



# City of Escondido Zoning Administrator

## MEETING AGENDA

201 North Broadway  
City Council Chambers  
Training Room One  
**September 28, 2022**  
3:00 p.m.

- A. Call to Order
- B. Agenda item:

1. **[CONDITIONAL USE PERMIT – CASE NO. PL 21-0432:](#)**

A Minor Conditional Use Permit to allow for the sales, rental, and storage of tractors and heavy trucks in the M-1 Zone (Light Industrial). The project does not involve the expansion of the existing building on site.

Location: 632 Rock Springs Road (Assessor Parcel Number: 228-270-25-00)

Applicant: Howes Weiler Landy, on behalf of Ferhenbach Family Trust

Planner: Darren Parker

2. **[CONDITIONAL USE PERMIT – CASE NO. PL 21-0449:](#)**

A request for a Minor Conditional Use Permit to allow a personalized high school learning campus in the Park View District of the Downtown Specific Plan. The CUP would include renovating both buildings on-site to accommodate classrooms and office space for the high school. With the implementation of this project, Classical Academy High School would occupy the entirety of 130 Woodward Ave.

Location: 130 Woodward Ave. (Assessor Parcel Number: 229-291-27-00) Applicant:

The Classical Academies (Mark Kalpakgian)

Planner: Darren Parker

3. **[EXTENSION OF TIME – CASE NO. PL22-0444](#)**

Two-year Extension of Time for a 21-lot Tentative Subdivision Map and Planned Development.

Location: On the northern terminus of Amanda Lane, north of Gamble Lane, addressed at 2115 Amanda Lane (Assessor's Parcel No. 235-202-35-00) Applicant:

New Urban West (Dan Hayes)

Planner: Jay Paul

C. Adjournment

## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PL 21-0432

**APPLICANT:** Howes Weiler Landy, on behalf of Ferhenbach Family Trust

**PROJECT LOCATION:** 632 Rock Springs Road (Assessor Parcel Number: 228-270-25-00)

**REQUEST:** A Minor Conditional Use Permit to allow for the sales, rental, and storage of tractors and heavy trucks in the M-1 Zone (Light Industrial). The project does not involve the expansion of the existing building on site.

**STAFF RECOMMENDATION:** Approve, subject to conditions

**GENERAL PLAN DESIGNATION:** GI (General Industrial)

**ZONING:** M-1 (Light Industrial)

### **BACKGROUND/PROJECT DESCRIPTION:**

A Plot Plan was previously approved in 1977 (87-1064-PPL) for a truck and tire repair shop on an existing 1.18-acre parcel in the M-1 zone (Light Industrial). West Coast Equipment is planning to lease a portion (0.59-acres) of the site to conduct its operations, including the sales, rental, and outdoor storage of tractors and heavy equipment. The proposed use is not considered to be outdoor storage but is classified as a rental, sales and storage for tractors and heavy equipment, which is permitted in the M-1 zone subject to issuance of a Conditional Use Permit.

West Coast Equipment is proposing to create ten new parking spaces to accommodate the use on the site. The area of storage and display will be located within a 2,035 square foot fenced area on a vacant portion of the lot. An existing industrial building is located within the fenced area and will be used as office space and service area. No new structures are proposed, and no storage would occur beyond the prescribed limits. Associated improvements on-site would entail the construction of ten new parking spaces, refurbishing of the existing landscaping and perimeter fencing on-site.

### **ENVIRONMENTAL STATUS:**

California Environmental Quality Act ("CEQA") Guidelines list classes of discretionary projects that have been determined not to have a significant effect on the environment and as a result are

exempt from further review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA guidelines section 15301 (Existing Facilities) as described further in the Findings of Fact, attached as Exhibit "B" to Zoning Administrator Resolution No. 2022-07, which itself is included as Attachment 2 to this staff report.

**REASON FOR STAFF RECOMMENDATION:**

1. The facility is located within a light industrial zone and surrounded by a variety of industrial uses. The outdoor storage of heavy construction equipment is generally permitted in the M-1 zone provided the performance standards for storage height, screening and materials can be met. The existing six-foot-high fencing with slats, along with the setback from Rock Springs Rod would provide appropriate screening from adjacent street views. The discretionary CUP process would ensure quality development and compatibility with surrounding land uses.

