City of Escondido

WITNESS

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

EXHIBIT "A"

PLANNING CASE NO. PL22-0303

LEGAL DESCRIPTION

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

ALL THAT PORTION OF LOT 3 IN BLOCK 254 IN THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 725 BY J. M. GRAHAM, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF SAID LOT 3 WITH THE EASTERLY BOUNDARY LINE OF STATE HIGHWAY RIGHT OF WAY ROUTE 77-B, WHICH POINT IS LOCATED SOUTH 58°45' EAST A DISTANCE OF 127.95 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 31 THENCE SOUTH 58° 45' EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 3, A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE SOUTH 58°45' EAST 303.31 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 47°02'30 WEST 275.34 FEET MORE OR LESS TO A POINT IN THE SAID EASTERLY BOUNDARY LINE OF SAID STATE HIGHWAY RIGHT OF WAY, SAID POINT BEING IN A CURVE THE CENTER OF WHICH BEARS SOUTH 84°18'34" WEST A DISTANCE OF 1550 FEET; THENCE NORTHERLY ALONG SAID CURVE TO A LINE WHICH BEARS SOUTH 59° 12'30" WEST PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 3 FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 59°12'30" EAST TO THE TRUE POINT OF BEGINNING.

APN: 236-311-17-00

EXHIBIT “B”

PLANNING CASE NO. PL22-0303

FINDINGS OF FACT

Environmental Determination:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures). The proposed Project meets all applicable conditions, as further described below:
 - a. Daycare and preschool uses are allowed uses within the Specific Planning 15 of the General Plan. The project also is in conformance with the applicable zoning standards of the Escondido Boulevard District of the South Centre City Specific Plan. The project involves a change in occupancy in two, existing, commercial buildings that are less than 10,000 square feet in floor area, from office uses to a daycare and preschool. The subject parcel is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive. The project thus adheres to the criteria of CEQA Guidelines section 15303(c).
 - b. The project includes refurbishment of existing landscaping with water efficient or fire-resistant landscaping consistent with the landscape standards of the South Centre City Specific Plan and Article 62 of the Escondido Zoning Code. The project would not result in the removal of any healthy, mature or scenic trees. The project thus adheres to the criteria of CEQA Guidelines section 15304(b).
 - c. The construction of the outdoor playground for the children and reconfiguration of the parking lot circulation are accessory for the new and existing commercial uses on site. The project thus adheres to the criteria of CEQA section 15311.

3. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the May 25, 2021, Zoning Administrator staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Conditional Use Permit:

1. A Conditional Use Permit should be granted upon sound principles of land use and in response to services required by the community.

Granting the Conditional Use Permit would provide a needed service to the community in the form of a daycare and preschool facility in close proximity to residential neighborhoods.

2. A Conditional Use Permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.

The Conditional Use Permit would not cause a deterioration of bordering land uses or create special problems for the area in which it is located because the daycare and preschool facility would be conducted within two existing buildings in a commercial center. The project site can reasonably accommodate the use because there is sufficient parking and adequate drop-off and pick-up area on site. The outdoor playground area is secured and surrounded by a 6'-high masonry block wall and 7'-high wrought-iron fence. A maximum of 18 children would be allowed on the playground at any time and all outdoor activities are subject to the Noise Ordinance.

The facility would not create adverse noise or traffic impacts. A Noise Impact Analysis Report and Traffic Analysis Report were prepared by consultants for the project which demonstrated that the Project met all of the City's applicable noise limits at all surrounding property lines and the Project would not have significant traffic impact on the surrounding streets and intersections.

3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.

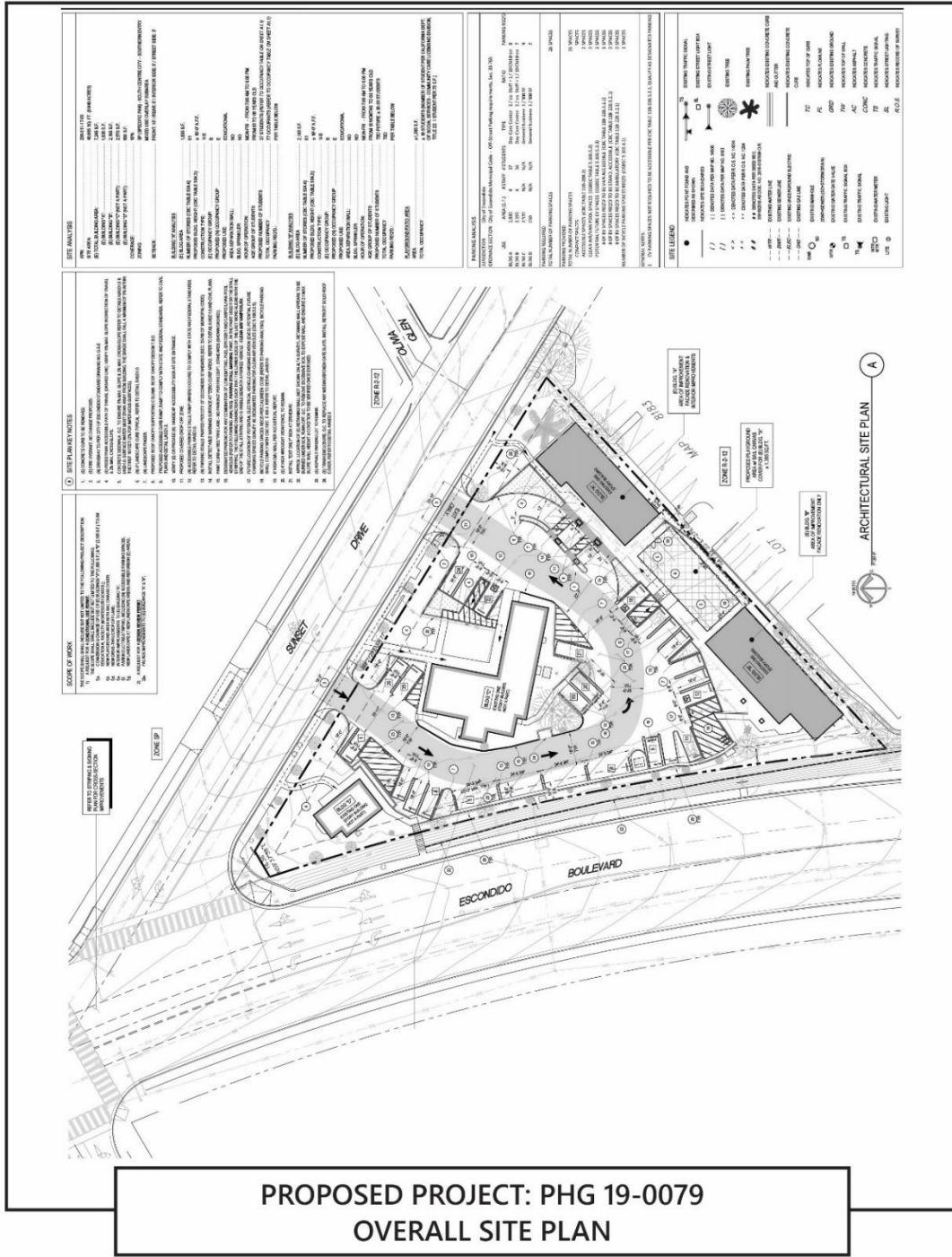
The proposed Conditional Use Permit has been considered in relationship to its effect on the community or neighborhood plan for the area in which it is located and it has

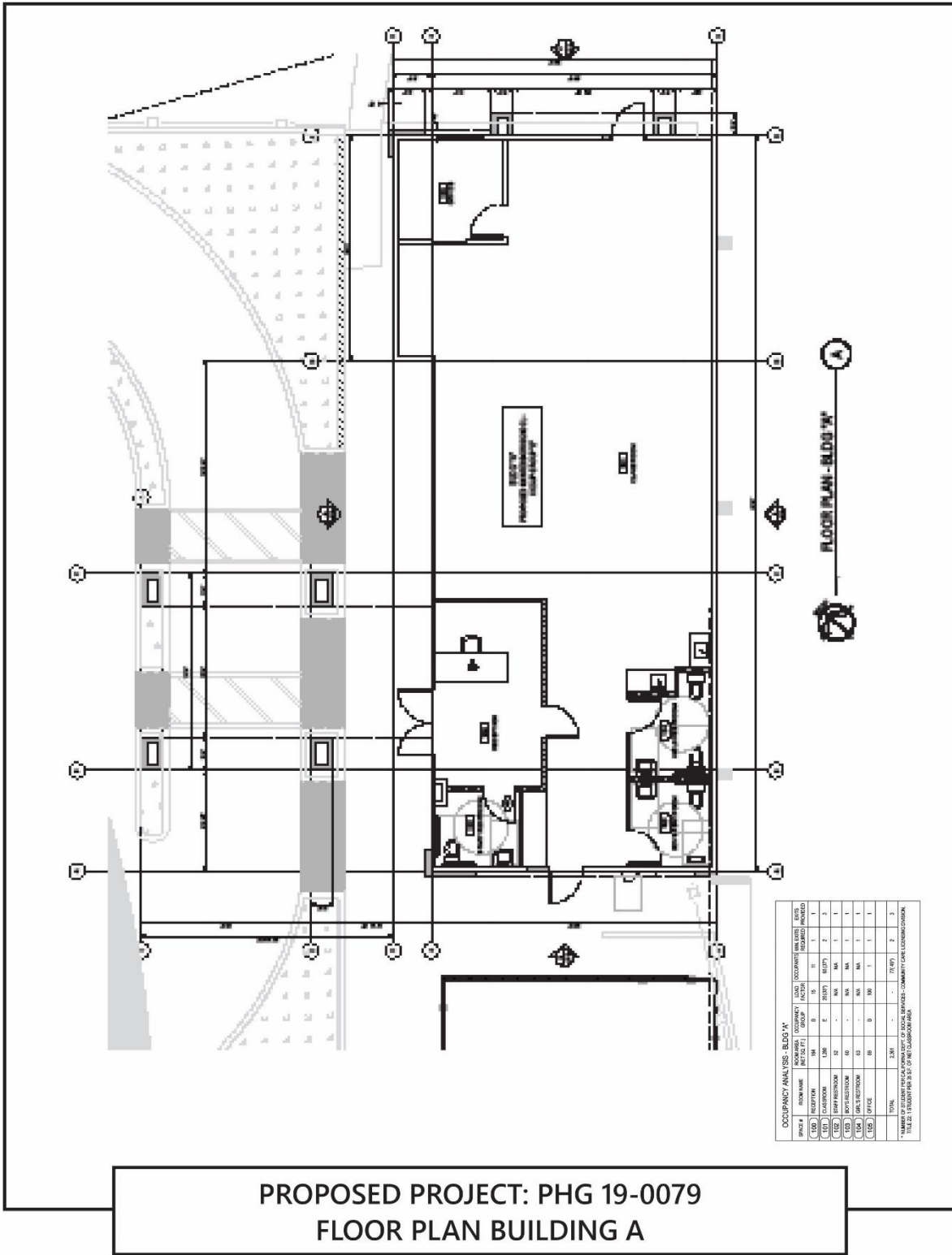
been determined to be compatible with the surrounding properties and General Plan policies. The South Centre City Specific Plan supports child care centers through the Conditional Use Permit process and the operations are regulated by the State of California Department of Social Services. The proposed project would not diminish the quality of life standards of the General Plan because the Project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided on site.

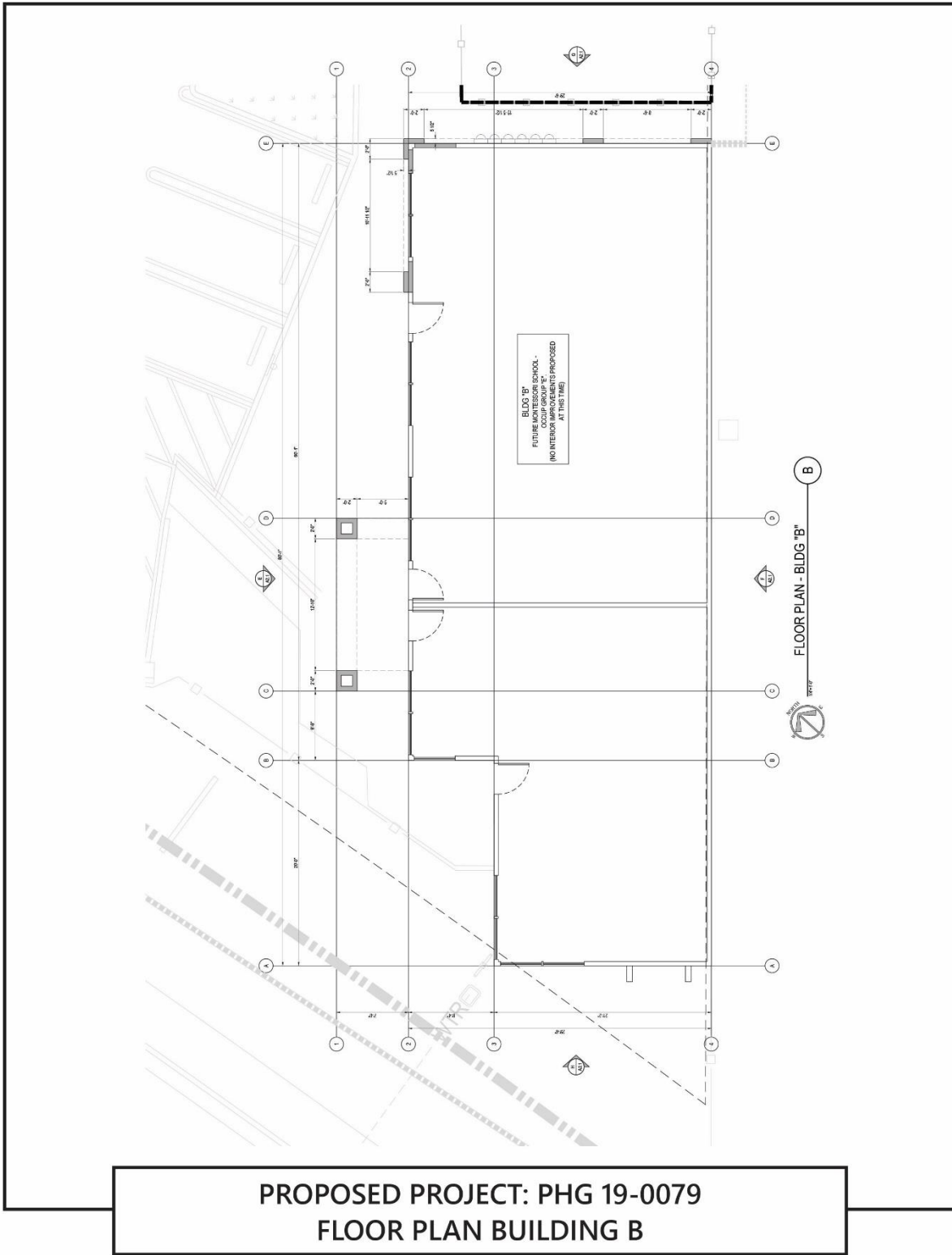
EXHIBIT "C"

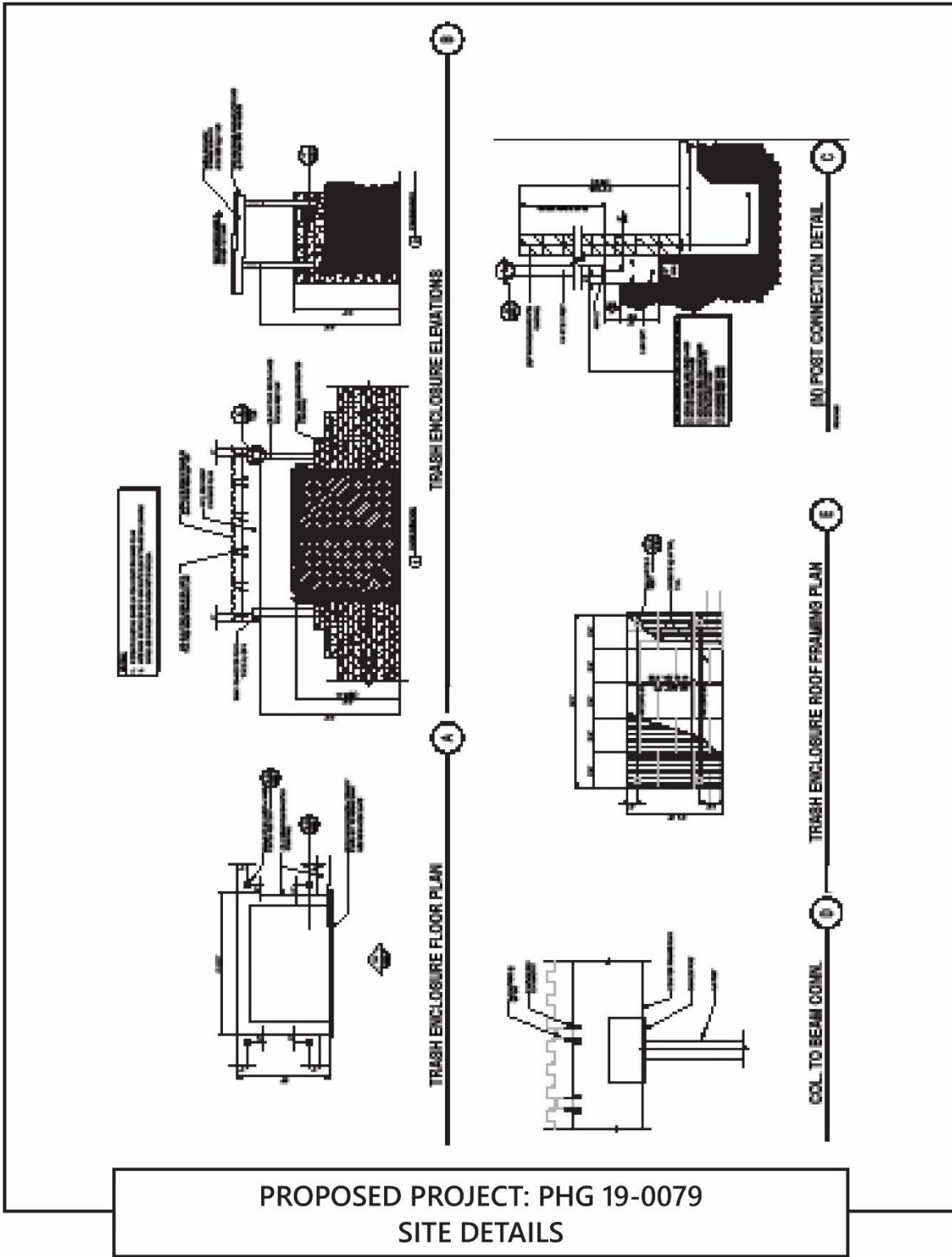
PLANNING CASE NO. PL22-0303

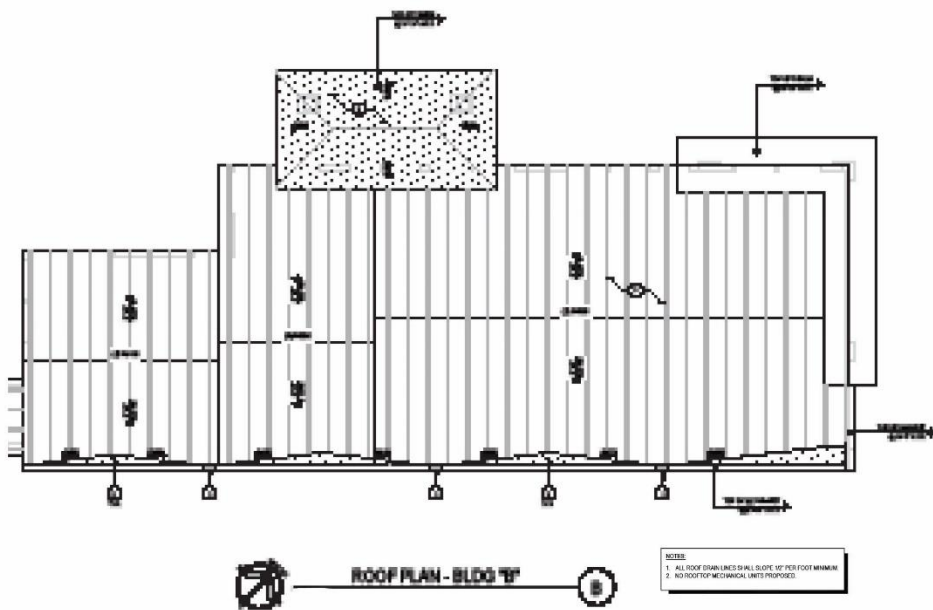
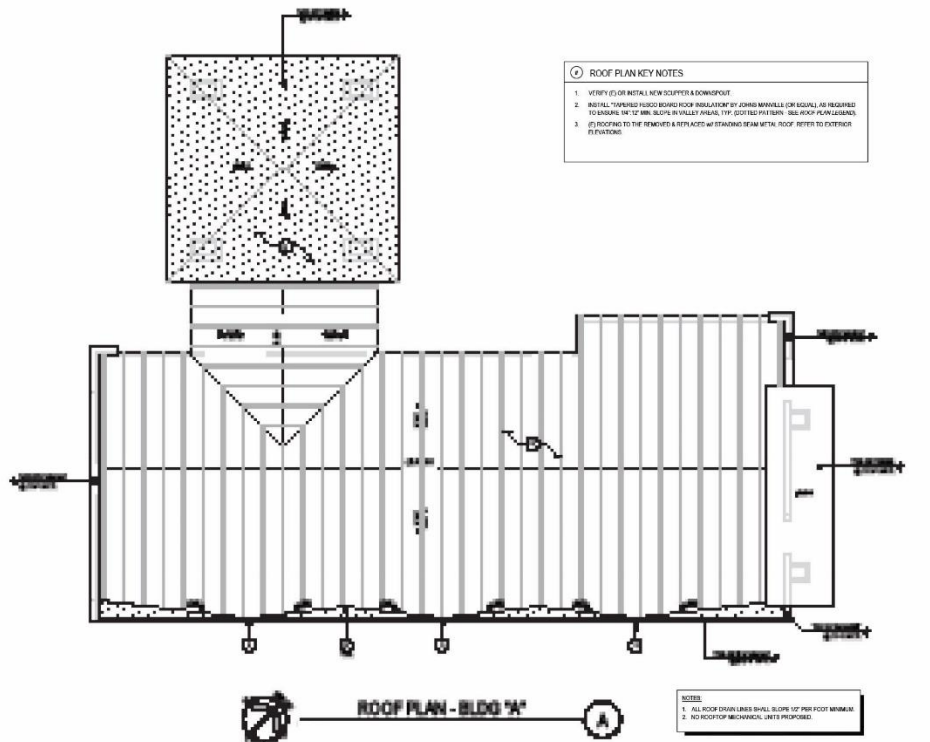
PROJECT EXHIBITS



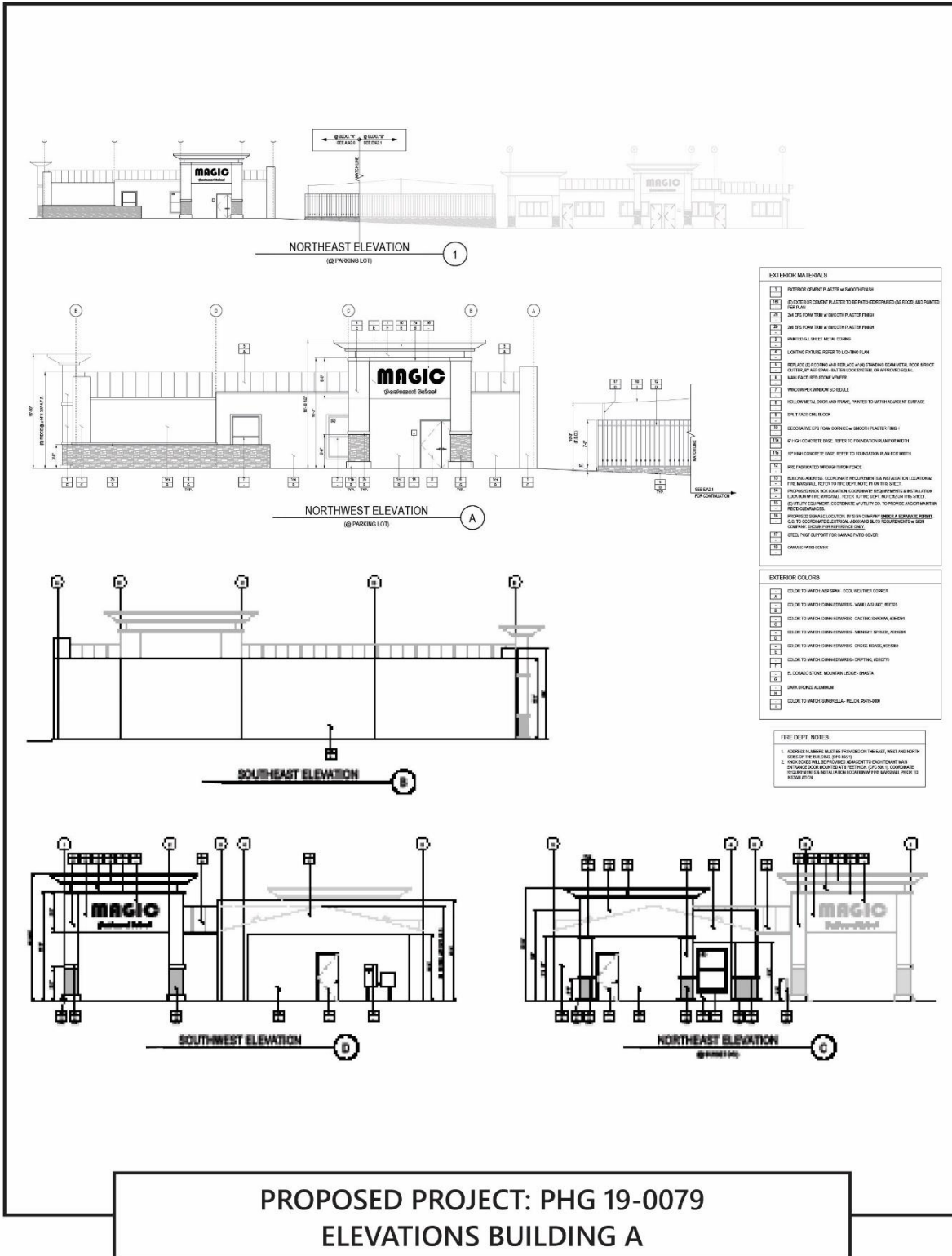


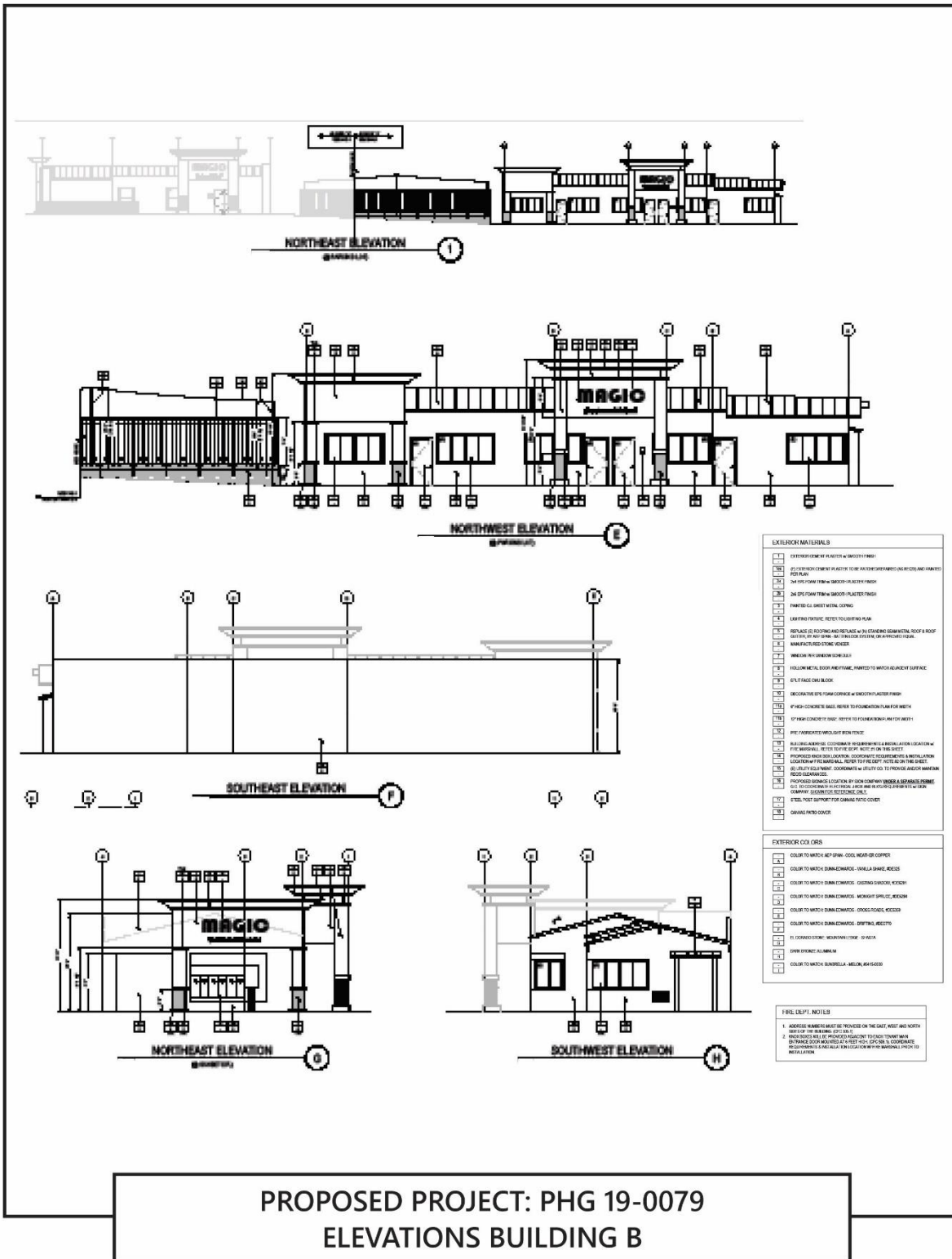






**PROPOSED PROJECT: PHG 19-0079
ROOF PLAN**





**PROPOSED PROJECT: PHG 19-0079
 ELEVATIONS BUILDING B**



NORTHWEST ELEVATION
(BLDG 'A')



NORTHWEST ELEVATION
(BLDG 'B')

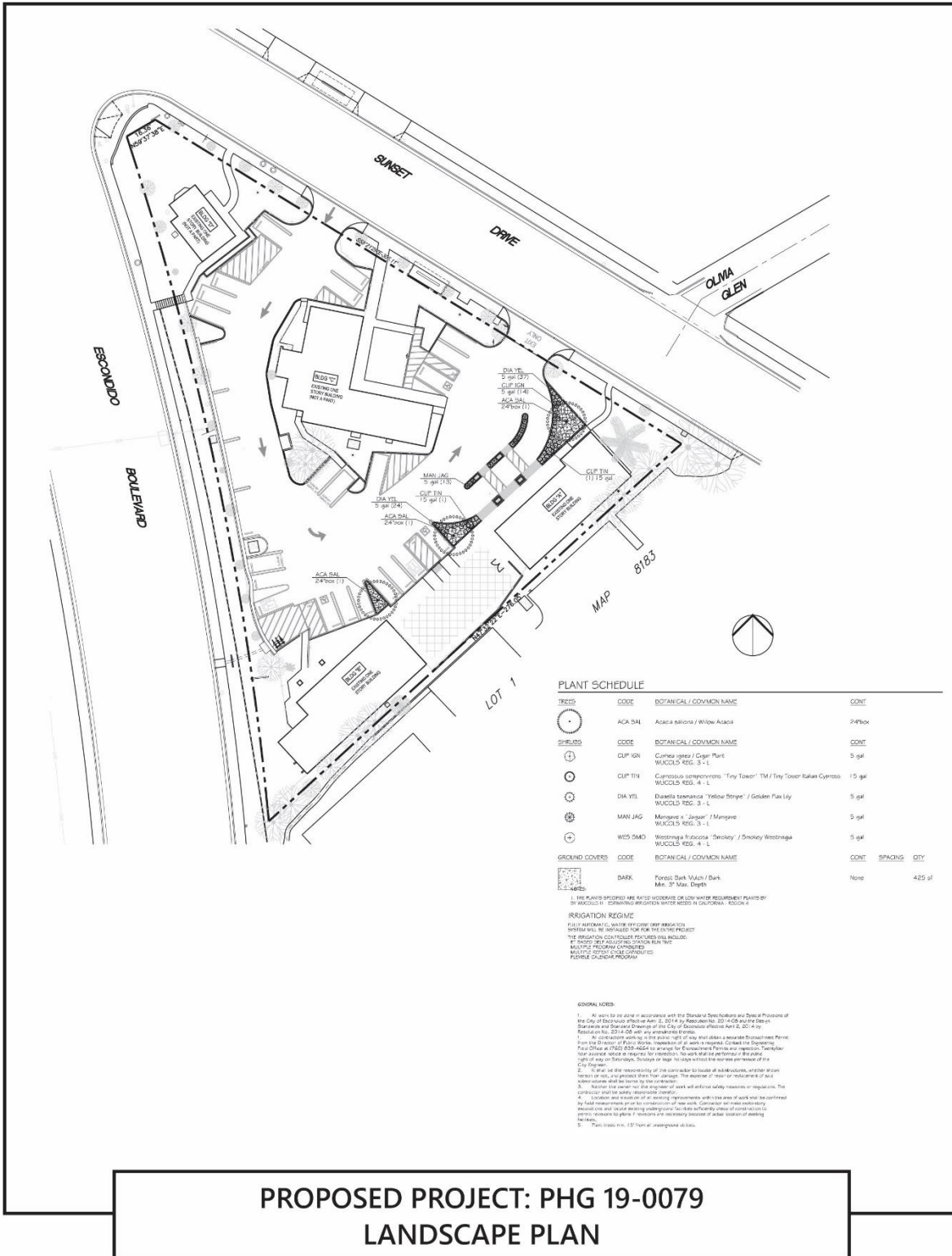


NORTHEAST ELEVATION
(BLDG 'A')



NORTHEAST ELEVATION
(BLDG 'B')

**PROPOSED PROJECT: PHG 19-0079
RENDERINGS**



**PROPOSED PROJECT: PHG 19-0079
 LANDSCAPE PLAN**

RECEIVED
MAY 26 2020
PLANNING DIVISION

PHG 19-0079

MAGIC MONTESSORI SCHOOL
1911 SUNSET DR.
ESCONDIDO, CA 92025



**PROPOSED PROJECT: PHG 19-0079
COLOR BOARD**

- A** STANDING SEAM METAL ROOF: AEP SPAN - COOL WEATHER COPPER
- B** STUCCO: VANILLA SHADE #DE325
- C** STUCCO: CASTING SHADOW #DE5261
- D** FENCE (NOT SHOWN): MIDNIGHT SPRUCE #DE5294
- E** STUCCO: DRIFTING #DE3770
- F** STUCCO: DRIFTING #DE3770
- G** EL DORADO STONE MOUNTAIN LEDGE - SHASTA
- H** WINDOW FRAME: DARK BRONZE ALUMINUM



STUCCO: CROSSROADS #DE5589



STUCCO: CASTING SHADOW #DE5261



EL DORADO STONE MOUNTAIN LEDGE - SHASTA



FENCE (NOT SHOWN): MIDNIGHT SPRUCE #DE5294



CANVAS PATIO COVER: SUNBRELLA, MELON #415-0000

EXHIBIT "D"

PLANNING CASE NO. PL22-0303

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on December 12, 2019, 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 **May 25, 2021**, and shall not be altered without express authorization by the Community Development Department.