Respectfully submitted,

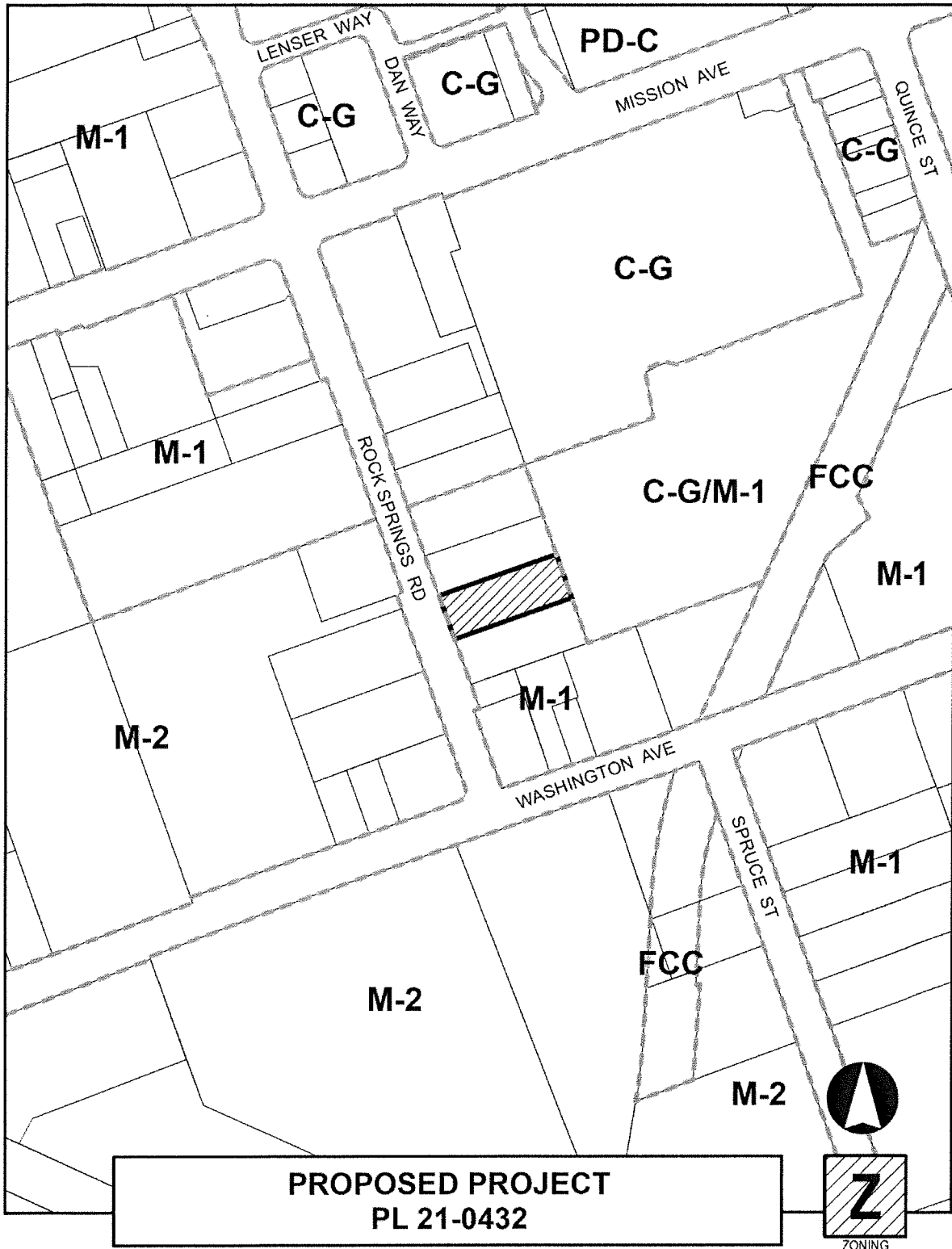


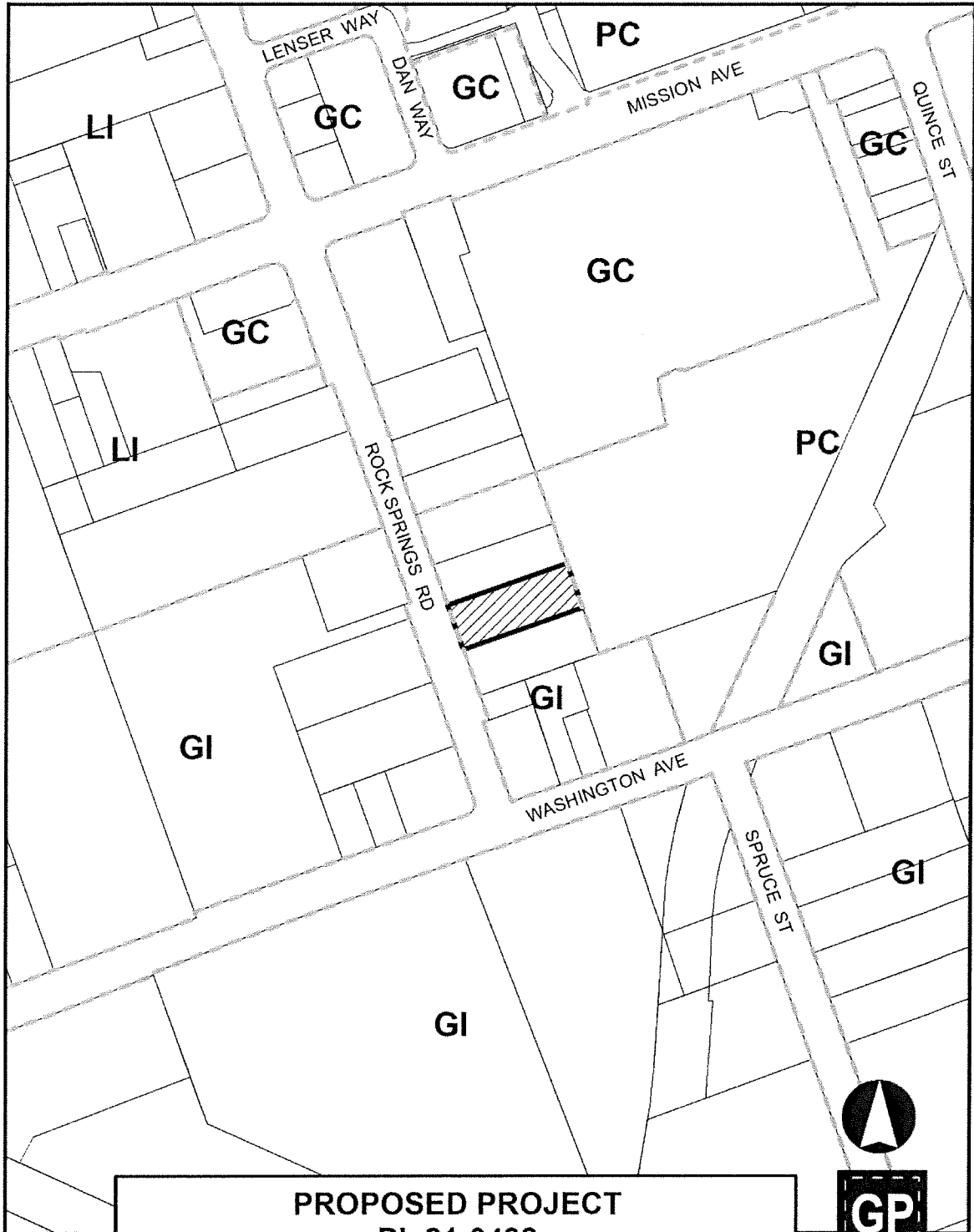
Darren Parker  
Associate Planner

**ATTACHMENTS:**

1. Project Location, Zoning, and General Plan Land Use Maps
2. Zoning Administrator Resolution No. 2022-07, Including Exhibits A, B, C, and D
3. CEQA Notice of Exemption

ATTACHMENT 1

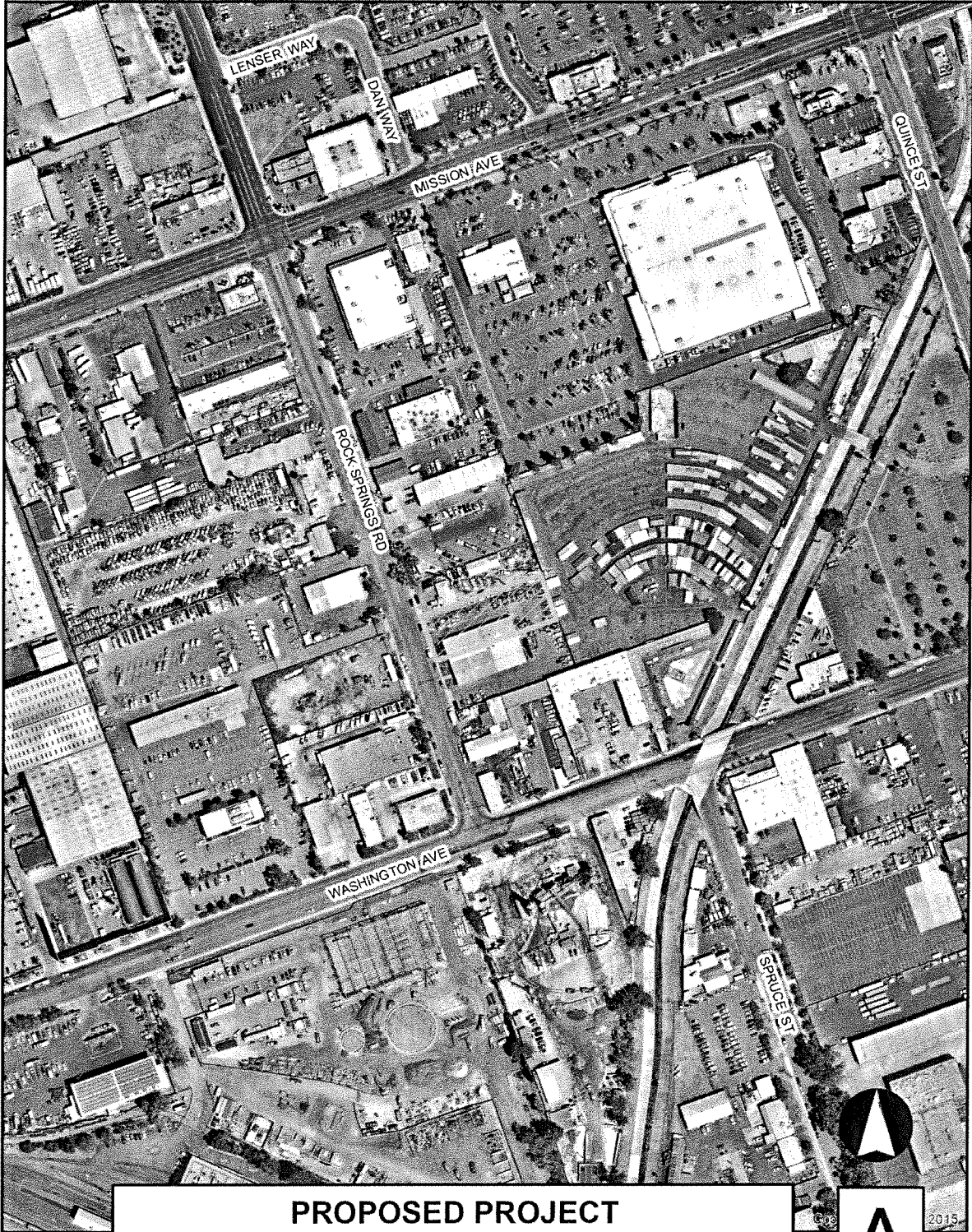




**PROPOSED PROJECT  
PL 21-0432**



GENERAL PLAN



**PROPOSED PROJECT**  
**PL 21-0432**



**A**

2015

AERIAL

ATTACHMENT 2

Zoning Administrator

Hearing Date: September 28, 2022

Effective Date: October 11, 2022

RESOLUTION NO. 2022-07

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MINOR CONDITIONAL USE PERMIT  
TO ALLOW THE SALES, RENATL, AND STORAGE  
OF TRACTORS AND HEAVY TRUCKS IN THE M-1  
ZONE

APPLICANT: Howes Weiler Landy on behalf of Ferhenbach Family  
Trust

CASE NO: PL 21-0432

WHEREAS, Howes Weiler Landy, on behalf of Ferhenbach Family Trust (“Applicant”), filed a land use development application, Planning Case No. PL21-0432 (“Application”) constituting a request for a Conditional Use Permit for the sales, rental and storage of tractors and heavy trucks (“Project”) on a 0.59 acre site located at 632 Rock Springs Road (228-270-25-00), in the M-1 zone; and

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

WHEREAS, the Zoning Administrator of the City of Escondido did, on September 28, 2022, hold a dully noticed public hearing to consider a request for the Minor Conditional Use Permit for the Project and all persons desiring to speak did so;



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 September 28, 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 Exemption was prepared in conformance with CEQA Guidelines sections 15301, "Existing Facilities." 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 15301, "Existing Facilities". The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects which are cannot be mitigated.

3. That, considering the Findings of Fact hereto as Exhibit "B," and applicable law, the Zoning Administrator hereby approves the Minor Conditional Use Permit, 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 28th day of September, 2022.

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ADAM FINESTONE  
Zoning Administrator,  
City of Escondido

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WITNESS

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

**EXHIBIT "A"**  
**Legal Description**

**For APN/Parcel ID(s): [228-270-25-00 and 228-270-26-00](#)**

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**Parcel 1:**

The Southeasterly 100.00 feet of the Northwesterly 396.00 feet of the Southwesterly 303.10 feet of Lot 3 in Block 147 of the Subdivision of the Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to [Map thereof No. 527](#), filed in the Office of the County Recorder of San Diego County, April 10, 1888, said distances being measured at right angles to or parallel with the Northwesterly line of said Lot 3.

Excepting the Southwesterly 30.00 feet of the property described above as described in deed to the City of Escondido, recorded in [Book 921, Page 226 of Deeds](#), recorded of said County.

Also Excepting the Northeasterly 12.00 feet of the Southwesterly 42.00 feet of the property described above.

**Parcel 2:**

The Southeasterly 98.00 feet of the Northwesterly 296.00 feet of the Southwesterly 303.10 feet of Lot 3 in Block 147 of the Subdivision of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to [Map thereof No. 527](#), filed in the Office of the County Recorder of San Diego County, April 18, 1888, said distances being measured at right angles to or parallel with the Northwesterly line of said Lot 3.

Excepting therefrom the Southwesterly 30.00 feet thereof.

Also excepting the Northeasterly 12.00 feet of the Southwesterly 42.00 feet of the property described above.

## **EXHIBIT “B”**

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

#### **Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000-et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of CEQA have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15301, “Existing Facilities.” The Project qualifies for the “Existing Facilities” exemption because it is located in area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species; approval of the project, as conditioned, would not result in any significant effects on the environment; and the site is connected to City sewer and water services and can adequately be served by all required utilities and public services.
3. The Zoning Administrator has independently considered the full administrative record before it, which includes, but is not limited to, 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.