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

A. General:

1. **Acceptance of Permit.** Should the Applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall automatically expire after one (1) year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

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

3. **Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as

necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval.

Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

- a. The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

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

6. Certificate of Occupancy.

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

7. Availability of Permit Conditions.

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

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

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

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

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

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

12. Clerk Recording

- a. **Exemption.** The environmental determination prepared for the Project is a categorical exemption. The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.
- b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

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

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

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

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

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

16. Indemnification, Hold Harmless, Duty to Defend.

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who

may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b. The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

- c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

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

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

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not

be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.

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

or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

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

C. Parking and Loading/Unloading.

1. The required minimum number of parking spaces shall be provided at all times. (Based on current development standards and land uses on-site, the project requires 26 spaces at this time.) 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. 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 Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan, or at a time and in a quantity as otherwise determined appropriate by Planning Division staff. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

- b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Community Development.
- e. 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 Community Development 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 Conditions:

1. The daycare and preschool facility may provide care for infants [AF1][JP2] and children up to six years old. The number of children within various age categories shall be determined based on the State license issued for the facility.
2. The maximum capacity for the daycare and preschool shall be 73 children.
3. Any request to increase the maximum allowable capacity will require a modification to the CUP.
4. The maximum number of children and staff in each building shall be subject to Building and Fire Codes, as approved by the Building Division and Fire Department.
5. The daycare center hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. Changes to the hours of operation must be approved, in writing, by the Director of Development Services.
6. A maximum of 18 children shall be allowed on the outdoor playground at any time.

7. All outdoor play or recreation activity shall be supervised at all times by adult employees to ensure that activities are confined to the areas identified on the plans attached as Exhibit "C" to Zoning Administrator Resolution No. 2021-03. Any noise complaints shall be immediately addressed by the supervising adult(s). Devices capable of emitting loud noises, such as whistles or small bullhorns, shall be used for safety purposes only and shall be subject to the City's noise ordinance.
8. The property owner shall be responsible for maintaining the fence, block wall and gates around the perimeter of the property.
9. The covered pick-up/drop-off area shall be clearly marked with painted curb and/or signage.
10. All pick-up/drop-off of children, deliveries, loading, and/or unloading shall occur on-site. No pick-up/drop-off of children, deliveries, loading, and/or unloading shall occur on public streets or rights-of-way.
11. Each parking space shall have a minimum dimension of 8 ½ feet wide by 18 feet deep, free and clear of any obstacles. All parking spaces shall be double-striped, with outside dimensions of 18 inches. The striping/markings shall be clearly outlined on the surface of the lot with paint or other easily distinguishable material. Wheel stops shall be provided for all parking spaces which do not have concrete curbs, and shall be placed 24 inches from the front of each parking space.
12. A valid City of Escondido Business License shall be maintained at all times, and shall specify the maximum capacity of children served at the facility, as approved by this CUP and the Department of Social Services Community Care Licensing Division.
13. Appropriate license(s) from the Department of Social Services, Community Care Licensing Division, for the preschool and daycare facility shall be obtained and a copy provided to the Planning Division. The number of children authorized by the license shall not exceed that approved by this CUP.
14. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering, and Building Divisions have been completed.
15. Building plans, prepared by a licensed design professional, must be submitted for this project and must comply with the building and fire codes in effect at the time of building plan submittal.

16. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.

F. General Building Division Conditions: Building plans must be submitted for this project. These conditions are preliminary and a comprehensive plancheck will be completed prior to permit issuance. Additional technical code requirements may be identified and changes to the plans included as Exhibit "C" to Zoning Administrator Resolution No. 2022-06 may be required.

1. The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plancheck processing.
2. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24).
3. Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications.
4. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The International Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes).
5. Commercial and multi-residential construction must also contain details and notes to show compliance with State disabled accessibility mandates.

G. Engineering Services Department Conditions:

GENERAL

1. The applicant shall provide the City Engineer a current Title Report covering the subject property.
2. The location of all existing on-site and adjacent utilities and drainage facilities shall be determined by the applicant's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plan. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. 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.

4. Prior to Building Permit issuance, Planning and Engineering Divisions shall review and approve the Site Plan submitted to the Building Division with the building permit.
5. Prior to Building Permit issuance, an Encroachment Permit shall be obtained from Field Engineering for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections.
6. Prior to Building Permit issuance, the applicant shall obtain a Continuing Encroachment Permit for the ornamental landscape retaining wall located within the S. Escondido Boulevard right-of way. Contact the Engineering Field Office at 760 839-4664 to coordinate submittal of the Continuing Encroachment Permit. It shall be the responsibility of the property owner to adequately maintain the landscape retaining wall.

GRADING

1. A site grading and erosion control plan by a Registered Civil Engineer 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. Construction BMPs shall be provided for the project. The grading plan shall show proposed parking stalls and label drive-aisle widths. The Grading Plan shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Plan Review Checklist.
2. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of 18 feet. Alley-type driveways shall be shown on the Grading Plan.
3. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.
4. The trash enclosure area shall be constructed or modified to comply with storm water quality management requirement to the satisfaction of the City Engineer.

CASH SECURITY AND FEES

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

2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

H. Fire Department Conditions:

1. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
2. Appropriate fire access and ADA compliant paths of travel shall be maintained, as may be required by the Fire Department and Building Division.

ZONING ADMINISTRATOR

CASE NUMBER: PL 22-0111

APPLICANT: John Gerritsen (Masson & Associates), on behalf of RFA Pacifica Group

PROJECT LOCATION: 1970 Citracado Parkway (Assessor's Parcel Numbers: 232-592-02-00, 232-592-03-00, 232-592-04-00, 232-592-05-00, 232-592-06-00, & 232-592-17-00)

REQUEST: A request for a Major Plot Plan and Grading Exemption for the construction of an 88,390 square foot tilt-up concrete industrial building with a 2:1 fill slope up to 21 feet high along the southeast portion of an 8.96-acre parcel in Planning Area 8 of the Escondido Resource & Technology Center.

STAFF RECOMMENDATION: Approve, subject to conditions

GENERAL PLAN DESIGNATION: SPA 8 (Specific Plan Area 8)

ZONING: S-P (Specific Plan)

BACKGROUND/PROJECT DESCRIPTION:

The Escondido Research and Technology Center ("ERTC") Specific Plan, formally known as the Quail Hills Specific Plan, was adopted by the Escondido City Council in the 1980s. The ERTC Specific Plan encompasses a total of approximately 186-acres divided into eight planning areas. The ERTC Specific Plan was originally envisioned to be developed as a comprehensively planned business park with a variety of light industrial uses, designed as an open campus amongst the individual lots and planning areas, with visual and aesthetic coherence throughout the project. The specific plan has been amended several times over the years to include a power plant (SDG&E), regional hospital and medical complex (Palomar/Pomerado Health), and large brewery and restaurant (Stone Brewery), with design criteria for each project and associated Specific Planning Area. The Specific Plan is currently designed to accommodate flexibility of uses in order to effectively respond to changing market and user demand for long-term viability.

The subject property is comprised of six parcels totaling 8.96-acres in size, and is developed as a temporary parking lot for Palomar Hospital. The lot is currently being used as by staff and

clients of the Palomar Health facility until construction of a parking structure to serve the facility is completed later this summer. Once the parking structure is completed, the temporary parking spaces will no longer be necessary.

The proposed Plot Plan and Grading Exemption would combine the six parcels to create a building pad for an 88,390 square foot industrial building, surface parking, on-site circulation, and associated site improvements. The proposed Grading Exemption includes a 2:1 fill slope up to 21 feet high within 38 feet of the eastern property line near the southern portion of the site. Articles 55 and 61 of the Escondido Zoning Code fill slopes greater than 10 feet in height and within 50 feet of a property line require approval by the Zoning Administrator.

ENVIRONMENTAL STATUS:

The project activity is consistent with the Environmental Impact Report (“EIR”; SCH No. 2000-1121065) prepared for the ERTC Specific Plan and certified by the City Council in November 2002. The proposed industrial building is categorically exempt from further review under the California Environmental Quality Act (“CEQA”), in conformance with CEQA Guidelines section 15162, “Use of Previous EIR.”

REASON FOR STAFF RECOMMENDATION:

1. Although a Grading Exemption is proposed for a fill slope up to approximately 21 feet in height, staff believes that the grading design would not result in any significant visual or compatibility impacts to adjacent properties based on the orientation of the slope and the topography of the area.
2. Appropriate landscaping would be provided to screen and soften visual effects of the manufactured slope as well as view from the surrounding properties.

Respectfully submitted,

Darren Parker

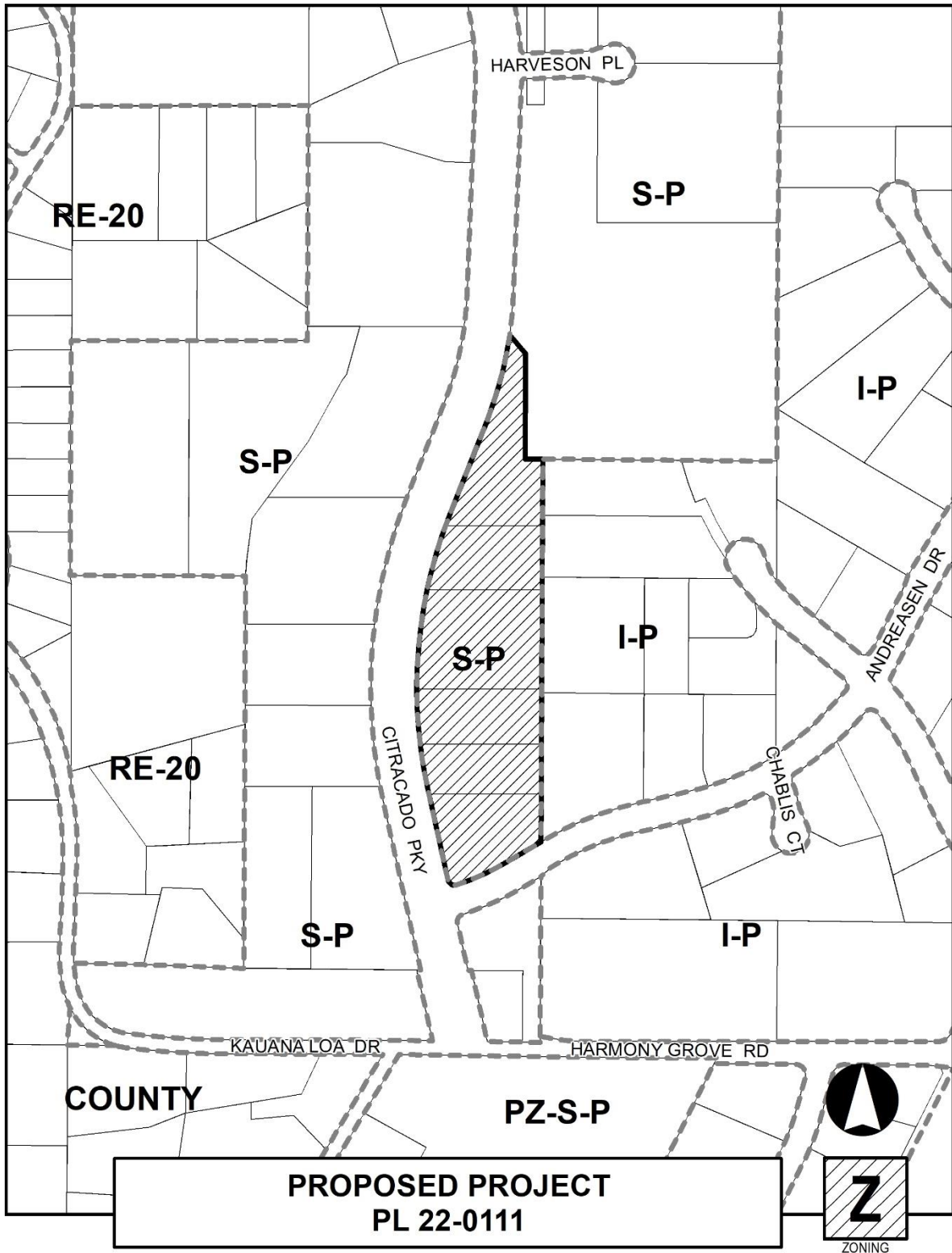
Darren Parker
Associate Planner

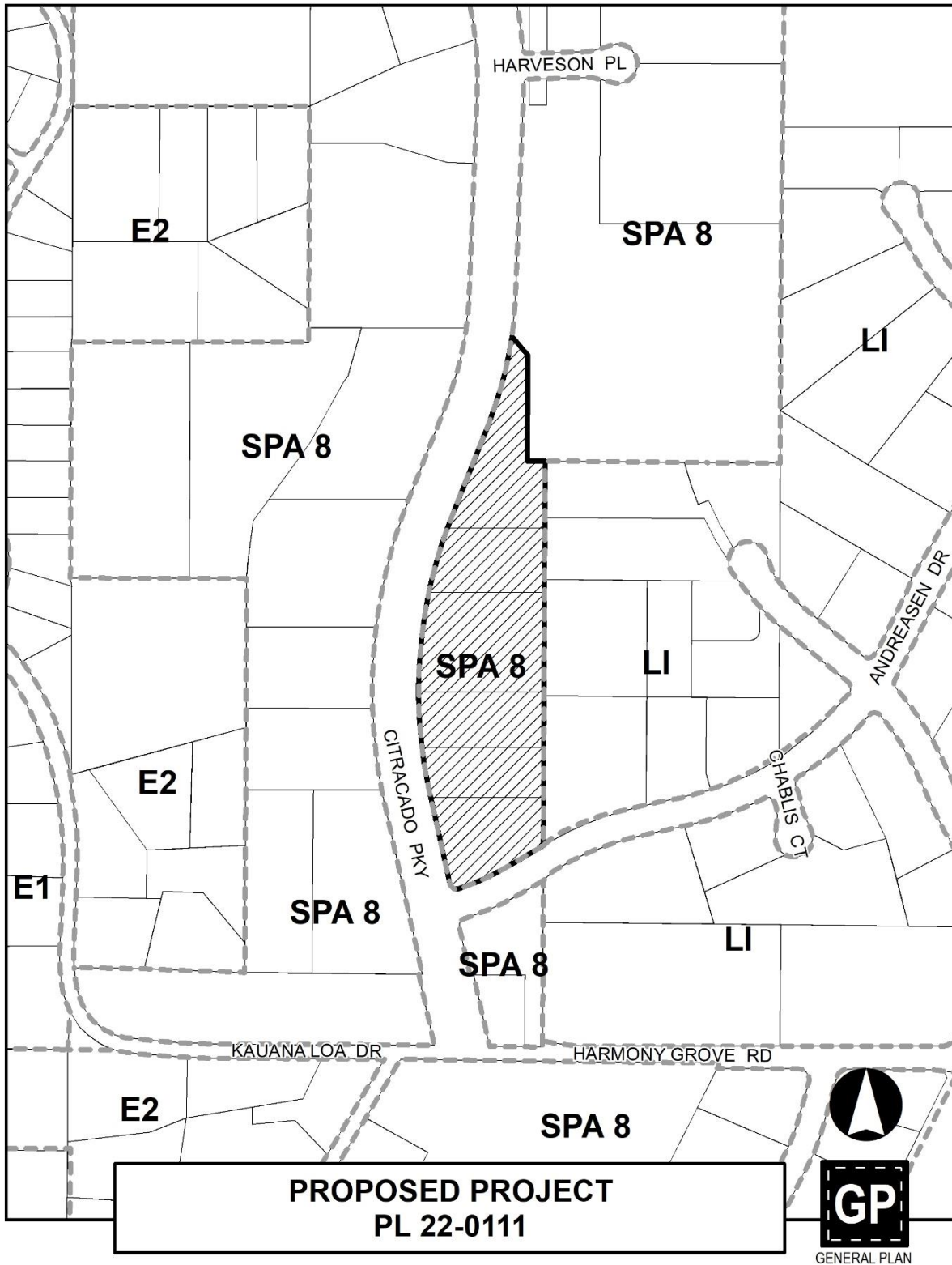
ATTACHMENTS:

1. Project Location, Zoning, and General Plan Land Use Maps
2. Zoning Administrator Resolution No. 2022-04, Including Exhibits A, B, C, and D
3. CEQA Notice of Determination

ATTACHMENT 1







ATTACHMENT 2

Zoning Administrator

Hearing Date: _____

Effective Date: _____

RESOLUTION NO. 2022-04

**A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MAJOR PLOT PLAN AND GRADING
EXEMPTION FOR THE CONSTRUCTION OF AN
88,390 SQUARE FOOT INDUSTRIAL BUILDING**

APPLICANT: John Gerritsen (Masson & Associates)

CASE NO: PL 22-0111

WHEREAS, the Zoning Administrator of the City of Escondido did, on August 25, 2022, hold a public hearing to consider a request for a Major Plot Plan for the construction of a 88,390 square foot concrete tilt-up industrial building, and a Grading Exemption for a 2:1 fill slope up to 21 feet high, on a 8.96-acre property addressed as 1970 Citracado Parkway, more particularly described in Exhibit "A," and all persons desiring to speak did so; and

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written information, and the staff report dated August 25, 2022, which along with its attachments is incorporated herein by this reference; and

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

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Determination was prepared in conformance with CEQA Guidelines sections 15162, "Use of Previous EIR." and

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

WHEREAS, Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

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

1. That the above recitations are true and correct.
2. That the project is exempt from further CEQA review pursuant to CEQA Guidelines section 15162, "Use of Previous EIR". The Zoning Administrator has reviewed and considered the Notice of Determination prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects which are cannot be mitigated.
3. That, considering the Findings of Fact attached to the staff report as Exhibit "B," and applicable law, the Zoning Administrator hereby approves said Plot Plan and Grading Exemption, subject to the Conditions of Approval attached as Exhibit "C," and as depicted on the project plans in Exhibit "D" and on file with the Planning Division.
4. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within two years of the date of this approval,

unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in Development Services Department. The project also is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

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

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the
City of Escondido, California, at a regular meeting held on the 25th day of August, 2022.

ADAM FINESTONE
Zoning Administrator,
City of Escondido

WITNESS

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

EXHIBIT "A"

LEGAL DESCRIPTION

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

PARCEL 1: 232-592-17

PARCEL D OF CITY OF ESCONDIDO ADJUSTMENT PLAT SUB11-0003, AS SHOWN ON CERTIFICATE OF COMPLIANCE SUB11-0011, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MAY 19, 2011 AS DOCUMENT NO. 2011-0259707 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 10 OF SAID MAP NO. 14983 LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT THE NORTHWEST CORNER OF LOT 40 OF SAID MAP NO. 14983; THENCE ALONG THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 40 NORTH 89°54'41" WEST 35.71 FEET TO THE WESTERLY LINE OF SAID LOT 10.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL D LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL D, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CITRACADO PARKWAY (130.00 FEET WIDE), SAID RIGHT-OF-WAY BEING A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1065.00 FEET TO WHICH A RADIAL LINE BEARS SOUTH 87°07'53" EAST TO SAID NORTHWEST CORNER; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 05°18'59" A DISTANCE OF 98.82 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND SAID CURVE SOUTH 40°15'54" EAST 68.91 FEET TO THE EASTERLY LINE OF SAID LOT 10.

PARCEL 2: 232-592-02, 03, 04, 05 & 06

LOTS 11 TO 15 INCLUSIVE OF ESCONDIDO TRACT NO. 834, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 14983](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 17, 2005.

EXHIBIT “B”

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000-et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The project has been determined to be consistent with the Environmental Impact Report (EIR) (SCH No. 2001121065) that was prepared for the adoption of the ERTC Specific Plan and certified by the Escondido City Council in November 2002, and the EIR addendum certified by the City Council in February 2006.
3. The Zoning Administrator, or their designee, has independently considered the full administrative record before it which includes, but is not limited to, materials and evidence submitted by the applicant and other interested parties, and input provided by other City departments and public agencies. No substantial evidence has been submitted that would support a finding that any above-described determination is not applicable to the Project. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Plot Plan Findings

The Zoning Administrator, or their designee, has reviewed the record, including applicable CEQA findings, and makes the following findings for a Plot Plan Permit:

1. The proposed Project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, the Escondido Research and Technology Center (“ERTC”) Specific Plan provisions, Specific Planning Area provisions, and Improvement Standards adopted by the City.
2. The Project site is zoned SP and is within Planning Area 8 of the ERTC Specific Plan. One goal of the ERTC is to encourage the creation of a first class business park through the concentration of business uses, which will be comprehensively planned to ensure community compatibility, adequacy of access, parking, landscaping and other features, which are characteristic of a quality development. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the surrounding area. The architecture, including the scale and quality of

the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signage, and similar elements, establishes a clear design concept and is compatible with nearby properties. In addition, the Project's design utilizes a variation of structural and non-structural elements to reduce the facility's overall scale and ensure that the development respects the architectural character established in adjacent development, and adds value with significant reinvestment on the subject property. Overall, the Project enhances the site's character and complements surrounding development.

3. As proposed, the Project utilizes a functional layout that adequately achieves the City's required parking, pedestrian access, landscaping, and lighting provisions. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features prescribed by Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
4. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry, the kind and quantity of individuals such use would generate.
5. The proposed use at the location requested will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; and will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties because it will not generate excessive noise, traffic, vibration, or other disturbance. Furthermore, the Project is subject to conditions of approval that will ensure consistency with all standard requirements.

Grading Exemption

1. Granting the Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. The proposed fill slope up to 21 feet high with inclination of 2:1 would not create a negative visual impact upon neighboring properties as over-viewing would not be created. The proposed fill slope would not block views from surrounding properties since there are limited existing view opportunities through the site. The slope would be fully landscaped in accordance with the City's Landscape Ordinance and the ERTC Specific Plan in order to screen it from view.
 - b. The proposed fill slopes would not intrude into or disturb the use of any adjacent property because they would not adversely block the primary view of any adjacent parcels, disturb any utilities or drainage facilities, obstruct circulation patterns or access, nor preclude the development of adjacent parcels.

- c. The proposed design of the fill slope would not adversely affect any adjoining septic systems since the slope is within a development that will be provided with sewer service, and no grading would occur on adjoining properties with septic systems.

**EXHIBIT “C”
PL21-0111
CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on February 3, 2022, 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 August 10, 2022, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term “Applicant” shall also include the Project proponent, owner, permittee, 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.** 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 within two years of this approval. 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. If revisions are deemed necessary, one copy of the final approved plan set along with one electronic set shall be

submitted to the Planning Division for certification. Said Plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

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

12. Clerk Recording.

- a. **Determination:** A Notice of Determination (Section 15168 (c)(2) was prepared for this project in accordance with the previous approved Final EIR (ER-2001-12) and the EIR addendum certified by the City Council for the ERTC development. There are no substantial changes to the proposed project that would require revisions to the previous environmental documentation and the proposed project is within the scope of the project covered by the EIR.
- b. The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Determination. In order to file the Notice of Determination with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant s remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Determination and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is consistent with the EIR prepared for the ERTC. Failure to submit the required fee within the specified time noted above will result in the Notice of Determination not being filed with the County Clerk, and a 180-day statute of limitations period will apply.
- c. For more information on filing fee, please refer to the County's Clerks Office and/or the California Code of regulations, Title 14, Section 753.5

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

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

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

by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

16. Indemnification, Hold Harmless, Duty to Defend.

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).
- b. The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental

determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

- c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent, such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

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

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of property. In addition to compliance with such

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

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code and the Escondido Research and Technology Center Specific Plan. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or Management Company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs,

lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.

8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
14. **Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described

in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

15. **Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.
16. **Phasing.** A phasing plan shall be submitted for all projects, which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

C. Parking and Loading/Unloading.

1. A minimum of 199 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. Up to 35% of the total parking spaces may be compact. Compact spaces must be a minimum width of eight and one-half feet, and a minimum length of 16 feet.
3. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
4. In accordance with the California Green Building Standard Code, sixteen parking spaces shall be designated for clean air vehicles (CAV), and shall be shown on the revised site plan to the satisfaction of the Planning and Building divisions.
5. 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.
6. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
7. Appropriate fire access and ADA compliant paths of travel shall be maintained, as may be required by the Fire Department and Building Division.

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.

- a. 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.
- b. 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.
- c. 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.
- d. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

- e. 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.
- f. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
 - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal 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.
- f. New trees planted along the eastern and southern boundary adjacent to the trail shall be a minimum of 24-inch box size in accordance with the ERTC Specific Plan.
- g. One 15-gallon tree shall be planted per every four parking spaces within the parking areas in accordance with Article 62 of the Escondido Zoning Code. Trees may be clustered or planted in a line, but need not be evenly spaced throughout the parking lot and shown on the revised landscape to the satisfaction of the Planning Division.
- h. Any landscaping that is damaged or destroyed as a result of this project shall be repaired and/or replaced, to the satisfaction of the Planning Division.
- i. Any trees removed as part of this project shall be replaced elsewhere on the project site, and shall be shown on the revised site plan.
- j. Appropriate screening landscaping shall be required around any transformers and shall be shown on the site plan and to the satisfaction of the Planning Division.
- k. Vines shall be grown onto all freestanding and retaining walls and fences, including trash and mechanical equipment enclosures, to soften their appearances, and shall be shown on the landscape plan to the satisfaction of the landscape plan.
- l. All dead landscaping on the eastern slope shall be removed, replaced, and shown on the revised landscape plans to the satisfaction of the Planning Division.

E. Specific Planning Division Conditions:

1. The project has been processed in conformance with the ERTC Specific Plan and all applicable regulations contained in the Escondido Zoning Code.
2. Mitigation Measure – Noise #4: Conduct noise monitoring during construction activity (1hr/day if within 200 feet of residences for that portion of grading of the northern end of the berm).
3. Mitigation Measure – Noise #5: After final building design and equipment selection, and prior to building permit issuance for each phase, submit a site specific acoustical

report to the Planning Division for verification that the noise from the rooftop and ground mounted equipment and operations of the facilities will not exceed City noise thresholds at the perimeter property lines, particularly along the western side of the project adjacent to the residences.

4. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering, and Building Divisions have been completed.
5. Building plans, prepared by a licensed design professional, must be submitted for this project and must comply with the building and fire codes in effect at the time of building plan submittal.
6. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
7. The screening of roof-mounted, ground-mounted, or wall-mounted mechanical equipment and devices is required in accordance with Section 33-1085 of the Escondido Zoning Code
8. All new lighting shall be arranged so as not to reflect upon adjoining property or streets. Exterior lighting shall conform to Article 35 of the Zoning Code and the Specific Plan lighting guidelines.
9. Outdoor lighting fixtures shall be shielded, be equipped with automatic timing devices and be limited to the amount of light necessary to illuminate the intended object or space.
10. The number of light poles shall be kept to a minimum by combining luminaries on a single-pole and shall utilize zero cutoff luminaries. The light pole shall not be visible from offsite residential areas, and in no event exceed a maximum of 50-feet in height.
11. Both the luminaire and pole shall have the same color baked enamel finish and shall be noted on the revised site plan and building plans.
12. A lot tie agreement tying the six underlying lots together (Lots 2-6 and 17) in a format approved by the City Attorney's Office shall be signed notarized and submitted to the Planning Department prior to issuance of final improvements. The lot tie agreement shall be recorded prior to building permit issuance.
13. Clearly show the location of the existing and reconfigured public trail easement on the revised site and landscape plans, to the satisfaction of the Planning and Engineering division.
14. Tree wells, shall have a minimum dimension of four by four feet square and shall contain one tree, 15 gallon in size and six feet in height.
15. Terminal islands shall be a minimum of five feet wide and shall contain at least one tree for each row of parking spaces for which the island terminal is serving. Finger

islands shall be a minimum of five feet wide and shall contain at a minimum of one tree, 15 gallon in size and six in height.

16. All retaining walls shall be of decorative material and shown on the revised plan to the satisfaction of the Planning Division.
17. The reconfiguration and additional easement area for the trail shall be dedicated as necessary by separate recorded document to ensure the location of the constructed trail is within a dedicated easement.
18. No outside storage is approved for this site.
19. The thirteen-foot high screen walls shall be of decorative material and painted/finished to match the building.

F. General Building Division Conditions

1. Building plans must be submitted for this project. These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.
2. The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The International Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). Commercial and Multi-residential construction must also contain details and notes to show compliance with State disabled accessibility mandates. These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance, additional technical code requirements may be identified, and changes to the originally submitted plans may be required.

G. Fire Department Conditions:

1. Fire Underground lines, Fire Sprinkler, and Fire Alarm plans shall be deferred submittal to Escondido Fire Department

GENERAL ENGINEERING CONDITIONS:

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed

project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.

3. Grading/Private Improvement plans prepared by Civil Engineer shall be required for all grading, drainage and private onsite improvement design and shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Grading Plan. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. No Building Permits shall be issued for any construction until the Grading plans are approved and the building pad is certified and either:
 - a) All conditions of the Plot Plan have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. Any public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

8. The Approved Plot Plan shall be submitted digitally as part of the first submittal for plan check to the Engineering Department.
9. For the existing trail and easement areas, additional easement area for the trail shall be dedicated as necessary by separate recorded document to ensure the location of the constructed trail is within a dedicated easement.
10. A lot tie agreement shall be recorded prior to grading permit issuance.

STREET IMPROVEMENTS AND TRAFFIC

1. All on-site driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Director of Development Services.
2. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
3. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
4. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
5. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards
6. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.

GRADING

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

developer shall be responsible for maintaining all erosion control facilities throughout the project.

3. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
6. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
7. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
8. *All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.*
9. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the private property owner.

3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted and approved as part of the grading plan check.
4. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H2O loading.
8. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to approval of grading plan, to the satisfaction of the City Engineer.

SEWER

1. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.

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

LANDSCAPE

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

EASEMENTS AND DEDICATIONS

1. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading Plan. The building permit will not be issued in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS AND FEES

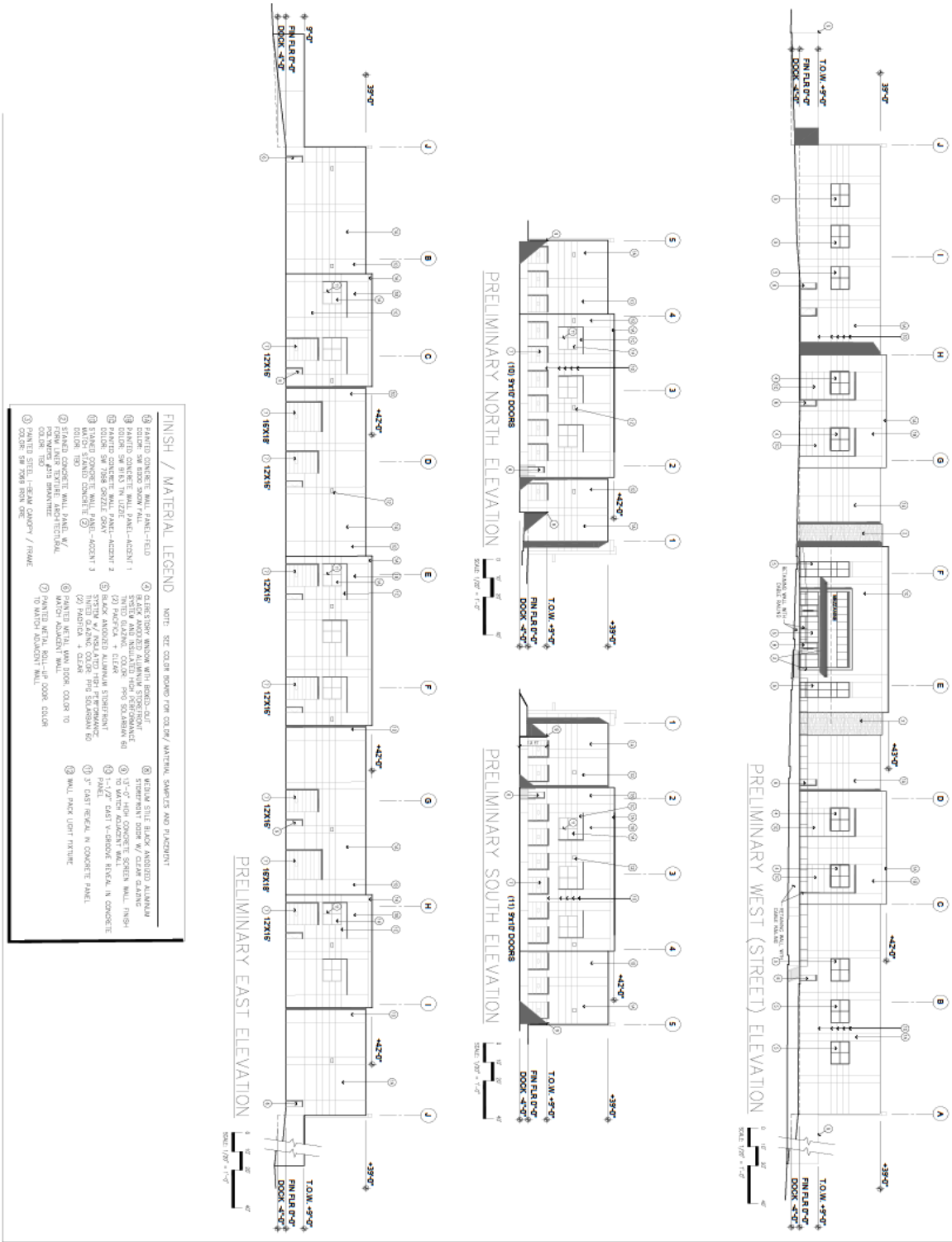
1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security

shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.

2. The developer shall be required to pay all development fees of the City in effect at the time, and in such amounts as may prevail when building permits are issued.