#### **Conditional Use Permit (CUP):**

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

1. Granting the Minor Conditional Use Permit would be based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses, or create special problems for the area in which it is located because the use would be constructed within an existing industrial area within the Light Industrial Zone (M-1). The proposed sales, rental, and storage of tractors and heavy trucks has been designed to conform to the zoning requirements (section 33-1114 of the Escondido Zoning Code) that recommends limits of display on-site, site design and sufficient employee parking on-site in consideration of the establishment of the sales, rental and storage of tractors and heavy trucks. In order to accommodate the proposed establishment and display of

rental/leasing of heavy trucks, new landscaping, screening and new parking would be provided.

2. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood and it has been determined to be compatible with the surrounding properties and General Plan polices.
3. The public health, safety and welfare would not be adversely affected by the proposed use because the proposed display of heavy trucks and sales and rentals would be regulated by the conditions of approval and certain design standards and other permit-related criteria, which encompasses new specific conditions or standards.

**EXHIBIT “C”  
PL21-0432  
CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on October 29, 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 approved on September 28, 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. **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 for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15301, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project, a 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 specific 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 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. 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 10 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean,

well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double striping per City standards.

2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. In accordance with the California Green Building Standard Code, one 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.
4. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.
5. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
6. 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 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. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.
  - e. 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.

- f. 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.
- g. 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.
- h. 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.
- i. Landscape frontage improvements shall extend across the entire frontage of both parcels adjacent to Rock Springs Road and shown on the final landscape plans to the satisfaction of the Planning Division.

**E. Specific Planning Division Conditions:**

1. The project has been processed in conformance with the Light Industrial Zone (M-1) and all applicable regulations contained in the Escondido Zoning Code.
2. 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.
3. 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.
4. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
5. 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
6. 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.
7. 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.
8. The outdoor-display and sales/rentals of heavy trucks shall be limited to 2,035 square feet on the subject property (APN 228-270-25) as shown on the revised site plan dated July 28, 2022.

9. No storage, sales, rental and display is permitted on the adjacent lot (APN 228-270-26-00) unless appropriate entitlements are obtained.
10. Outdoor storage area must be screened on all sides with a minimum six (6) foot high solid fence, wall, or chain link fence with redwood slats.
11. The outdoor storage material must be stored in an orderly manner such that fire codes are met (i.e., access lanes) and access to all areas of the yard is possible.

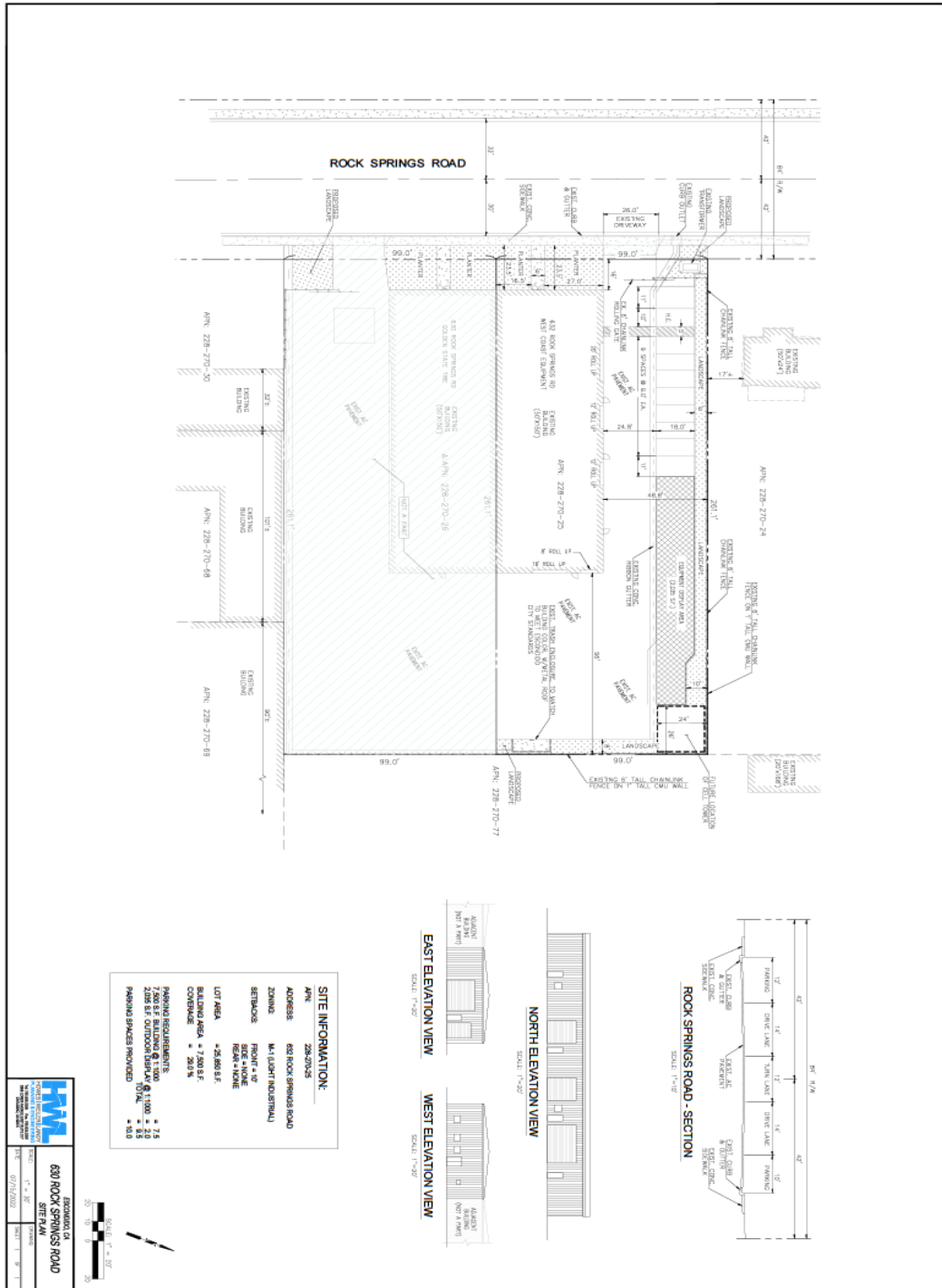
**F. General Building Division Conditions**

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

# EXHIBIT "D"

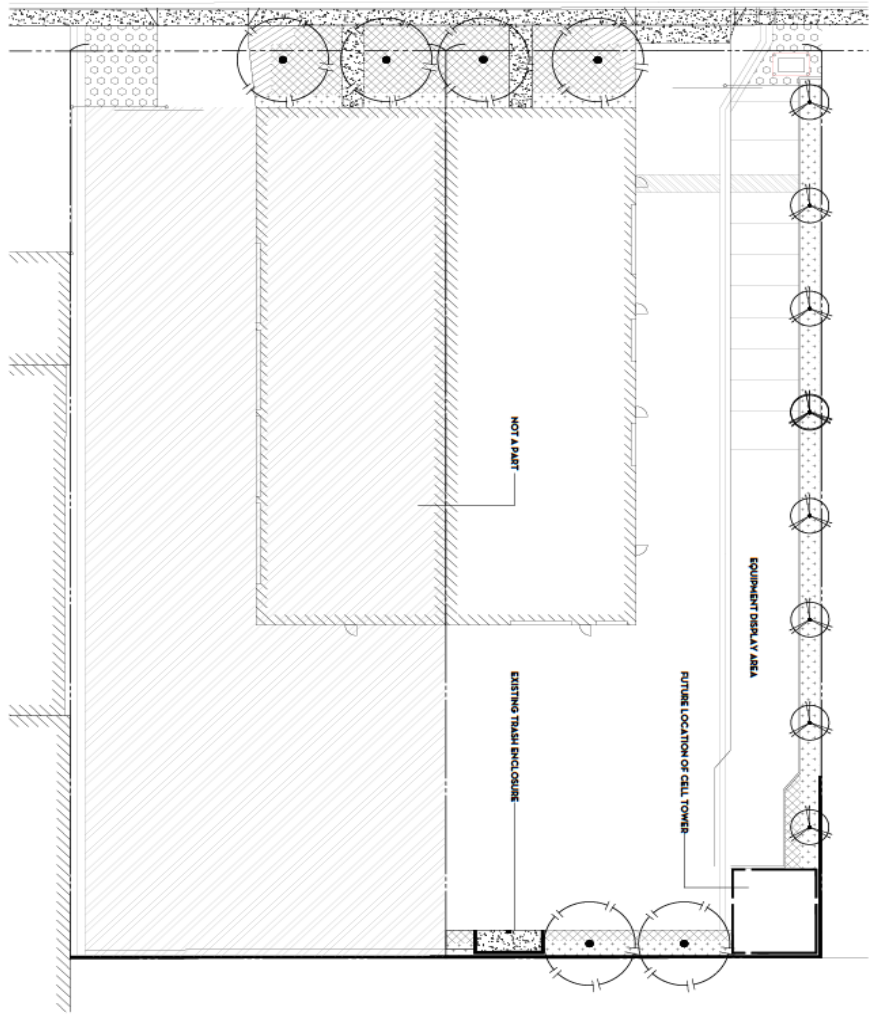


SITE INFORMATION:	
APN:	228-270-31
ADDRESS:	630 ROCK SPRINGS ROAD
ZONING:	M-1 (LIGHT INDUSTRIAL)
SETBACKS:	FRONT = 10' SIDE = 10' REAR = 10'
LOT AREA:	+25,868 SF
BUILDING AREA:	+7,208 SF
COVERAGE:	+28.1%
PARKING REQUIREMENTS:	310 SPACES 1,190 SF
2,088 SF OUTDOOR DISPLAY	70' X 10' - 2 1/2'
	2,816 SF
PARKING SPACES PROVIDED:	310

**PREPARED BY**  
 PTM CONSULTING GROUP  
 5251 CENTRAL EXP. #200  
 SAN JOSE, CA 95128  
 TEL: (415) 352-1200  
 WWW.PTMCG.COM

**PROJECT**  
 630 ROCK SPRINGS ROAD  
 GENERAL  
 SHEET #1  
 DATE: 07/14/2022

**SCALE:** 1" = 20'



**WEST COAST EQUIPMENT**  
 Escondido, CA  
 630 Rock Springs Road  
 Landscape Concept Plan

SYMBOL	DESCRIPTION	CONSTRUCTION	DATE
(Circle with dot)	Equipment	Existing	10/12/10
(Circle with cross)	Cell Tower	Future	10/12/10
(Circle with horizontal lines)	Equipment Display Area	Future	10/12/10
(Circle with vertical lines)	Trash Enclosure	Existing	10/12/10
(Circle with diagonal lines)	Future Cell Tower Location	Future	10/12/10
(Circle with no fill)	Other	Other	Other

SYMBOL	DESCRIPTION	CONSTRUCTION	DATE
(Diagonal hatching)	Existing Trash Enclosure	Existing	10/12/10
(Dashed line)	Future Cell Tower Location	Future	10/12/10
(Solid line)	Other	Other	Other

**NOTES:**

1. THE INFORMATION ON THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.
2. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.
3. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.
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5. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.