UTILITY UNDERGROUNDING AND RELOCATION

11. 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 and relocation as necessary. All new utilities shall be constructed underground



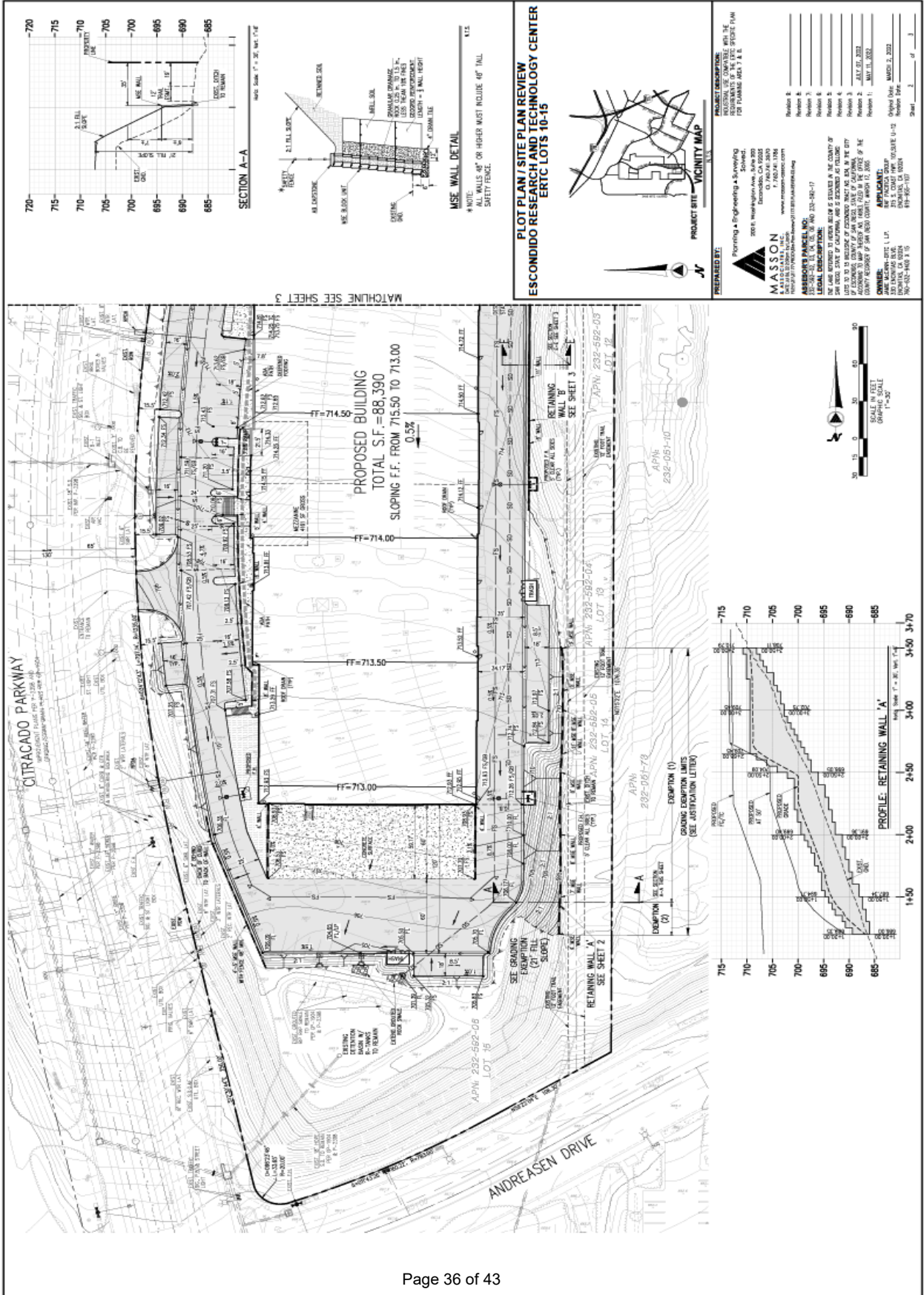
FINISH / MATERIAL LEGEND **NOTE:** SEE COLOR BOARD FOR COLOR / MATERIAL SAMPLES AND FINISHINGS

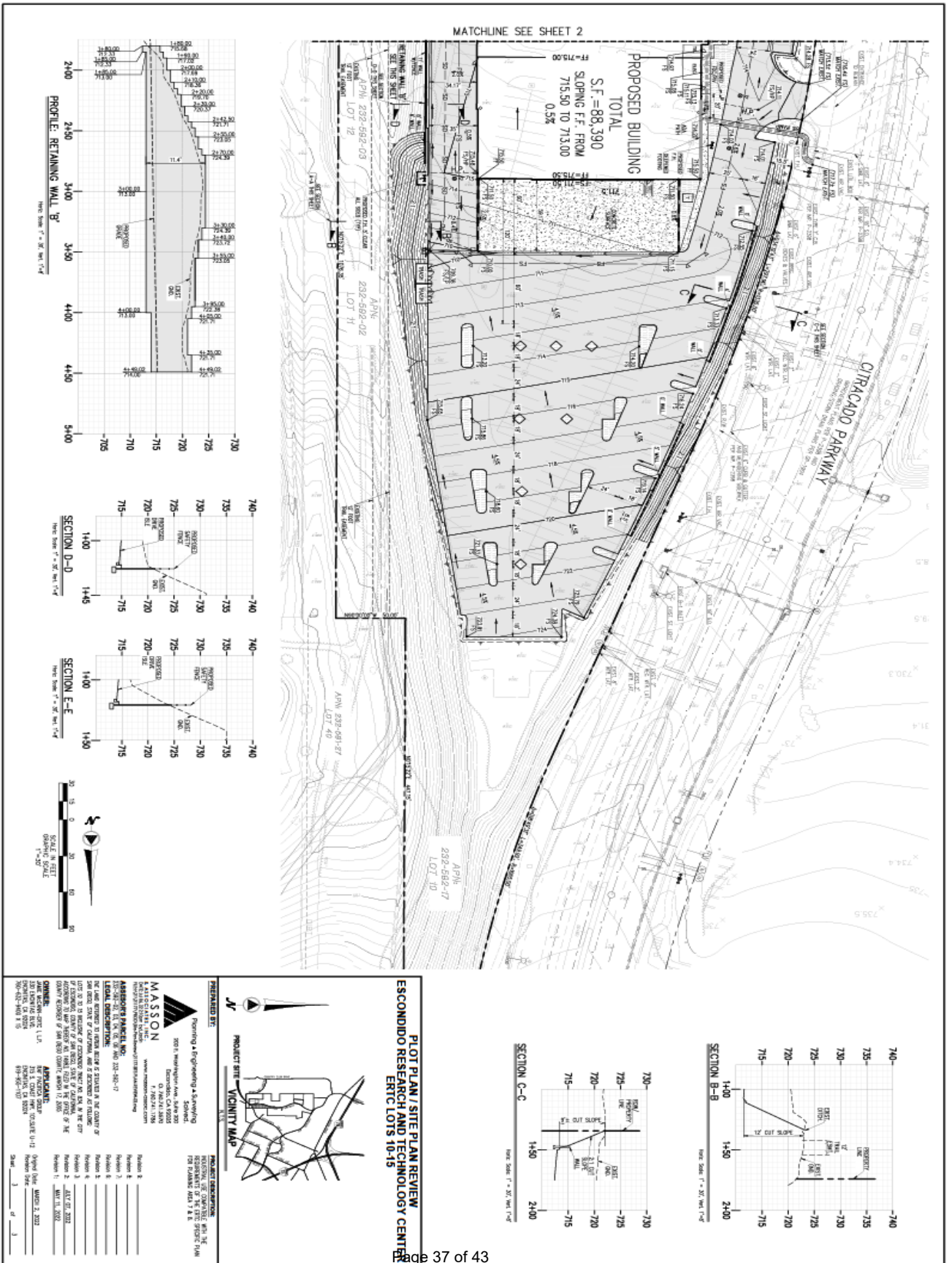
- ① PAINTED CONCRETE WALL PANEL-FIELD
- ② PAINTED CONCRETE WALL PANEL-ACCENT 1
- ③ PAINTED CONCRETE WALL PANEL-ACCENT 2
- ④ MATCH STAINED CONCRETE
- ⑤ STAINED CONCRETE WALL PANEL W/ STAIN LAYER TEXTURE ARCHITECTURAL COLOR PER
- ⑥ PAINTED STEEL I-BEAM CANOPY / FRAME COLOR PER FROM SIGN USE
- ⑦ CLEAR TYPIC WINDOW WITH BRND-OUT
- ⑧ BLACK ANODIZED ALUMINUM STATIONARY STRUTTING DOOR W/ CLEAR GLAZING
- ⑨ 1" OF HIGH CONCRETE SILLIA WALL FINISH
- ⑩ BLACK ANODIZED ALUMINUM STRUTTING PANEL
- ⑪ 3" CAST BEVEL IN CONCRETE PANEL
- ⑫ WALL PANEL LIGHT FINISH
- ⑬ VERTICAL SILL BLACK ANODIZED ALUMINUM
- ⑭ 1" OF HIGH CONCRETE SILLIA WALL FINISH
- ⑮ 1-1/2" CAST V-DROVE BEVEL IN CONCRETE
- ⑯ 3" CAST BEVEL IN CONCRETE PANEL
- ⑰ WALL PANEL LIGHT FINISH

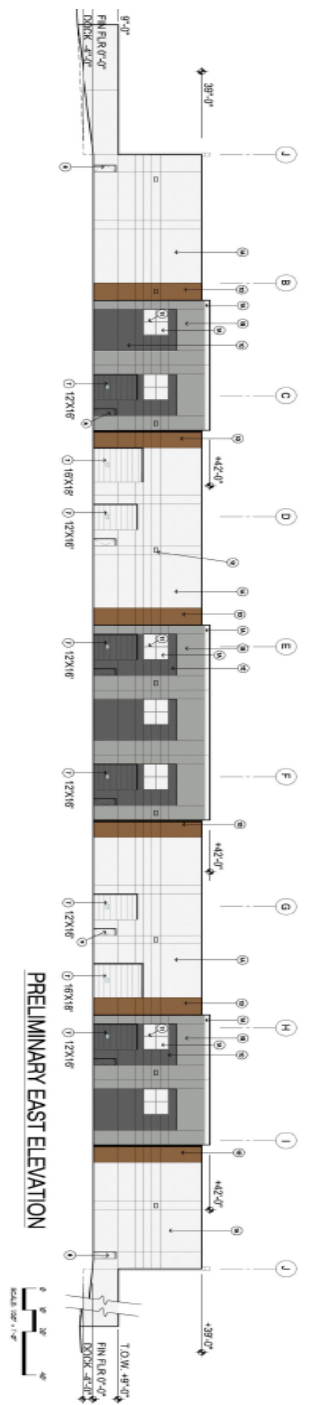
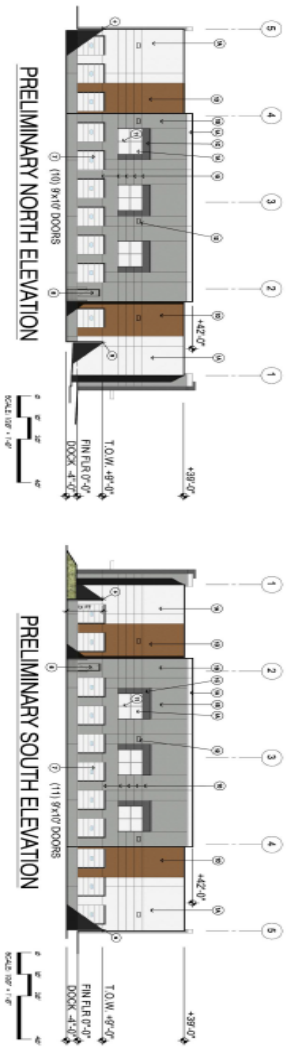
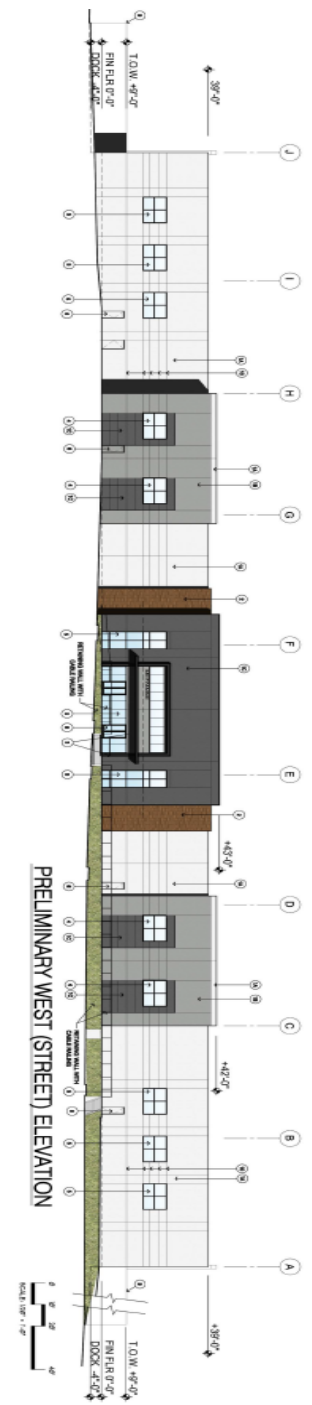
A-2

Revision	Date	Description
1	02/24/22	Planning
2	02/24/22	Design Development
3	02/24/22	Final Design
4	02/24/22	Final Set
5	02/24/22	Construction Set
6	02/24/22	Final Set
7	02/24/22	Final Set
8	02/24/22	Final Set
9	02/24/22	Final Set
10	02/24/22	Final Set

RPG DEVELOPMENT
SHELL INDUSTRIAL BUILDING
ER&TC LOTS 10 -15
CITRACADO PARKWAY, ESCONDIDO CA







FINISH / MATERIAL LEGEND

NOTE: SEE COLOR BOARD FOR COLOR MATERIAL, SWATCHES AND FINISHES

1 PAINTED CONCRETE WALL PANEL, RED	4 CONCRETE FINISH WITH BROWN-GREY	8 MASONRY BRICK, BROWN	12 WALL PANEL FINISH
2 PAINTED CONCRETE WALL PANEL, GREY	5 PAINTED CONCRETE WALL PANEL, GREY	9 MASONRY BRICK, BROWN	13 WALL PANEL FINISH
3 PAINTED CONCRETE WALL PANEL, GREY	6 PAINTED CONCRETE WALL PANEL, GREY	10 MASONRY BRICK, BROWN	14 WALL PANEL FINISH
7 PAINTED CONCRETE WALL PANEL, GREY	7 PAINTED CONCRETE WALL PANEL, GREY	11 MASONRY BRICK, BROWN	15 WALL PANEL FINISH

Revision Dates

NO.	DATE	DESCRIPTION
1	02.11.22	ISSUED FOR PERMITS

Issue Dates

NO.	DATE	DESCRIPTION
1	02.24.22	PERMITS
2	02.24.22	DESIGN DEVELOPMENT
3	02.24.22	FINAL CHECK
4	02.24.22	CONSTRUCTION SET

Drawing Date: 02.24.22
 Checked By: _____
 Drawn By: _____
 Scale: SEE PLAN
 Job Number: _____
 Sheet Number: _____

RPG DEVELOPMENT

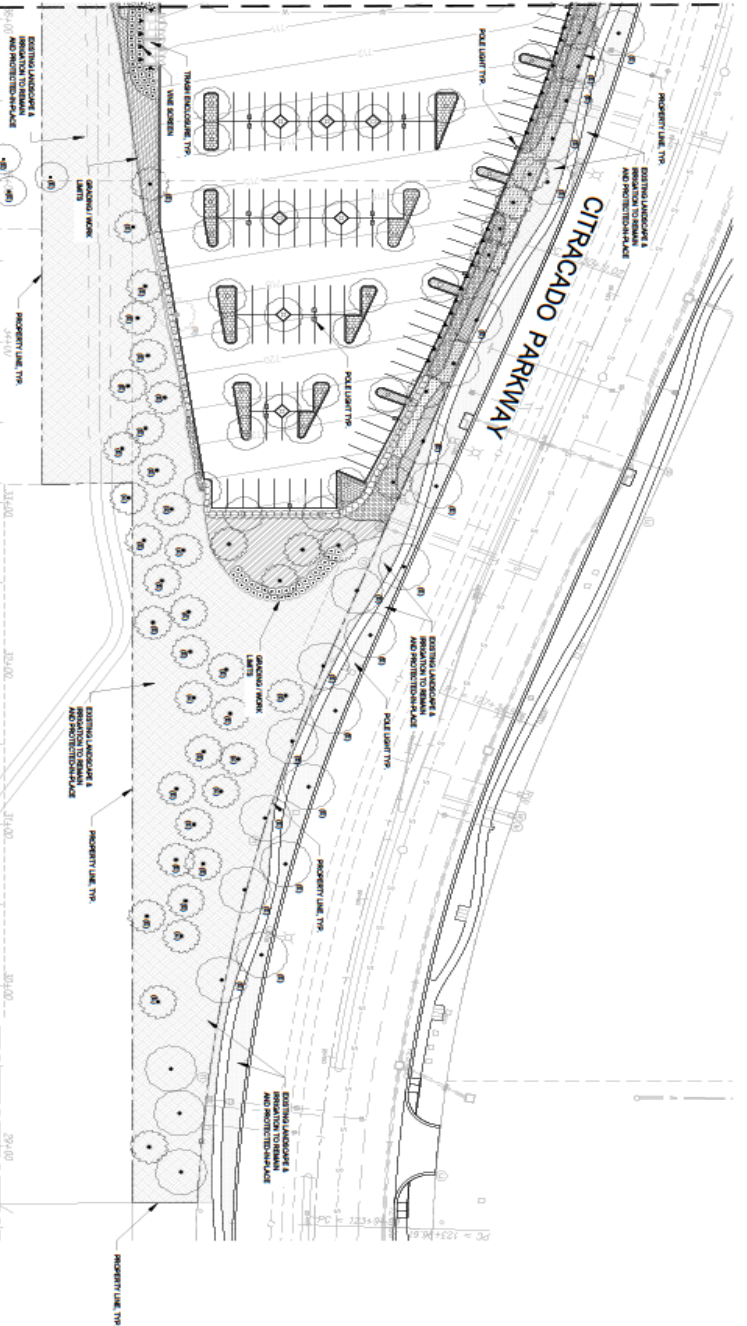
SHELL INDUSTRIAL BUILDING
 ER&TC LOTS 10 -15
 CITRACADDO PARKWAY, ESCONDIDO CA



13280 Evening Creek Drive South | Suite 125
 San Diego, CA 92128
 858.793.4777 | sca-sd.com

A-2

MATCHLINE - SEE SHEET L1.1



EXISTING PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME
(Symbol)	BLOOMING SPRE	BLOOMING SPRE
(Symbol)	FRUIT SPRE	FRUIT SPRE
(Symbol)	CASCADING AMPARILLA	COAST LIVE OAK
(Symbol)	TRUNKY TREE	TRUNKY TREE
(Symbol)	CADACEE PARROTILLA	EMERSONIAN BIRCH

SPECIAL SHRUBS & GROUNDCOVERS

SYMBOL	KEY	SYMBOL	COMMON NAME	SIZE	SPACING	WATER USE	DESCRIPTION	QTY
(Symbol)	SHRUB	AGAVE	DESERT CAJONET PALM	1.5M	10' O.C.	L	EMERSONIAN LOW SPREAD	176
(Symbol)	SHRUB	AGAVE	SPREADER SPRE	1.5M	20' O.C.	L	ORNAMENTAL SPREADER	116
(Symbol)	SHRUB	AGAVE	BOOK CORONILLA	5.5M	30' O.C.	M	EMERSONIAN LOW SPREAD	616
(Symbol)	SHRUB	AGAVE	AGAVE	5.5M	30' O.C.	M	EMERSONIAN LOW SPREAD	616
(Symbol)	SHRUB	AGAVE	AGAVE	5.5M	30' O.C.	M	EMERSONIAN LOW SPREAD	616
(Symbol)	SHRUB	AGAVE	AGAVE	5.5M	30' O.C.	M	EMERSONIAN LOW SPREAD	616
(Symbol)	SHRUB	AGAVE	AGAVE	5.5M	30' O.C.	M	EMERSONIAN LOW SPREAD	616
(Symbol)	SHRUB	AGAVE	AGAVE	5.5M	30' O.C.	M	EMERSONIAN LOW SPREAD	616

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE / FORM	HT. & SPREAD	WATER USE	DESCRIPTION	QTY
(Symbol)	AGAVE	BOTTLE TREE	3' POT	HT: 2.5M / SPREAD: 1.1M	L	EMERSONIAN TREE	4
(Symbol)	AGAVE	AGAVE	3' POT	HT: 2.5M / SPREAD: 1.1M	L	EMERSONIAN TREE	4
(Symbol)	AGAVE	AGAVE	3' POT	HT: 2.5M / SPREAD: 1.1M	L	EMERSONIAN TREE	4

REVISIONS

1	Sheet Number	1000 202
2	Job Number	1000 202
3	Scale	SEE PLAN
4	Drawn By	SW
5	Checked By	UA
6	Sheet Title	SEE PLAN
7	Drawn Date	4/20/22
8	Checked Date	
9	Project Description	
10	Project Location	
11	Project Number	
12	Project Name	
13	Project Address	
14	Project City	
15	Project State	
16	Project Zip	
17	Project Contact	
18	Project Phone	
19	Project Email	
20	Project Website	

L1.2

RPG DEVELOPMENT
 SHELL INDUSTRIAL BUILDING
 ER&TC LOTS 10 -15
 CITRACADO PARKWAY, ESCONDIDO CA

sca ARCHITECTURE

3280 Eversing Creek Drive South | Suite 125
 San Diego, CA 92126
 619.759.4777 | sca-sd.com

ATTACHMENT 3



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

NOTICE OF DETERMINATION

DATE: August 10, 2022

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

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

SUBJECT: Filing of Notice of Determination in compliance with Section 21089, 21108, or 21152 of the Public Resources Code.