**PLANNING NOTES:**

1. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.
2. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.
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5. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.



ATTACHMENT 3



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

Notice of Exemption

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

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

Project Title/Case No: West Coast Equipment / Case No. PL22-0432
Project Location - Specific: 632 Rock Springs Road (APN: 228-270-25-00)

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

Description of Project: A Minor Conditional Use Permit to allow for the sales, rental, and storage of tractors and heavy trucks in the M-1 Zone (Light Industrial). The project does not involve the expansion of the existing building on site.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Stan Weiler, Howes Weiler Landy, on behalf of Ferhenbach Family Trust

Address: 2888 Loker Avenue East, Suite 217, Carlsbad, CA 92010 Telephone (760) 953-8566

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

Exempt Status:

The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines Section 15301, Class 1, ("Existing Facilities")

Reasons why project is exempt:

- 1. The proposed project is consistent with the City of Escondido Zoning Code and General Plan and no variances are required.
2. The subject parcel is located in a developed area of the city, which has all services, public utilities, and access available on site.
3. The equipment business is proposed on an existing industrial site. The project would not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2,500 square feet.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and would not result in potential health hazards to nearby residents.

Lead Agency Contact Person: Darren Parker

Area Code/Telephone/Extension 760-839-4553

Signature: Darren Parker, Associate Planner

Date

Signed by Lead Agency

Date received for filing at OPR:

## **ZONING ADMINISTRATOR**

**CASE NUMBER:** PL 21-0449

**APPLICANT:** The Classical Academies (Mark Kalpakgian)

**PROJECT LOCATION:** 130 Woodward Ave. (Assessor Parcel Number: 229-291-27-00)

**REQUEST:** A request for a Minor Conditional Use Permit to allow a personalized high school learning campus in the Park View District of the Downtown Specific Plan. The CUP would include renovating both buildings on-site to accommodate classrooms and office space for the high school. With the implementation of this project, Classical Academy High School would occupy the entirety of 130 Woodward Ave.

**STAFF RECOMMENDATION:** Approve, subject to conditions

**GENERAL PLAN DESIGNATION:** Specific Plan Area 9 (SPA: Downtown Specific Plan)

**ZONING:** Specific Plan (S-P, Parkview District)

### **BACKGROUND/PROJECT DESCRIPTION:**

The Classical Academy operates multiple charter schools across northern San Diego County, serving grade levels from transitional kindergarten through high school. The organization first established a presence on Woodward Avenue in 2000, under Conditional Use Permit (CUP) Case File No. 99-54-CUP. This original CUP authorized an elementary and middle school within a portion of the former North County Church of Christ at 130 Woodward Avenue. Over the years, this CUP has been modified six times, with changes to grades served, buildings occupied, and enrollment permitted.

The most recent modification, Case File No. PL 21-0026, was approved by the Zoning Administrator on April 27, 2021. The CUP modification was to convert the remainder of the 235 W. Washington Ave into additional classrooms and office space, giving the middle school full occupancy of the 6,350 SF building. The current middle school currently employs a staff of 33 people (25 full time and eight part-time) and the project required the removal of all on-site parking for staff from the campus. To compensate for the loss, Classical Academy entered into a shared parking agreement with the City, for use of thirty-three parking spaces within the City-owned parking lot on the south side of Woodward Avenue to be used only for the middle school.

Under the current project, the applicant requests a Minor CUP to convert the entire building at 130 Woodward Ave. into a personalized individual learning campus for Classical Academy High School. Charter and personalized high schools typically do not have the same type and size of facilities, such as athletic fields and auditoriums, as a traditional high school, and are smaller in nature. The focus at the Classical Academy high school is personalized individual learning. The students have the option of attending workshops on campus four days per week, attending some workshops combined with some classes at a local community college, doing full-time independent study. For all these reasons, the Classical Academy indicated that, although the maximum registered enrollment is 420 students, there are never more than one 189 students on campus at any time. They have provided enrollment information from their registrar showing an average of 160 students on the campus at any time throughout the day. For this reason, they are requesting the flexibility to provide parking based on the maximum number of students on campus at any time, rather than the maximum enrollment. Staff is recommending approval of this parking concept provided an on-site cap of 189 students is established as shown in the attached conditions of approval. The current site has 52 parking spaces available on site and an additional 51 spaces at the existing high school at the corner of Waverly Place and East Pennsylvania Avenue, for a total 103 parking spaces.

#### **ENVIRONMENTAL STATUS:**

The California Environmental Quality Act ("CEQA") Guidelines list classes of discretionary projects that have been determined not to have a significant effect on the environment and as a result are exempt from further review under CEQA. The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15301 (Existing Facilities) as described further in the Findings of Fact, attached as Exhibit "B" to Zoning Administrator Resolution No. 2022-08 which itself is included with this staff report as Attachment 2.

#### **REASON FOR STAFF RECOMMENDATION:**

1. The operators of the Classical Academy High School have provided information indicating that although the maximum enrollment is 420 students and 40 employees, there are no more than 189 students and 28 staff members on campus at any time. Based on the maximum of students and staff members, the overall parking requirement would be 103 spaces, which can be provided on-site and off-site. Staff recommends approving the requested for a Minor CUP because adequate parking is available for the students and staff members.
2. As conditioned, City staff believes the proposed use of the existing buildings on-site to include classrooms and offices for a high school would not create any adverse impact on the surrounding properties or the public right-of-way and provide a valuable service in return. The subject site is surrounded by commercial uses on two sides, and a middle school to the west. The discretionary CUP process would ensure quality development and compatibility with surrounding land uses.



Respectfully submitted,

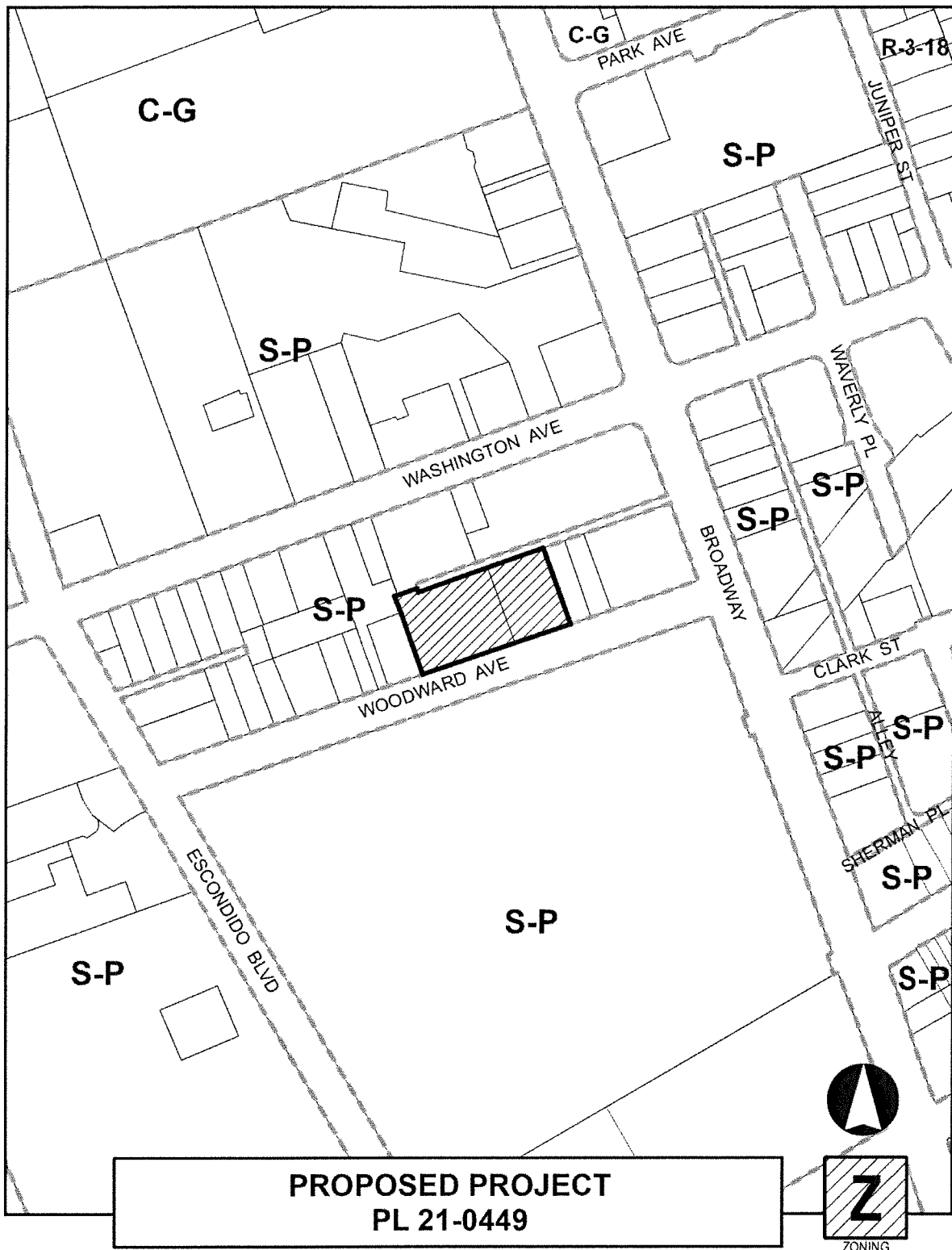
A handwritten signature in black ink, appearing to read "Darren Parker", with a long horizontal flourish extending to the right.

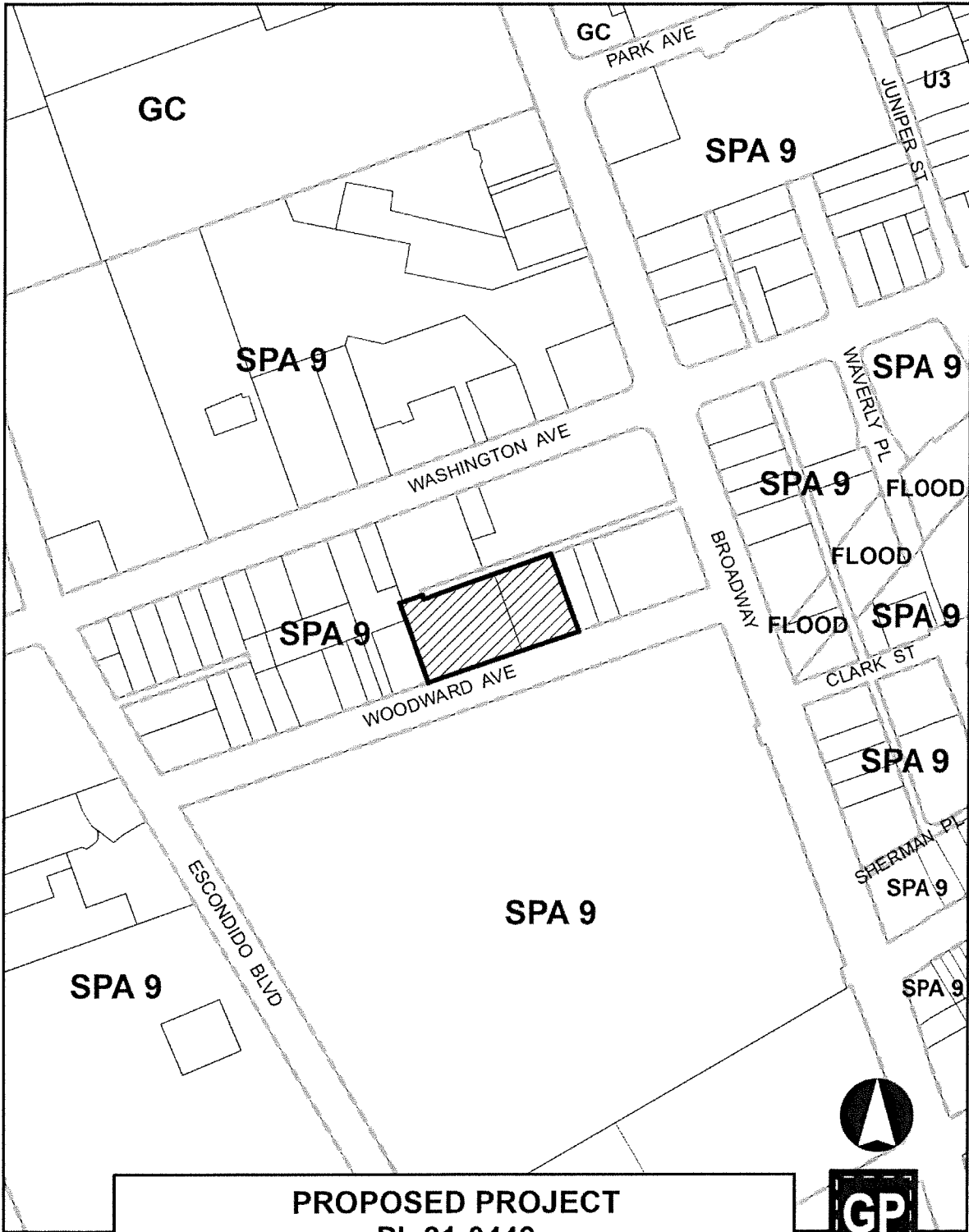
Darren Parker  
Associate Planner

**ATTACHMENTS:**

1. Project Location, Zoning, and General Plan Land Use Maps
2. Zoning Administrator Resolution No. 2022-08, Including Exhibits A, B, C, and D
3. CEQA Notice of Exemption

ATTACHMENT 1





**PROPOSED PROJECT**  
**PL 21-0449**



GENERAL PLAN



**PROPOSED PROJECT**  
**PL 21-0449**

**A**

AERIAL

ATTACHMENT 2

Zoning Administrator

Hearing Date: September 28, 2022

Effective Date: October 11, 2022

RESOLUTION NO. 2022-08

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MINOR CONDITIONAL USE PERMIT  
TO ALLOW A PERSONLAIZED HIGH SCHOOL  
LEARNING CAMPUS AT 130 WOODWARD AVENUE

APPLICANT: Mark Kalpakgian (The Classical Academy)

CASE NO: PL 21-0449

WHEREAS, The Classical Academy ("Applicant"), filed a land use development application, Planning Case No. PL21-0449 ("Application") constituting a request for a Conditional Use Permit for a personalized high school ("Project") on a 0.83 acre site located at 130 Woodward Avenue (APN 229-291-27-00), in the Park View District of the Downtown Specific Plan; and

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

WHEREAS, the Zoning Administrator of the City of Escondido did, on September 28, 2022, hold a duly noticed public hearing to consider a request for the Minor Conditional Use Permit for the Project 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 September 28, 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 Exemption was prepared in conformance with CEQA Guidelines sections 15301, "Existing Facilities." 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 15301, "Existing Facilities". The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects which are cannot be mitigated.

3. That, considering the Findings of Fact attached hereto as Exhibit "B," and applicable law, the Zoning Administrator hereby approves the Minor Conditional Use Permit, 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 28th day of September, 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**

PARCEL 1:

LOTS 1, 2, 3, 4 AND THE WESTERLY ½ OF LOT 5 INCLUSIVE, IN BLOCK 2 OF WOODWARD'S ADDITION, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 475, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON JANUARY 16, 1888.

PARCEL 2:

EAST HALF OF LOT 5 AND ALL OF LOTS 6 AND 7, BLOCK 2 OF WOODWARD'S ADDITION, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 475, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON JANUARY 16, 1888.

For conveyancing purposes only: APN 229-291-27-00 (Affects Parcel 1) and 229-291-26-00 (Affects Parcel 2)

## EXHIBIT "B"

### FACTORS TO BE CONSIDERED / FINDINGS OF FACT

#### Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000-et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of CEQA have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15301, "Existing Facilities." The Project qualifies for the "Existing Facilities" exemption because it is located in area where all public services and facilities are available; has no value as habitat for endangered, rare, or threatened species; approval of the project, as conditioned, would not result in any significant effects on the environment; and the site is connected to City sewer and water services and can adequately be served by all required utilities and public services.
3. The Zoning Administrator has independently considered the full administrative record before it which includes, but is not limited to, 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.

#### Conditional Use Permit:

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

1. Granting the proposed Minor Conditional Use Permit would be based upon sound principles of land use and in response to services required by the community since the site is zoned for commercial uses, including a secondary school subject to issuance of a conditional use permit. A school has been located on the Woodward Avenue since 2000 with no problems noted. The Minor Conditional Use Permit involves the renovation of two building to establish a personalized learning high school campus. The maximum enrollment is not proposed to change. Utilization of proposed structures would allow Classical Academy High School to continue to provide the community with an alternative to a traditional high school. Adequate

parking would be available on the site and on nearby property to support the use, and the use would comply with all Building, Fire and Zoning Code requirements.

2. The proposed use would not cause a deterioration of bordering land uses or create special problems in the area in which it is located because the site and the surrounding area are zoned for commercial uses, and the capacity of the school will be capped at 420 students with a maximum of 189 students on-site at any given time. There is adequate parking available within the site and on a nearby property to accommodate the maximum number of students and staff.
3. The proposed Minor Conditional Use Permit has been considered in relationship to its effect on the neighborhood and has been determined to be compatible with the surrounding properties. The site and surrounding properties are zoned commercial and portions of the site have been used for a school since 2000. Adequate parking would be available on and adjacent to the site and the building and site would be upgraded to meet Fire and Building Code requirements.

**EXHIBIT "C"**  
**PL21-0449**  
**CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on October 29, 2021, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Landscape Plans and Elevations; all designated as approved on September 28, 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. **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 for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15301, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project, a 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 specific 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 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 Downtown 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 52 parking spaces shall be provided at all times for use by the high school on-site and 51 spaces shall be provided at all times off-site within the parking lot at the northwest corner of Waverly Place and E. Pennsylvania Avenue (currently part of the

Classical Academy High School). 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.
4. Fire lanes and parking lot circulation shall remain clear and unobstructed at all times.
5. 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 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. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.
  - e. 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.