PL22-0111 a Plot Plan Application and Grading Exemption to construct a 88,390 SF industrial building
Project Title/Case No.

N/A City of Escondido
State Clearinghouse Number (if submitted to State Clearinghouse) Lead Agency

Darren Parker, Associate Planner (760) 839-4553
City Contact Person Telephone Number

Mr. John Gerritsen, 200 E. Washington Avenue, Suite 200, Escondido, CA 92025, (760) 741-3570
Project Applicant, Address and Phone Number

1970 Citracado Parkway, (APN's: 232-592-02-00, 232-592-03-00, 232-592-05-00, 232-592-06-00, & 232-592-17-00) on the southeast corner of Citracado Parkway and S. Andreassen Drive, Escondido, San Diego County,
Project Location (include County)

Project Description: A request for the construction of an 88,390 SF-shell tilt-up concrete industrial building with interior mezzanines, surface parking, grade-level truck doors, loading dock door and site retaining walls. The subject property is located within Planning Area 8 of the Escondido Resource & Technology Center (ERTC) Specific Plan and has a General Plan land use designation of SPA 7 (Specific Planning Area 8).

This is to advise that on August 25, 2022 the City of Escondido approved the above-described project and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment.
2. Pursuant to the ERTC Specific Plan, Section V-Plan Implementation and Development Process, the previously approved Final Environmental Impact Report (EIR 2001-12) prepared for the ERTC Specific Plan is a Program EIR in conformance with CEQA Section 15168. Pursuant to CEQA Section 15168(c), the proposed project was examined in light of the program EIR to determine whether an additional environmental document must be prepared. The program EIR addressed the environmental effects of the planned development within the entire 186-acres and the eight

different planning areas. The final EIR addressed the impacts of the development of up to 89,700 SF of building area in Planning Area 8 and a range of uses including offices, research and development, manufacturing, and data processing. This project, a subsequent activity, would develop only 88,390 SF of industrial space on 8.96-acres within Planning Area 8. The attached checklist documents the evaluation of the proposed project and the conclusion that the environmental effects of the operation were covered in the program EIR.

3. Mitigation measures were made with the original EIR (ER 2001-10) and incorporated into the conditions of approval, and a mitigation monitoring program was adopted. No new mitigation measures are required with the proposed project within Planning Area 7.
4. Findings were made with the original EIR for the entire 186-acres of the Specific Planning Area and the eight Specific Planning areas for the ERTC (Escondido Research and Technology Center) pursuant to the provisions of CEQA and the Program EIR.
5. A statement of Overriding Considerations was adopted for the specific Plan.
6. The project related issues are resolved through the compliance with code requirements, project design, and established mitigation measures. Therefore, pursuant to CEQA Section 15162, no additional environmental documentation needs to be prepared since no new effects would occur and no new mitigation measures would be required. The proposed development is within the scope of the project covered by the previously approved program EIR (2001-12).

A copy of the original Program EIR (ER 2001-10), the Specific Plan 2001-01-SPA and record of project approval is available for review by the general public at the City of Escondido Planning Division, 201 N. Broadway, Escondido, California 92025. Telephone number (760) 839-4671. The City of Escondido has complied with CEQA in preparation of the Notice of Determination.

Name of Official Filing Notice Darren Parker, Associate Planner Date: August 25, 2022

Signature: _____ Date: August 25, 2022
Associate Planner

Date Received for Filing _____

Filing Fee Transmitted to County Clerk X

ATTACHMENT "A"

Checklist

Project

Program EIR 2001-12

Building Size: 89,390 square feet

89,700 SF of max. Building area for Planning Area 8.

Industrial Shell building

Consistent with ERTC development standards

No additional ADT's

Covered under the approved EIR

All off-site improvements have been completed under the mitigation measures for the approved program EIR 2001-

ZONING ADMINISTRATOR

CASE NUMBER: PL 21-0508

APPLICANT: Mike Galey, Galey Homes, Inc.

PROJECT LOCATION: On the east and west sides of Calle Catalina, between Gamble Lane and Continental Lane, Assessor's Parcel Number 238-071-23-00.

REQUEST: 1. Adoption of a Final Initial Study/Mitigated Negative Declaration ("IS/MND") and Mitigation Monitoring Reporting Program ("MMRP"); and 2. Approval of a 3-lot Tentative Parcel Map.

STAFF RECOMMENDATION: 1. Adoption of the Final IS/MND and, 2. Approval of the Tentative Parcel Map with conditions.

GENERAL PLAN DESIGNATION: Estate II (E2)

ZONING: RE-20 (Residential Estate, 20,000 square foot minimum lot size)

BACKGROUND/PROJECT DESCRIPTION:

The project applicant, Mike Galey (Galey Homes, Inc.), is proposing to subdivide (Tentative Parcel Map) a vacant 2.6-acre parcel into three single-family residential lots, along with construction of a 24-foot-wide gated emergency/utility access (Calle Catalina) through the project site and frontage improvements along Gamble Lane. Proposed lot sizes range from 29,157 square feet to 37,355 square feet (net lot area). A Notice of Intended Decision (NOID) was issued by the Director of Development Services on August 9, 2022 providing public notice of the City's intent to approve the Tentative Parcel Map.

A Draft IS/MND was prepared for the project and identified effects related to biological resources, cultural/tribal cultural resources, and noise, that might be potentially significant. The Draft IS/MND was circulated for public review for 30 days (June 24, 2022 – July 25, 2022). Staff received five comment letters/emails during the public review period, and the letters/emails and responses to comments have been included with the Final IS/MND. The Final IS/MND has been amended to include additional information or clarification in specific sections to correspond with relevant comments received during the review period. Mitigation measures have been identified that

would reduce all potential impacts to a less-than-significant level. Therefore, preparation of an Environmental Impact Report is not required and a Mitigated Negative Declaration is appropriate for this residential project.

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

<https://www.escondido.org/calle-catalina>

REASON FOR STAFF RECOMMENDATION:

1. The Final IS/MND has been prepared in compliance with all requirements contained in the California Environmental Quality Act (CEQA) and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. The project applicant has agreed to implement all mitigation measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the MMRP prepared for the project, which is attached with the Final IS/MND as Appendix D.
2. The Tentative Parcel Map meets all of the requirements or conditions imposed by the Map Act, Chapter 32 of the Escondido Municipal Code (Subdivisions), General Plan Estate II land-use designation and policies, and underlying RE-20 zoning designation.

Respectfully submitted,



Jay Paul
Senior Planner

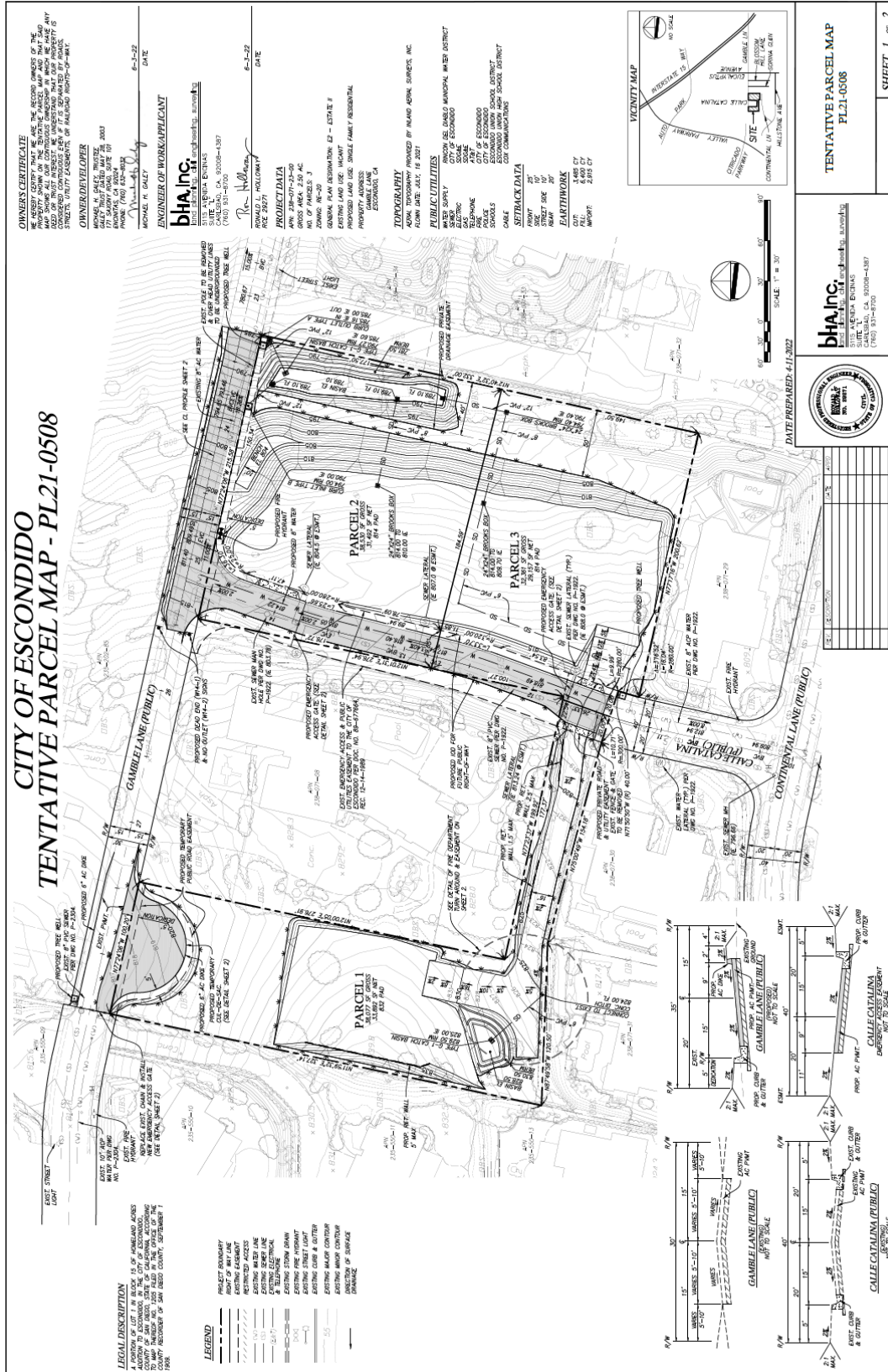
ATTACHMENTS:

1. Project Location/Aerial Map
2. Tentative Parcel Map/Plans
3. Zoning Administrator Resolution No. 2022-05, including Exhibits A, B, C, D, E and F

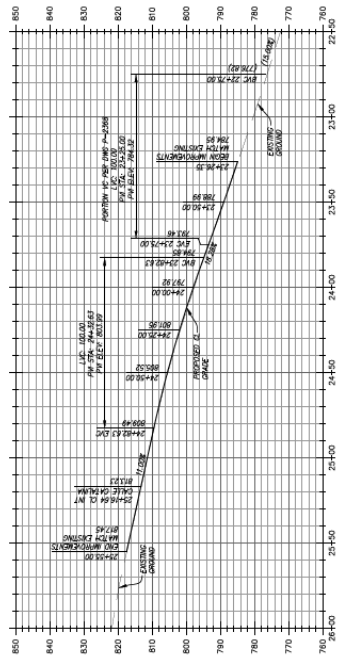
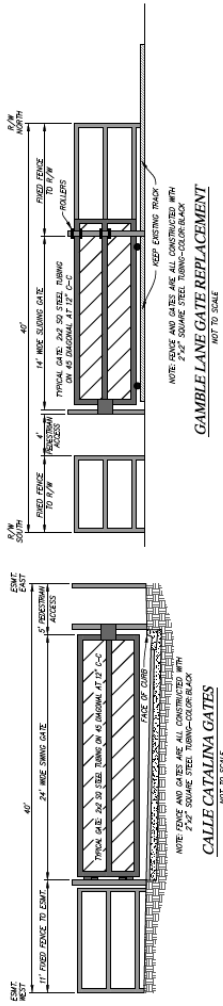
ATTACHMENT 1



ATTACHMENT 2



CITY OF ESCONDIDO TENTATIVE PARCEL MAP - PL21-0508



FIRE DEPARTMENT TURNAROUND
 SCALE: 1"=30'
 DATE PREPARED: 4-11-2022

	<p>bhains CIVIL ENGINEERING 3115 ADELPHI AVENUE CHULA VISTA, CA 92028-4187 (619) 931-8700</p>	<p>TENTATIVE PARCEL MAP PL21-0508</p>	<p>SHEET 2 OF 2</p>
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ATTACHMENT 3

Zoning Administrator
Hearing Date: August 25, 2022
Effective Date: September 5, 2022

RESOLUTION NO. 2022-05

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING A FINAL INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM, AND
APPROVING A 3-LOT TENTATIVE PARCEL MAP

APPLICANT: Mike Galey, Galey Homes, Inc.

CASE NO: PL 21-0508

WHEREAS, Mike Galey, Galey Homes, Inc. ("Applicant"), filed a land use development application, Planning Case No. PL 21-0508 ("Application"), constituting a request for a Tentative Parcel Map for three single-family residential lots ("Project") on a 2.6-acre Project site located on the east and west sides of Calle Catalina, between Gamble Lane and Continental Lane (Assessor's Parcel Number 238-071-23-00), in the RE-20 (Residential Estate, 20,000 square foot minimum lot size) zone; and

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

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

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

WHEREAS, single-family residential estate development is a permitted use within the RE-20 zone, subject to the approval of a Tentative Parcel Map, in accordance with Chapter 32 of the Escondido Municipal Code and Article 6 of the Escondido Zoning Code; and

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

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

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration (“IS/MND”) was prepared, circulated, and notice made of its availability for public review and comment during the period from June 24, 2022 to July 25, 2022; and

WHEREAS, during the 30-day public comment period of the Draft IS/MND, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others. The City subsequently analyzed and considered any and all comments received during this public review comment period and has determined

that they did not contain any significant new information within the meaning of CEQA Guidelines; and

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

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

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

WHEREAS, on August 25, 2022, the Zoning Administrator held a public meeting as prescribed by law, at which time the Zoning Administrator received and considered the reports, related documents and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Zoning Administrator, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;

- c. The staff report, dated August 25, 2022, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the public meeting before the Zoning Administrator was conducted in all respects as required by the Escondido Municipal Code.

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

1. The above recitations are true and correct.
2. That the Zoning Administrator, in its independent judgement, has carefully reviewed and considered all environmental documentation comprising the Final IS/MND prepared for the project and has determined that the City has made a good faith effort to adequately address all environmental issues associated with the project. The Final IS/MND, as so amended and evaluated, is adequate and provides good-faith disclosure of available information on the project to determine whether there is substantial evidence that the project would result in any significant effects. All of the requirements of CEQA have been met.
3. After consideration of all evidence presented, and studies and investigations made by the Zoning Administrator and on its behalf, the Zoning Administrator makes the substantive findings and determinations attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the

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

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

5. The Application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit “E,” 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.

6. The Zoning Administrator adopts the Final IS/MND, attached as Exhibit “F,” which is incorporated herein as though fully set forth herein.

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

8. 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 a majority vote of the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 25th day of August, 2022.

ADAM FINESTONE
Zoning Administrator,
City of Escondido

WITNESS

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

EXHIBIT "A"

Legal Description PL21-0508

The Land referred to in this policy is described as follows:

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

THAT PORTION OF LOT 1 IN BLOCK 15 OF HOMELAND ACRES ADDITION TO ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 1, 1909, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 11, THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, SOUTH 77°48'25" EAST (RECORD SOUTH 77°59'00" EAST) 515.90 FEET TO THE NORTHWEST CORNER OF PARCEL A OF PARCEL MAP 73, RECORDED AUGUST 16, 1968 AS FILE NO. 141049 OF OFFICIAL RECORDS; THENCE SOUTH 12°17'52" WEST (RECORD SOUTH 11°59'20" WEST) 417.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL A OF PARCEL MAP 73; THENCE ALONG THE SOUTH LINE OF SAID PARCEL A OF PARCEL MAP 73, SOUTH 77°48'26" EAST, 209.99 FEET (RECORD SOUTH 79°59'00" EAST, 210.00 FEET) TO THE EASTERLY LINE OF SAID LOT 1; THENCE ALONG THE EASTERLY LINE OF SAID LOT 1, THENCE ALONG EASTERLY LINE OF SAID LOT 1, SOUTH 12°17'52" WEST, 227.27 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 1, NORTH 77°48'18" WEST, 718.0 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1, NORTH 11°36'19" EAST 644.27 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THE NORTHERLY 277 FEET OF THE EASTERLY 200 FEET OF THE WESTERLY 300 FEET OF SAID LOT 1, BLOCK 15, OF MAP NO. 1205.

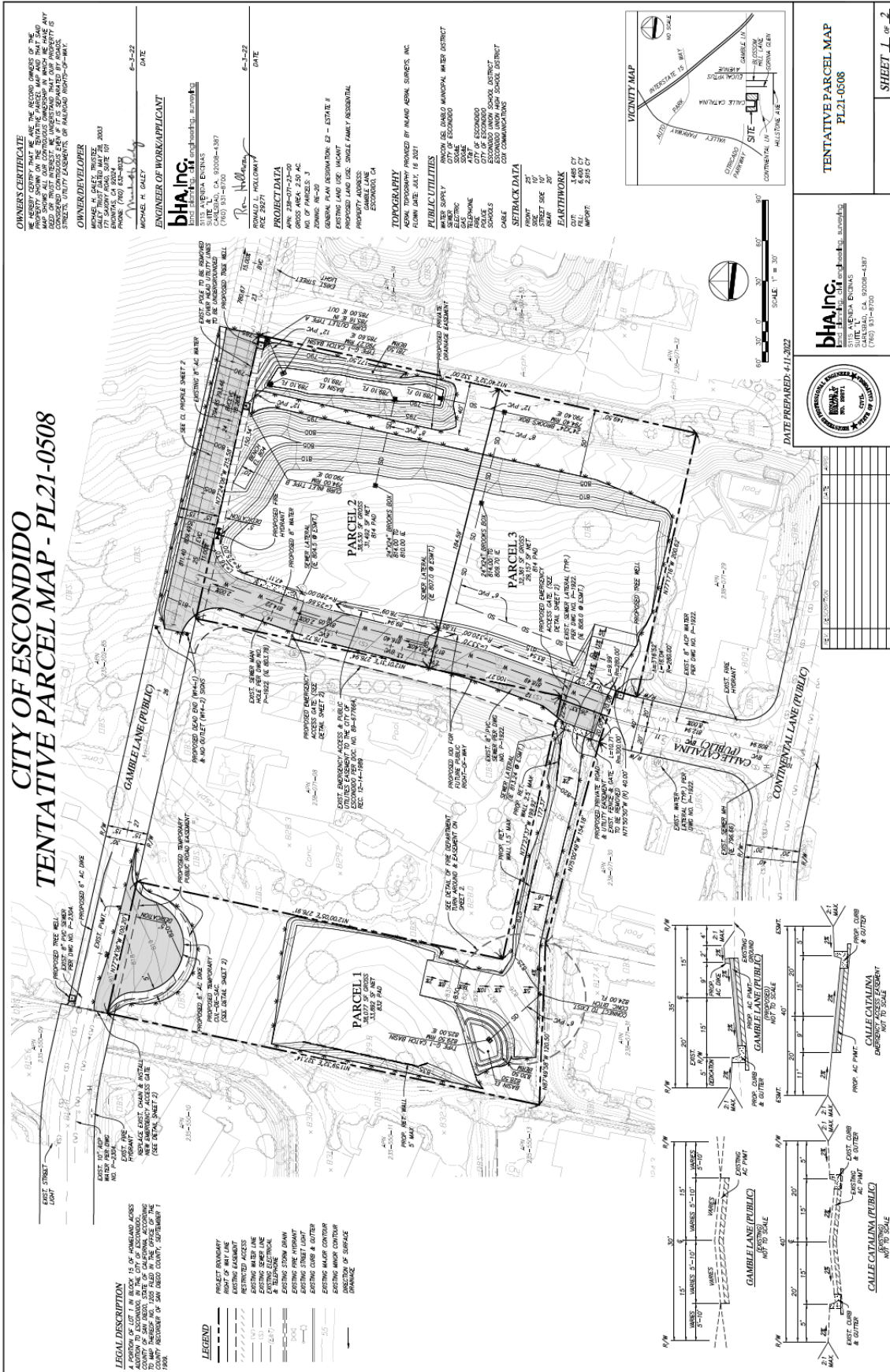
ALSO EXCEPTING THEREFROM ESCONDIDO TRACT NO. 682A, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12533, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 29, 1989.

ALSO EXCEPTING THEREFROM ESCONDIDO TPM SUB09-0007, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP NO. 20788, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 18, 2010.

THE ABOVE LEGAL DESCRIPTION IS FOR THE SOLE PURPOSE OF THE REPORT AND MAY NOT BE CONSIDERED FOR USE IN ANY POLICY OF TITLE INSURANCE TO BE ISSUED BY THIS COMPANY, AND IS SUBJECT TO CHANGE AT ANY TIME.

EXHIBIT "B"

Plans PL21-0508



CITY OF ESCONDIDO TENTATIVE PARCEL MAP - PL21-0508

OWNERS CERTIFICATE
 I, the undersigned, being the owner of the property shown on the tentative parcel map and that said map was prepared by a duly licensed professional engineer, do hereby certify that the information contained therein is true and correct and that I am not aware of any other persons claiming an interest in the property shown on said map.

OWNER/DEVELOPER
 MICHAEL R. GALEY
 10000 S. VALLEY VIEW
 ESCONDIDO, CA 92026
 PHONE: (760) 835-9800
 FAX: (760) 835-9801

ENGINEER OF WORK/APPLICANT
bHA Inc.
 5115 AVENIDA ESTIVAS
 SUITE 100
 CARLSBAD, CA 92008-4387
 (760) 933-8700

DATE: 4-17-2022

PROJECT DATA
 APN: 238-07-23-00
 GROSS AREA: 250 AC
 ZONING: R-10
 GENERAL PLAN DESIGNATION: R-10 - SINGLE-FAMILY RESIDENTIAL
 EXISTING LAND USE: VACANT
 PROPOSED LAND USE: SINGLE-FAMILY RESIDENTIAL

TOPOGRAPHY
 PROVIDED BY: ALVARO ADELSON SURVEYS, INC.
 DRAWING DATE: MAY 18, 2022

PUBLIC UTILITIES
 WATER: SAN DIEGO COUNTY MUNICIPAL WATER DISTRICT
 SEWER: SAN DIEGO COUNTY MUNICIPAL WATER DISTRICT
 GAS: SOUTHWEST GAS CORPORATION
 FIBER: SOUTHWEST GAS CORPORATION
 ELECTRIC: SOUTHWEST GAS CORPORATION
 CABLE: COMCAST COMMUNICATIONS

SETBACK DATA
 FRONT: 25'
 REAR: 25'
 STREET SIDE: 10'
 ADJACENT: 20'

LANDWORK
 TOTAL: 4,480 CY
 IMPORT: 2,896 CY

LEGAL DESCRIPTION
 PARCEL 1: 13,800 SQ FEET
 PARCEL 2: 13,200 SQ FEET
 PARCEL 3: 26,157 SQ FEET

LEGEND

- PROJECT BOUNDARY
- RIGHT OF WAY LINE
- EXISTING EASEMENT
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING GAS LINE
- EXISTING FIBER LINE
- EXISTING STORM DRAIN
- EXISTING STREET LIGHT
- EXISTING CURB & GUTTER
- EXISTING MAJOR CONTIGUOUS
- EXISTING MINOR CONTIGUOUS
- EXISTING SURFACE DRAINAGE

DATE PREPARED: 4/17/2022

bHA Inc.
 5115 AVENIDA ESTIVAS
 SUITE 100
 CARLSBAD, CA 92008-4387
 (760) 933-8700

**TENTATIVE PARCEL MAP
 PL21-0508**

SHEET 1 of 2

LEGAL DESCRIPTION

LEGEND

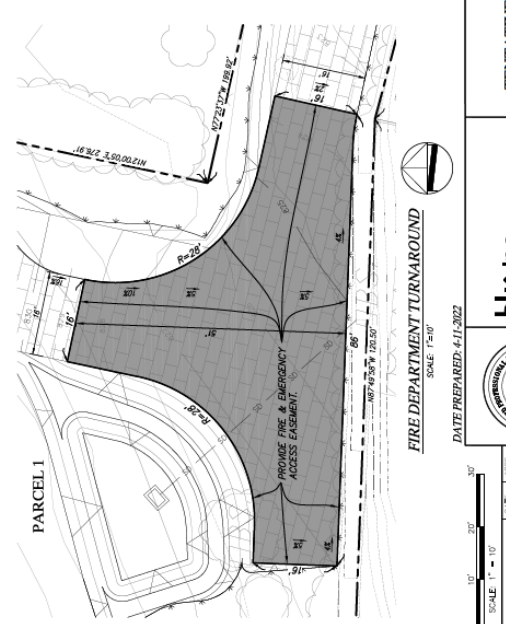
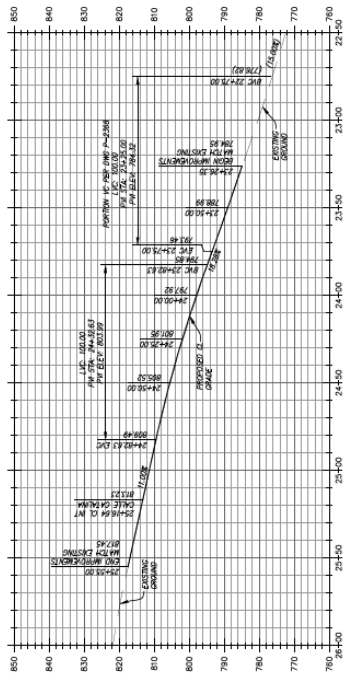
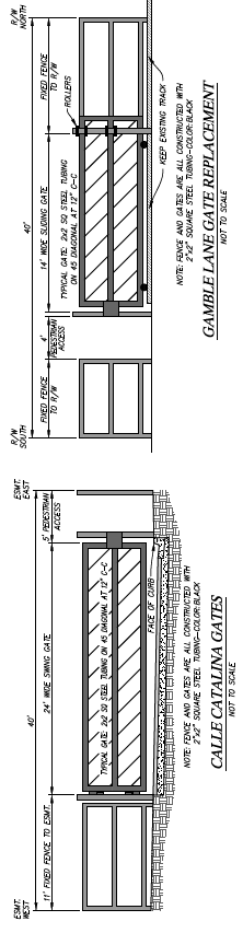
LEGAL DESCRIPTION

LEGEND

LEGAL DESCRIPTION

LEGEND

CITY OF ESCONDIDO TENTATIVE PARCEL MAP - PL21-0508



DATE PREPARED: 4-11-2022

bh|inc.
INCORPORATED
3115 ALEJANDRA BLVD., SUITE 200
CARLSBAD, CA 92008-4387
(760) 831-8700

**TENTATIVE PARCEL MAP
PL21-0508**

SHEET 2 OF 2

TEMPORARY CUL-DE-SAC
SCALE: 1"=40'

EXHIBIT “C”

PLANNING CASE NO. PL 22-0508

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (Article 14 of the California Code of Regulations, section 15000 et. seq. (“CEQA Guidelines”), the City of Escondido is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. An Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA, the CEQA Guidelines, and the local environmental procedures. The decision-making body of the Lead Agency shall adopt the proposed IS/MND only if:
 - It finds, on the basis of the whole record before it, that there is no substantial evidence the project will have a significant effect on the environment, and
 - The IS/MND reflects the Lead Agency's independent judgment and analysis.
3. The Final IS/MND and Mitigation Monitoring and Reporting Program (“MMRP”) collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the Project, and shall be referred to herein collectively as the “CEQA Documents.”
4. The Zoning Administrator has received the material record supporting all of the CEQA Documents for the Project. Zoning Administrator finds the following:
 - The Final IS/MND reflects the City’s independent judgment and analysis.
 - There is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts that cannot be fully mitigated. All previously identified impacts have been mitigated to a less-than-significant level.
 - The Zoning Administrator also finds that the mitigation measures listed in the MMRP will not cause any potentially significant effects.
 - The Final IS/MND has been completed in compliance with CEQA and it constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA.

5. Mitigation measures are recommended to be incorporated as part of the adoption of the Mitigated Negative Declaration. The recommended approval of the Project also includes the adoption of the MMRP, attached as Exhibit D to the Resolution.
6. Pursuant to Public Resources Code section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials that constitute the record of proceedings are on file with the City of Escondido. The City Clerk, whose office is located at 201 North Broadway, Escondido, CA 92025, is hereby designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the Zoning Administrator's decision is based. Such documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

Tentative Parcel Map Determinations:

1. The location, design, and residential density of the proposed three-lot single-family residential development are consistent with the goals and policies of the Escondido General Plan because single-family residential/estate development is permitted and encouraged in the within the Residential Estate (E2) land-use designation. The proposed infill residential Project is in conformance with General Plan Housing Goals and Policies to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities.
2. The Project site is physically suitable for the proposed density of development because the Project site is within an urban area that is developed with a mix of similar single-family residential uses. The Residential Estate land-use designation allows up to 2.0 dwelling units per acre. Based on the Project site (2.6 acres), the underlying land-use designation would allow up to five lots with a minimum lot size of 20,000 square feet. The request to subdivide the Project site into three lots with a minimum lot size of 20,000 square feet is consistent with the land use density and development requirements envisioned for this area. Furthermore, the proposed Tentative Parcel Map is consistent with applicable provisions of the General Plan that addresses growth management and maintaining the fiscal stability of the City because the Project applicant minimizes ongoing costs to taxpayers through annexation into a Community Facilities District ("CFD") or establishment of another legal funding mechanism.
3. The approval of the proposed Project would be based on sound principles of land use and is well-integrated with its surroundings near similar residentially developed properties because adequate access, parking, utilities and landscaping would be provided (as detailed in the staff report, project plans and conditions of approval). The residential Project also would not be out of character for the area which contains other single-family residential development. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.

4. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The proposed grading design would not result in any manufactured slopes or pad elevations that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views.
5. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the Tentative Parcel Map for the Project would not violate the requirements, goals, policies, or spirit of the General Plan. The Project site is suitable for the proposed residential type of development and density as detail in the Zoning Administrator report dated August 25, 2022, and also noted in the above sections.
6. The Project would be compatible with the surrounding uses because the Project site is within an urban residential area developed with a variety of residential developments of varying density, lot sizes and design. Extensive grading and slopes are not proposed. The topography of the Project site allows for appropriate access and the creation of buildable pad areas without the need to export or import significant quantities of material. Adequate public utilities can be provided to the site. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. Appropriate noise attenuation would be provided for the new lots. The proposed Project also would not result in a significant unmitigated impact to biological or natural resources, as detailed in the Final IS/MND.
7. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot configuration; traffic and emergency access; and grading; were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage and would avoid injury to fish or wildlife, or their habitat because the Project site is located within an infill urban setting and appropriate mitigation measures have been identified to avoid or reduce potential impacts to less than a significant level.
8. The design of the Tentative Parcel Map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
9. The design of the Tentative Parcel Map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provide opportunities for passive/solar heating.
10. All permits and approvals applicable to the proposed Tentative Parcel Map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) will have been obtained prior to the recordation of the map.

11. The proposed Tentative Parcel Map will not conflict with regional or local housing goals because the proposed infill residential Project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The proposed Project would not diminish the Quality-of-Life Standards of the General Plan as the Project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site. The Project would comply with all development standards of the applicable zone and observe the density of the General Plan and area plans, as noted in the sections above.
12. In consideration of the above, the proposed Project meets all of the requirements of section 66474 of the California Government Code and the proposed Tentative Parcel Map meets all of the requirements or conditions imposed by the Subdivision Map Act and the Escondido Zoning Code, as detailed in the staff report, the Escondido General Plan and above findings.

No Net Loss

1. The purpose of Government Code section 65863 (“No Net Loss Law”), is to ensure development opportunities remain available throughout the planning period to accommodate a jurisdiction’s regional housing need allocation (“RHNA”), especially for lower- and moderate- income households. Jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels “lost” as a result of the approval.
2. The Project complies with the Housing Element portion of the General Plan and California State No Net Loss Zoning Law, in that:
 - a. The City’s Fifth RHNA Cycle consists of 4,175 total units, including 733 moderate-income units and 1,873 lower-income units. The Housing Element Residential Site Inventory identified a total capacity for 4,561 units to accommodate extremely/very low, low, moderate, and above moderate-income affordability levels.
 - b. Since 2012, the City has produced 1,866 total housing units during the course of the Fifth RHNA Cycle. As of January 1, 2021, the total remaining RHNA obligation is 2,309 total units, including 655 moderate-income units and 1,634 lower-income units.
 - c. The Project site, consisting of APN 238-071-23-00 is identified in the City’s General Plan Housing Element Residential Sites Inventory as vacant/underutilized sites for meeting the City’s Fifth RHNA Cycle. The Project site was identified to provide the theoretical potential yield of 5 net units based on the underlying Estate II land-use designation and gross parcel area. The actual yield based on the required net lot area of the underlying RE-20 zoning designation, irregular configuration of the subject site, access requirements and limitation on

design and use of Calle Catalina, produces a maximum potential yield of up to 4 units/lots. The unit yield of the Project (3 units) is in conformance with the assumed yield capacity of the Housing Element and also in conformance with the maximum number of units/lots allowed by the Estate II General Plan land-use designation. The Project will sell the units at market-rate, which is assumed to be at an above moderate-income rate.