- f. 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.
- g. 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.

**E. Specific Planning Division Conditions:**

1. School enrollment shall be limited to a maximum of 420 student at the full implementation of the enrolment increase. The maximum number of students on-site at any time shall be capped at 189 students.
2. The school shall provide annual enrollment figures to the Director of Development Services by October 1, 2022, for the 2022/23 academic year, and prior to the start of the academic year for subsequent years.
3. School site administration and staff shall use the parking available on-site or use the parking lot at the northwest corner of Waverly Place and East Pennsylvania Avenue.
4. Activities/uses that are not directly related to on-site instruction and school assembly use, which would generate traffic and parking demand in addition to the traffic and parking demand generated by the school, are prohibited to be conducted simultaneously with on-site instruction or any other student-related services assembled on the school campus.
5. The on-site activities/uses shall not create overflow parking that results in patrons parking on adjacent streets, or in adjacent parking facilities, other than the parking lot on-site or at the northwest corner of Waverly Place and East Pennsylvania Avenue.
6. The parking on-site shall be kept free and clear at all times and shall be used only for parking for the school campus.
7. 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.
8. 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.
9. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
10. 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.

#### **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



Tel (310) 571-1127

FLOOR PLAN

Measured Area: 24,113 sf  
Ratio: 2,521 sf

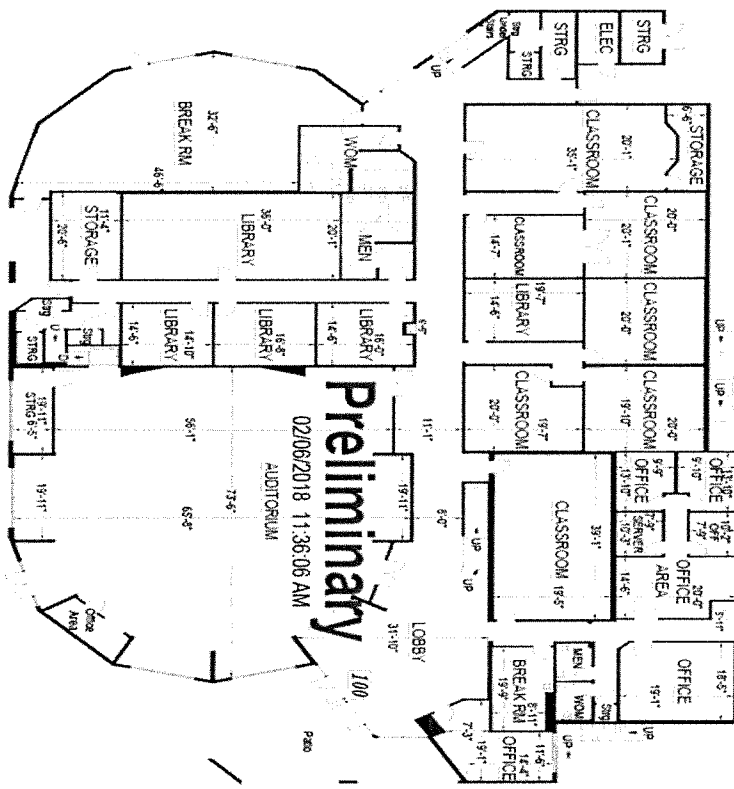


EXHIBIT "D"

Billing Summary		SQ.FT.	
Measured Area	41,391		
Client Area	2,521		

**ELEVATION LEGEND**

Spot Height A.F.F. 8'-0"

Survey Accuracy +/- 0.10 %

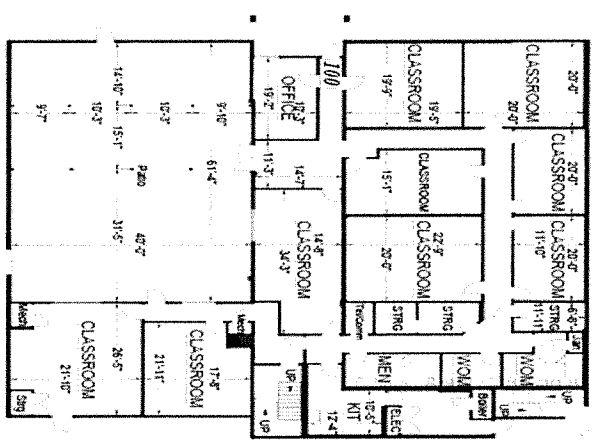
Measured Area represents the footprint of the floor, and is used solely for billing purposes. It is NOT to be used for leasing purposes.

Note: All dimensions shown are rounded to the nearest inch, for informational purposes only.  
All measurements are recorded to 1/8" accuracy as documented in the final CAD drawing adopted.

QUESTIONS are requested to be directed to: LASENTECH  
Copyright 1999, LASENTECH Floorplans, Ltd. All Rights Reserved.

WOODWARD AVE

FIRST FLOOR  
(As Measured, January 2018)



0 5 10 15 20 25 30 35 40  
SCALE



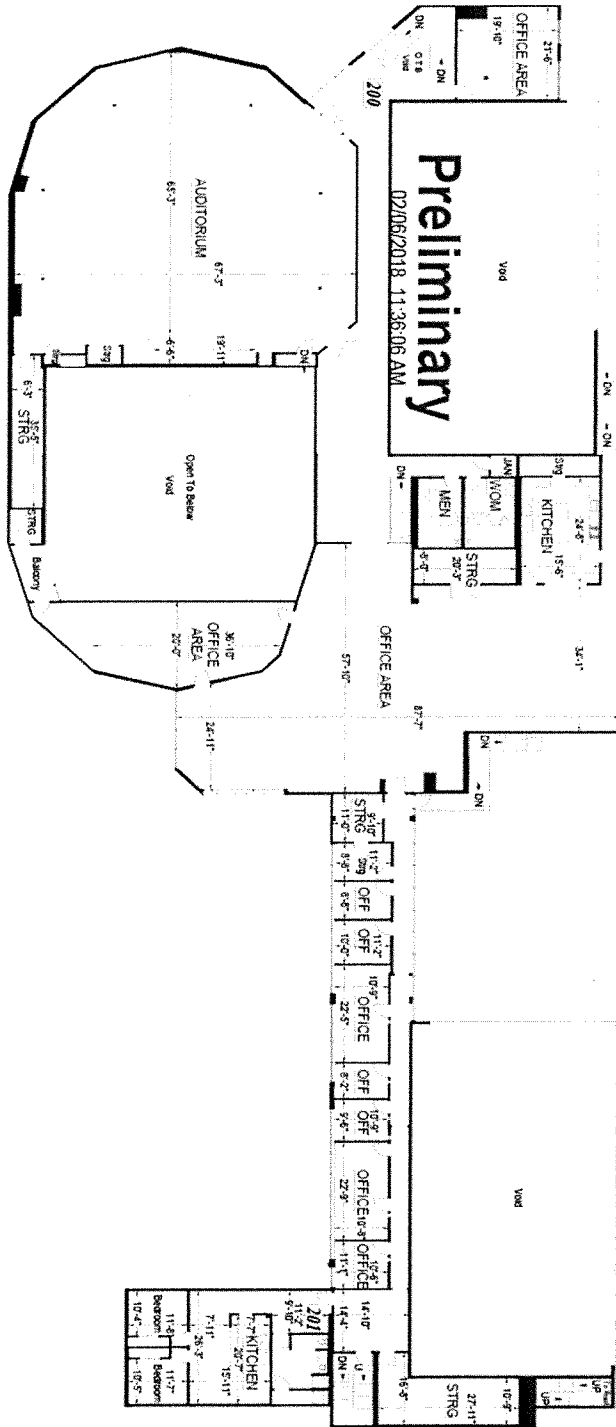
TEL: (888) 382-0055  
FILE: 18-028

Td (310) 571-1127

# FLOOR PLAN

SECOND FLOOR  
(As Measured: January 2018)

\*Measured Area: 16,426 sf.  
Exterior Area: 290 sf.



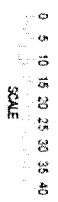
Survey Accuracy: +/- 0.10%

\*Measured Area represents the footprint of the floor and is used solely for billing purposes. It is NOT to be used for leasing purposes.

Note: All dimensions shown are rounded to the nearest inch, for informational purposes only. All measurements are rounded to 1/8" accuracy as documented in the final CAD drawing supplied. LASERTECH is a registered US trademark of LaserTech Properties Ltd. Copyright 2008 LaserTech Properties Ltd. All Rights Reserved.



TEL: (888) 368-8055  
FILE: 18-036



# ALTANSPS LAND TITLE SURVEY

SHEET 2 OF 2 SHEETS

**DEFINITIONS**

1. The word "OWNER" shall mean the person or persons who are the legal owners of the land shown on this plan.

2. The word "BOUNDARY" shall mean the line or lines which separate the land shown on this plan from the land of others.

3. The word "CORNER" shall mean the point or points at which the boundary lines meet.

4. The word "DISTANCE" shall mean the length of the boundary line or lines in feet and inches.

5. The word "BEARING" shall mean the direction of the boundary line or lines in degrees, minutes and seconds.

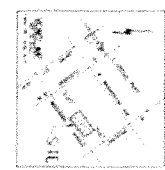
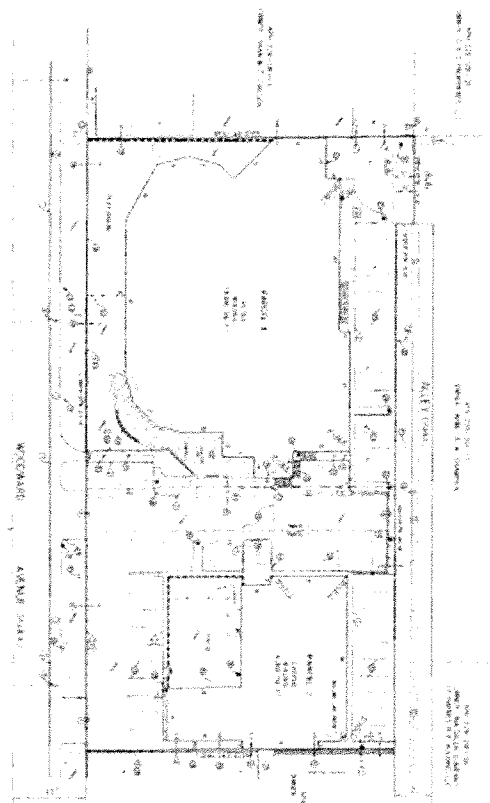
6. The word "AREA" shall mean the total area of the land shown on this plan in acres and square feet.