- d. Government Code section 65583(a)(3) requires local governments to prepare an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. The City performed this analysis in March 2021 and identified suitable sites that can be developed for housing. Overall, vacant and underutilized properties throughout the City can accommodate 3,939 new lower-income units.
- e. The proposed development of three estate sized lots (minimum 20,000 square feet) would not produce a yield significantly less than anticipated or achievable for the subject site as detailed above, or at different income levels anticipated for this area. With the entitlement of the Project, there are available sites in the Housing Element Residential Site Inventory adequate to meet the City's RHNA for very low and low-income categories.

EXHIBIT D

MITIGATION MONITORING REPORTING PROGRAM (MMRP)

PROJECT NAME: Calle Catalina Tentative Parcel Map

PROJECT NO.: PL21-0508

SCH NO.: 2022060527

APPROVAL BODY: Escondido Zoning Administrator

PROJECT DESCRIPTION: Tentative Parcel Map to subdivide a vacant 2.6-acre parcel into three single-family residential lots, along with construction of a 24-foot-wide gated emergency access (Calle Catalina) through the project site and frontage improvements along Gamble Lane. Proposed lot sizes range from 29,157 square feet to 37,355 square feet (net lot area).

PROJECT LOCATION: The proposed project is located on the east and west sides of Calle Catalina, south of Gamble Lane, Assessor Parcel Number 238-071-23-00.

APPLICANT/CONTACT PERSON: Mike Galey, Galey Homes, Inc.

PROJECT MANAGER: Jay Paul, Senior Planner Phone No.: (760) 839-4537, Email: jpaul@escondido.org

Mitigation Monitoring and Reporting Program for the Calle Catalina Tentative Parcel Map Project

Mitigated Negative Declaration/Initial Study

Project No. PL21-0508

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

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

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

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

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Biological Resources						
<p>BIO-1: Final project related mitigation obligations were based on an assessment of permanent impacts associated within the proposed subdivision and grading activities for three (3) residential development lots as outlined in the Escondido Unadopted Draft Subarea HCP Section 5.2.1, Mitigation Standards for Vegetation Communities. Prior to approval of a final map and/or issuance of a grading approval/permit, the applicant shall mitigate impacts to non-native grassland/ruderal (1.94 total acres at 0.5:1 ratio or 0.97 credits) and California buckwheat scrub/native shrubs (0.26 total acres at 2:1 ratio or 0.52 credits) by purchasing a total 1.49-acre of in-kind mitigation credits from an appropriate mitigation/conservation bank such as the Daley Ranch Conservation Bank. Proof of credit purchase will be submitted to the City of Escondido Planning Department and for review and approval.</p>	<p>Purchase Mitigation Credits to impacts to sensitive habitat</p>	<p>Applicant – Developer Escondido Planning Division</p>	<p>X</p>	<p>X</p>	<p>X</p>	

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Biological Resources (cont.)						
BIO-2: Potential direct/indirect impacts to common/sensitive nesting bird or raptor species will require compliance with the CDFG Codes 3503 & 3513. Construction outside the nesting season (between September 1st and February 1st) does not require pre-removal nesting bird surveys. If construction is proposed between February 1st and August 31st, a qualified biologist must conduct a nesting bird survey(s) no more than three (3) days prior to initiation of grading to document the presence or absence of common/sensitive nesting birds or raptors within or directly adjacent (100 feet) to the Project Site. Any nest permanently vacated for the season would not warrant protection pursuant to the CDFG Codes 3503 & 3513.	Require a qualified biologist to perform a pre-construction survey of active nests belonging to migratory birds and raptors.	Applicant Qualified Biologist	X			
Cultural Resources						
CR-1. Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures M-CR-1 through M-CR-10, and the following information:	<ul style="list-style-type: none"> Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement. 	Applicant; Escondido Planning Division	X			

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<ul style="list-style-type: none"> Parties entering into the agreement and contact information. Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors. Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement. Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials. Treatment of identified Native American cultural materials. Treatment of Native American human remains and associated grave goods. Confidentiality of cultural information including location and data. Negotiation of disagreements should they arise. Regulations that apply to cultural resources that have been identified or may be identified during project construction. 						
Cultural Resources (cont.)						
<p>CR-2: Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native</p>	<ul style="list-style-type: none"> Require verification and approval of qualified archaeologist and Native 	Applicant, Archaeologist, Escondido Planning Division	X			

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.	American monitor.					
CR-3: The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.	<ul style="list-style-type: none"> Archaeologist and Native American monitor to attend pre-construction mtg. 	Archaeologist, Native American Monitor, Grading Contractor	X			
Cultural Resources (cont.)						
CR-4: During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the top soil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).	<ul style="list-style-type: none"> Require on-site archaeological monitor and Native American Monitor to be on site during ground disturbing activities. 	Archaeological Monitor, Native American monitor Field Engineering Division		X		
CR-5: In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the	<ul style="list-style-type: none"> Require identification and 	Project Archaeologist, Native		X		

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected, and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement</p>	<p>preservation of any unidentified cultural resources.</p>	<p>American monitor, Field Engineering Division</p>				

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Cultural Resources (cont.)						
<p>CR-6: If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.</p>	<ul style="list-style-type: none"> Require identification and preservation of any significant tribal resource. 	<p>Project Archaeologist; Native American Monitor, TCA Tribe, Escondido Planning Division</p>		X		
<p>CR-7: All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into</p>	<ul style="list-style-type: none"> Require research design and data recovery program. Consultation with Native American Monitor. 	<p>Project Archaeologist; TCA Tribe, Escondido Planning Division</p>		X		

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.						

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Cultural Resources (cont.)						

<p>CR-8: As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.</p>	<p>Require identification and preservation of any undiscovered cultural resources or human remains.</p>	<p>Escondido Planning Division; Project Archaeologist, County Coroner</p>		<p>X</p>		
<p>Cultural Resources (cont.)</p>						
<p>CR-9: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural</p>	<p>Require that a Native American monitor is</p>	<p>Escondido Planning Division; Project, TCA</p>		<p>X</p>	<p>X</p>	

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.	present during any testing or cataloging. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe, and/or curated.	Tribe, Project Archaeologist				
Cultural Resources (cont.)						
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.						
CR-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any	Require documentation of analysis and data by the qualified archaeologist. Consultation with Native	Project Archaeologist, Native American Monitor, Escondido Planning Division			X	

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.	American Monitor.					
Noise						
<p>NOI 1: Construction Equipment Noise Reduction. Noise levels from project-related construction equipment shall not exceed 50 dBA LEQ (one hour). To reduce noise levels, the following measures shall be implemented:</p> <ul style="list-style-type: none"> All construction equipment operating at the project site shall be equipped with properly operating mufflers. Noise and ground-borne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses east of the project site. When the use of impact tools is necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used where feasible. All stationary construction noise sources used at the project site shall be located away from adjacent receptors, to the extent feasible, and be muffled and enclosed within temporary sheds or other insulation barriers to the extent feasible. A construction relations officer shall be designated for the proposed project to serve as a liaison with surrounding residents and property owners and be responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at 	•	Applicant; Noise Specialist; Construction Contractor; Qualified Engineer	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM (cont.)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
the project site. Signs shall also be posted that include permitted construction days and hours at the project site.						
Noise (cont.)						
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.	•		X	X		
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: <ol style="list-style-type: none"> 1. Stationary sources, such as temporary generators, shall be located as far from nearby vibration-sensitive receptors as possible. 2. Trucks shall be prohibited from idling along streets serving the construction site where vibration-sensitive receptors are located. 3. Demolition, earthmoving, and ground-impacting operations shall be phased so as not to occur in the same time period. 	•			X		

EXHIBIT “E”

PLANNING CASE NO. PL 21-0508

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **December 7, 2021**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as recommended for approval on **August 25, 2022**, and shall not be altered without express authorization by the Development Services Department.

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

A. General:

1. **Acceptance of Permit.** Should the Applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map, the Permit shall expire 36 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

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

3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to

make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

- a. The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to any Grading Exemptions for the slope up to an additional one foot in height, and modifications to retaining wall heights, lot lines/lot configuration. 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 Final Map recordation, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of 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.

11. Costs of Municipal Services. In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with the special tax levy adopted annually by the City Council based on the project density, unless another amount is approved by the City Council at the time

of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District (“CFD”) or the establishment of another lawful funding mechanism reasonably acceptable to the City (“Public Services Funding Agreement”). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager’s designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City’s issuance of any permit for the Project. [AF1]

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

13. Clerk Recording.

a. State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two working days of the effective date of the adoption of the environmental document, a check payable to the “San Diego County Clerk,” in the amount that is published by the County Clerk’s Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk’s Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fees increase after the date of this approval, the Applicant shall be responsible for the increase.

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

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

15. Application Accuracy. The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any

permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.

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

17. Indemnification, Hold Harmless, Duty to Defend.

a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b. The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

- 1. **Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of 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 the property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws,

and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.

- 11. Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of 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.

C. Parking and Loading/Unloading.

1. Public parking along Calle Catalina (along the project frontage) shall be restricted and shall be signed appropriately, as determined by the Engineering Services Division and Fire Marshal. Calle Catalina, along the project frontage, shall be gated to restrict public access. The gates shall be designed with appropriate openings to allow for public pedestrian/bicycle access through the site from Calle Catalina on the south to Gamble Lane on the north.
2. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
 - a. A final landscape and irrigation plan shall be submitted to the Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial

submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

- b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.

E. Specific Planning Division Conditions:

- 1. The parkway landscaping within the public right-of-way along Gamble Lane and Calle Catalina frontages shall be maintained by the adjacent property owners (Parcels 1, 2 and 3).
- 2. Parcels 1 and 3 shall include appropriate on-site turn around/hammerhead or other appropriate paving to allow vehicles to turn around on site and avoid backing out onto Calle Catalina.
- 3. Staff design review is not required for the future development of the homes on each Parcel.
- 4. Any fencing around the storm water basin on Lot 1 shall be decorative (chain-link not allowed) and conform to the fencing setbacks/height standards for the underlying RE-20 zone.
- 5. Any retaining walls shall use a decorative type block and matching cap (mortar cap not allowed).

F. Specific Building Division Conditions:

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

G. Specific Engineering Conditions of Approval:

GENERAL

1. The applicant shall provide the City Engineer with a Parcel Map Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and drainage facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading and Improvement plans, and Parcel Map. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Grading Plan or Parcel Map.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Grading and Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
6. No Building Permits shall be issued for any construction within this Subdivision until the Final Parcel Map is recorded and either:
 - a) All conditions of the Tentative Parcel Map have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
7. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
8. 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.

STREET IMPROVEMENTS

1. Public street and drainage improvements shall be constructed to City Standards as required by the Subdivision Ordinance to the satisfaction of the City Engineer prior to first occupancy. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
3. Prior to first occupancy, the Developer shall construct street improvements, including but not limited to, concrete curb, gutter, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
Gamble Lane	Res. Frontage Road (30' curb to curb)
Calle Catalina	Fut. Rural Residential Street (30' curb to curb)

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

4. The Developer shall construct 6" PCC curb and gutter along the projects' Gamble Lane frontage together with full structural depth paving and install a 6" asphalt berm on the north side of Gamble Lane with a minimum of drivable width of 24 feet from concrete curb to asphalt berm.
5. Together with a 30' radius curb return on the southeast corner of Gamble Lane and Calle Catalina, the Developer shall construct 6" PCC curb and gutter through the project and 15' to the south of the Calle Catalina centerline together with a minimum 24 feet wide of full structural depth paving. These improvements shall be used solely as Emergency Access and Calle Catalina shall be gated at either end until this segment of Calle Catalina is accepted in the future as a public right-of-way and roadway.
6. The Developer shall construct a new gate just to the south of the new proposed Parcel 2 driveway to restrict vehicle access on Calle Catalina. The Developer shall also relocate/reconstruct the existing gate on the project's southern boundary connection to Calle Catalina to a new location just north of the proposed Parcel 1 and Parcel 3 driveway entrances and this new gate location be constructed completely within the project's boundary. The Developer shall also replace the existing chain across Gamble Lane at the project's northwest corner and construct a new emergency access gate in its place. The design and construction of all 3 of these gates shall meet Fire Dept. requirements and shall be approved by both the City Engineer and the Fire Marshal.
7. The Developer will be required to install a LED street light in accordance with Escondido Standard Drawing E-1-E at the curb return on the southeast corner of Gamble and Calle Catalina.
8. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.

9. Until Calle Catalina is accepted by the City as a public right-of-way and public roadway it shall remain a private road and provisions for maintenance by the property owners shall be included in the Declarations of Restrictions.
10. The Developer shall construct a temporary cul-de-sac conforming to current Escondido Design Standards and with full structural paving along the Gamble Lane frontage of and within Parcel 1.
11. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping may shall be provided for adequate sight distance and subject to approval of the City Engineer.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by a copy of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. The Developer will be required to pay for all required third party structural engineering review of these structural calculations and details. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Department plan review and Building Permit process.
3. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
4. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. 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.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

8. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
9. Cross-lot drainage may be allowed in rural estate zones on a case-by-case basis, to be approved by the City Engineer.
10. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" Portland cement concrete over 6" aggregate base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with Portland cement concrete.
11. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. Lot drainage shall meet the requirements of current Escondido Design Standards and the City Engineer and shall include the construction of necessary brow ditches.
3. The project shall limit peak drainage flows to their pre-construction rates. Details and calculations for this retention and attenuation shall be submitted and approved as part of the Drainage Study submittal and review.
4. A Final Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include calculations for treatment, hydromodification, and storage volumes. The SWQMP shall include detailed maintenance requirements and responsibilities for all onsite conveyance, diversion, treatment, and bio-retention facilities. The SWQMP shall demonstrate how any proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
5. All site drainage with emphasis on the roadway, parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention basins as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement. A copy of this recorded Agreement will need to be included in the Declarations of Restrictions.
7. All on-site storm drains and stormwater treatment facilities are considered private. The responsibility for maintenance of these storm drains, storm water treatment facilities and any "Green Street" facilities constructed in the right-of-way to treat the street improvements required of project shall be that of the individual property owners. Provisions clearly dictating responsibility among the property owners for all these items shall be included in the Declarations of Restrictions and in the Storm Water Quality Management Plan.

8. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H2O loading.
9. The project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third-party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The project owner will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system or will be required to transition the project to a priority storm water development project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations required and 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 arrange with the Rincon Water District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon District will sign approval of the improvement plans with respect to the water mains.

SEWER

1. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
2. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
3. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.
4. Any sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
5. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vactor trucks for maintenance.

6. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector. Only one sewer lateral is allowed per legal lot.
7. The location of all sewer laterals shall be shown on the grading and improvement plans.

LANDSCAPE

1. Project landscaping and irrigation plan(s) shall be submitted to the Engineering Department with the second submittal of the grading plan for approval by the Planning and Engineering. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping and irrigation shall be installed along the project frontage and all areas disturbed by the project. The landscaping, including within the storm water treatment BMPs, shall be maintained by the individual property owners. Provisions clearly dictating responsibility among the property owners for all landscaping shall be included in the Declarations of Restrictions.

FINAL PARCEL MAP - EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map and all project final engineering plans.
2. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET

CLASSIFICATION

Gamble Lane

Res. Frontage Road (40' of R/W)

Calle Catalina

Fut. Rural Residential Street (40' of IOD)

3. A public utility and emergency access easement shall be dedicated over the whole area of the Calle Catalina Irrevocable Offer of Dedication as needed to further clarify and grant these uses to the City.
4. A temporary public access easement shall be dedicated within Parcel 1 on the Parcel Map across the area of the temporary cul-de-sac required in Street Improvement Condition #10 above.
5. The developer shall offer to dedicate to the public a 25-foot radius corner rounding at the southeast corner of Calle Catalina and Gamble Lane.
6. Private reciprocal drainage easements for all private drainage facilities including storm water treatment basins, brow ditches (5' min. wide) and storm drain pipes (10' min. wide) needed to convey, treat, and detain storm water within the project shall be shown on the Parcel Map and shall be noted to be granted to the Individual Property Owners upon transfer of title. Additionally, access rights of the collective lot owners to ensure maintenance of all drainage and stormwater facilities shall be included in the Declarations of Restrictions.
7. The Developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed project prior to issuance of Building Permits. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the

easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading plans. Building permits will not be issued for structures in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS AND FEES

1. A sewer repayment of **\$1,583.01** per repayment file #154 is due to the City of Escondido for existing sewer pump station improvements that will serve this development.
2. A storm drain repayment of **\$31,147.00 per acre**** (based on the net acreage) is due to the City of Escondido for the Hamilton Storm Drain Basin per repayment file #161. **This amount will increase 8% on July 1st, 2023 and increases 8% each July 1st thereafter.
3. A cash security deposit satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds or such other security as may be approved by the City Engineer and City Attorney.
4. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

Declaration of Restrictions

1. A Declaration of Restrictions shall be filed with the County Recorder prior to recordation of the final Parcel Map. A note to this effect along with the recording information of the Declaration of Restrictions shall be included in a Statement on the title sheet of the Final Parcel Map.
2. Draft copies of the Declaration of Restrictions shall be submitted to the Engineering and Planning Departments for approval and subsequent recording prior to recordation of the Final Parcel Map.
3. The Developer shall include provisions in the Declaration of Restrictions for maintenance by the Property Owners of all private shared access drives, the 3 emergency access gates and fencing, parking areas, sewer laterals, all storm drain and storm water treatment facilities and BMPs, private street lighting, common fences and walls. These provisions must be approved by the Planning and Engineering Departments prior to approval of the Final Parcel Map.
4. The Developer shall make provisions in the Declaration of Restrictions for maintenance of project Gamble Lane frontage landscaping including the public right-of-way, including storm water treatment BMPs.
5. The Declaration of Restrictions shall state that the Property Owners assume liability for damage and repair to City utilities in the event that damage is caused by the property owners when repair or replacement of private utilities is done.
6. The Declaration of Restrictions must state that (if stamped concrete is used, the Property Owners are responsible for replacing the stamped concrete or pavers in kind if the City has to trench the street for repair or replacement of an existing utility.

UTILITY UNDERGROUNDING AND RELOCATION

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

EXHIBIT “F”

Final Initial Study/Mitigated Negative Declaration PL21-0508

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