7. The word "PERMITS" shall mean the permits required for the construction of the buildings shown on this plan.

8. The word "SETBACKS" shall mean the distances from the boundaries to the buildings shown on this plan.

9. The word "EASEMENTS" shall mean the rights of use or enjoyment of the land shown on this plan.

10. The word "ENCUMBRANCES" shall mean the rights or interests in the land shown on this plan.



- LEGEND**
- 1. CONCRETE DRIVE
  - 2. ASPHALT DRIVE
  - 3. GRAVEL DRIVE
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  - 49. GRAVEL DRIVE
  - 50. GRAVEL DRIVE

- LANDSCAPE NOTES**
- 1. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
  - 2. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 3. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 4. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 5. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 6. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 7. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 8. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 9. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.
  - 10. LANDSCAPE DESIGN TO BE SUBMITTED TO THE CITY ENGINEER WITHIN 30 DAYS OF THE DATE OF THIS SURVEY.

**NOTES**

1. THE SURVEY WAS MADE BY THE METHOD OF TRIANGULATION AND THE DISTANCES WERE MEASURED BY THE METHOD OF TAPES.

2. THE BEARINGS WERE MEASURED BY THE METHOD OF THE SUN AND THE DISTANCES WERE MEASURED BY THE METHOD OF TAPES.

3. THE AREA WAS CALCULATED BY THE METHOD OF COORDINATES.

4. THE PERMITS FOR THE CONSTRUCTION OF THE BUILDINGS SHOWN ON THIS PLAN ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY ENGINEER.

5. THE SETBACKS FROM THE BOUNDARIES TO THE BUILDINGS SHOWN ON THIS PLAN ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY ENGINEER.

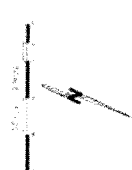
6. THE EASEMENTS AND ENCUMBRANCES SHOWN ON THIS PLAN ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY ENGINEER.

7. THE SURVEY WAS MADE ON THE 15TH DAY OF JANUARY, 1950.

8. THE SURVEY WAS MADE BY THE METHOD OF TRIANGULATION AND THE DISTANCES WERE MEASURED BY THE METHOD OF TAPES.

9. THE BEARINGS WERE MEASURED BY THE METHOD OF THE SUN AND THE DISTANCES WERE MEASURED BY THE METHOD OF TAPES.

10. THE AREA WAS CALCULATED BY THE METHOD OF COORDINATES.



ATTACHMENT 3



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

Notice of Exemption

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

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

Project Title/Case No: Classical Academy Planning Case No. PL 0449
Project Location - Specific: 130 Woodward Ave (APN: 229-291-27-00)

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

Description of Project: A Minor Conditional Use Permit to allow a personalized high school learning campus in the Park View District of the Downtown Specific Plan. The CUP would include renovating both buildings on-site to accommodate classrooms and office space for the high school. With the implementation of this project, Classical Academy High School would occupy the entirety of 130 Woodward Ave.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Mark Kalpakgian, The Classical Academies

Address: 157 E. Valley Parkway, Escondido, CA 92025

Telephone (760) 535-5189

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

Exempt Status:

The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines Section 15301, Class 1, ("Existing Facilities")

Reasons why project is exempt:

- 1. The proposed project is consistent with the City of Escondido Zoning Code and General Plan and no variances are required.
2. The subject parcel is located in a developed area of the city, which has all services, public utilities, and access available on site.
3. The high school is proposed on an existing commercial site. The project would not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2,500 square feet.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and would not result in potential health hazards to nearby residents.

Lead Agency Contact Person: Darren Parker

Area Code/Telephone/Extension 760-839-4553

Signature: Darren Parker, Associate Planner

Date

Signed by Lead Agency

Date received for filing at OPR:

## **ZONING ADMINISTRATOR**

- CASE NUMBER:** PL 22-0444 (SUB13-0007 and PHG13-0034)
- APPLICANT:** New Urban West (Dan Hayes)
- PROJECT LOCATION:** On the northern terminus of Amanda Lane, north of Gamble Lane, addressed at 2115 Amanda Lane (Assessor's Parcel No. 235-202-35-00)
- REQUEST:** Three-year Extension of Time for a 21-lot Tentative Subdivision Map and Planned Development
- STAFF RECOMMENDATION:** Approve, subject to conditions

**BACKGROUND/PROJECT DESCRIPTION:** The Project includes a Tentative Subdivision Map, along with a Master and Precise Development Plan for 21 single-family residential lots on 11.2 acres of land. The property was rezoned to PD-R 1.9 (Planned Development-Residential, 1.9 dwelling units per acre) when it was originally approved in 2015. Grading Exemptions for cut slopes in excess of 20 feet in height and fill slopes in excess of 10 feet in height, and retaining walls also were approved. The clustered lot sizes range from 10,025 square feet to 20,040 square feet. Annexation of the Project was completed in 2016. Off-site roadway and drainage improvements are proposed along Amanda Lane and Gamble Lane from Eucalyptus Avenue on the east to the gated terminus of Gamble Lane on the west, which includes a "Traffic Calming Plan" for Gamble Lane.

A Tentative Subdivision Map and Planned Development (SUB13-0007 and PHG13-0034) were previously approved by the City Council on April 8, 2015. The Tentative Subdivision Map and corresponding planned development were valid for three-years, unless an extension of time is granted. Escondido Municipal Code Section 32.210.02(c) allows for multiple extensions to be granted by the City, not to exceed a maximum of six years. A 3-year extension of time was granted by the City Council on March 21, 2018, and the Tentative Subdivision Map is eligible for an additional 2-year extension. Previous City Ordinance (O2020-12) and State legislative action (Senate Bill AB1561) automatically extended the Tentative Map an additional 18 months with the map scheduled to expire October 8, 2022. The applicant submitted a time extension request on August 16, 2022. This action suspends expiration of the map until a final decision is made regarding the extension request. The purpose of this agenda item is to review and consider the extension request. The criteria for determining the appropriateness for granting an extension of

time for a Tentative Subdivision Map is based on the map's compliance with the City's current General Plan, Zoning Ordinance, and the requirements of the California Environmental Quality Act (CEQA).

**ENVIRONMENTAL REVIEW:**

A Final Initial Study/Mitigated Negative Declaration was adopted for the project in accordance with CEQA and a Notice of Determination posted with the County Clerk.

**REASON FOR STAFF RECOMMENDATION:**

Staff believes the current Tentative Map conforms to the General Plan, Zoning Code requirements and CEQA provisions. The Planning and Engineering Divisions' Conditions of Approval of been updated to conform to current formatting. Therefore, staff recommends the requested 3-year extension of time and updated Conditions of Approval be approved. With this extension of time, the tentative map is valid through October 8, 2025.

Respectfully submitted,



Jay Paul  
Senior Planner

**ATTACHMENTS:**

1. Project Location/Aerial Map
2. Tentative Subdivision Map
3. Zoning Administrator Resolution No. 2022-09, including Exhibits A, B, C and D

ATTACHMENT 1



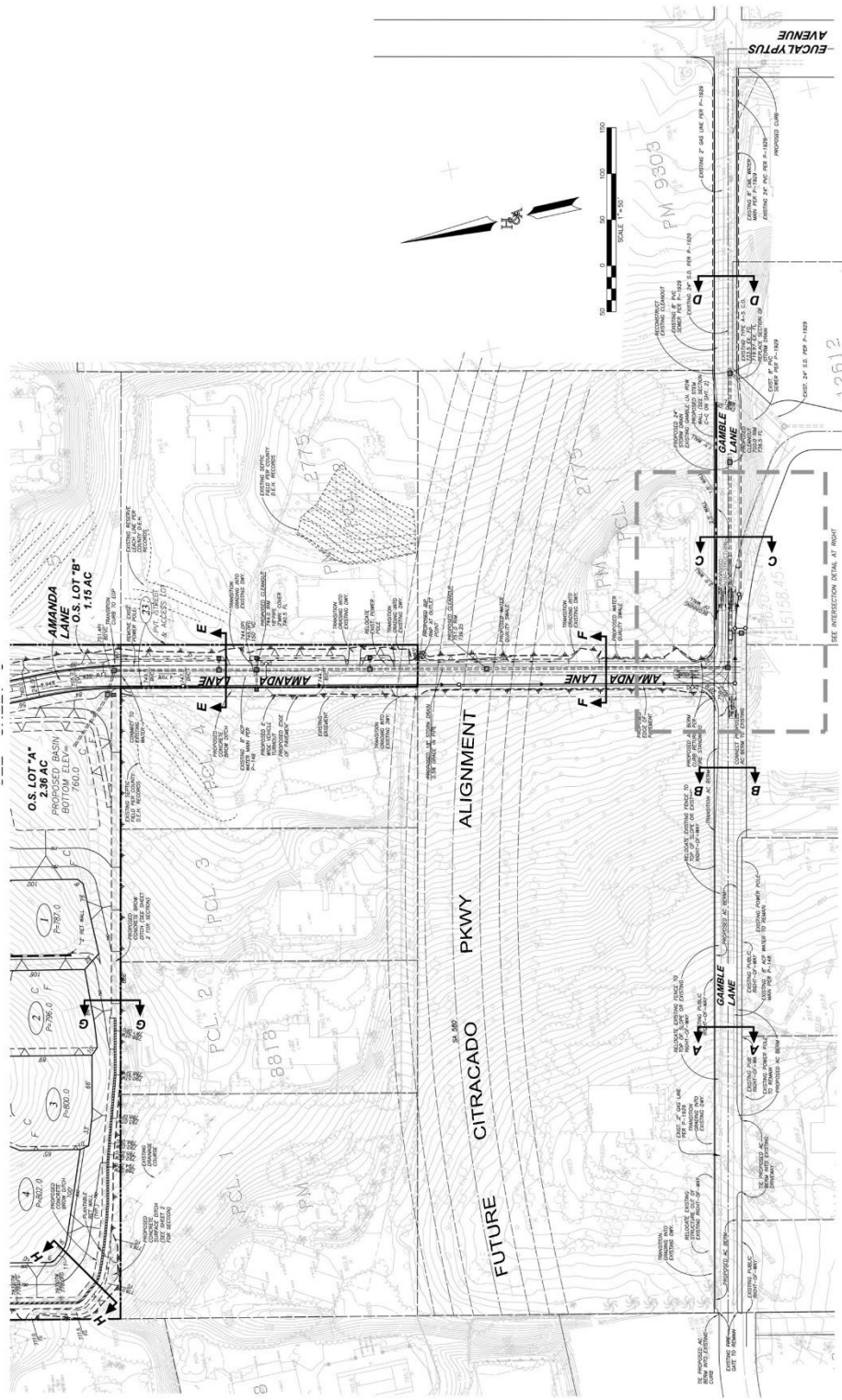
# ATTACHMENT 2



**PROPOSED PROJECT  
SUB 13-0007**

**PLOT  
PLAN**





**PROPOSED PROJECT  
SUB 13-0007**

**PLOT  
PLAN**

Zoning Administrator  
Hearing Date: September 28, 2022  
Effective Date: October 11, 2022

ZONING ADMINISTRATOR RESOLUTION NO. 2022-09

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A 3-YEAR EXTENSION OF TIME FOR  
TENTATIVE SUBDIVISION MAP NO. SUB13-0007  
AND MASTER AND PRECISE DEVELOPMENT PLAN  
NO. PHG13-0034

APPLICANT: Amanda Lane Group LLC / New Urban West

CASE NO: PL22-0444

WHEREAS, Amanda Lane Group LLC / New Urban West ("Applicant"), filed a land use development application, Planning Case No. PL22-0444 ("Application"), constituting a request for an extension of time for an approved 21-lot Tentative Subdivision Map and Master and Precise Development Plan on a 11.2-acre site generally located towards the northern terminus of Amanda Lane, north of Gamble Lane, addressed at 2115 Amanda Lane (Assessor's Parcel No. 235-202-25-00), in a Planned Development-Residential Zone ("Project"); and

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

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

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

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

WHEREAS, the Escondido City Council approved a 21-lot Tentative Subdivision Map (City File No. SUB13-0007) and Master and Precise Development Plan (City File No. PHG13-0034) on April 8, 2015, and adopted Ordinance No. 2015-08 and Resolution No. 2015-38, including the environmental determination for the project; and

WHEREAS, a Tentative Subdivision Map and corresponding Planned Development, which has been conditionally approved, was scheduled to expire three years from the effective date of approval, unless additional time was granted pursuant to the Subdivision Map Act, or an extension of time is approved in accordance with Section 32.210.02 of the Escondido Municipal Code; and

WHEREAS, the City Council approved a 3-year extension of time for the Project on March 21, 2018 (Resolution No. 2018-30); and

WHEREAS, City of Escondido Ordinance No. 2020-12 along with California Assembly Bill 1561 granted automatic extensions for the Project up to an additional 18 months, extending the expiration date to October 8, 2022; and

WHEREAS, the Applicant requests that the Zoning Administrator approve an extension of time as permitted by the Subdivision Map Act and Chapter 32, Article 2, of the Escondido Municipal Code. Pursuant to Section 32.210.02 of the Escondido Municipal Code, multiple extensions may be granted provided that the overall total of incremental extensions do not exceed five years; and

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the 3-year extension of time as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, on September 28, 2022, the Zoning Administrator held a public meeting as prescribed by law, at which time the Zoning Administrator received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Zoning Administrator, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated September 28, 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 meeting; and

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

WHEREAS, the Zoning Administrator desires at this time and deems it to be in the best public interest to approve a 3-year extension of time, with an expiration date of October 8, 2025.

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

1. The above recitations are true and correct.
2. The Zoning Administrator, in its independent judgment, has determined that all of the requirements of CEQA have been met.
3. After consideration of all evidence presented, and studies and investigations made by the Zoning Administrator and on its behalf, the Zoning Administrator makes the substantive findings and determinations, attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Zoning Administrator reached a recommendation on the matter as hereinafter set forth.
4. The Application to use the Property and extension of time for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "D," is hereby approved by the Zoning Administrator. The Zoning Administrator expressly declares that it would not have approved this Application except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the

Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

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

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

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

portion of the web page, [www.escondido.org](http://www.escondido.org), and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 28th day of September, 2022.

---

ADAM FINESTONE  
Zoning Administrator,  
City of Escondido

---

WITNESS

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



## EXHIBIT "A"

### Legal Description PL22-0444 SUB13-0007, PHG13-0034

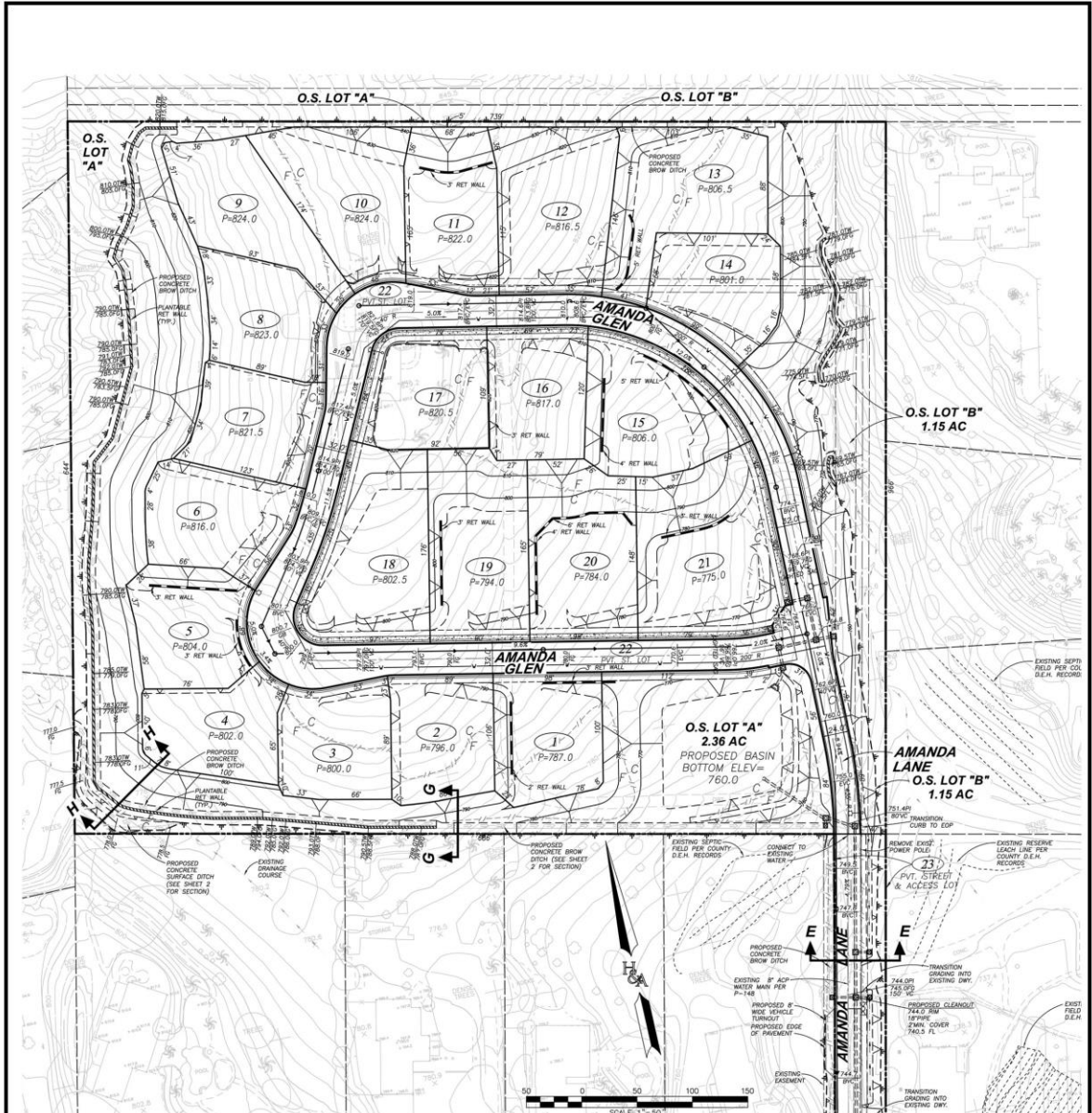
#### GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, BEING A PORTION OF BLOCK 14 IN HOMELAND ACRES ADDITION TO ESCONDIDO, SITUATED IN THE SAN BERNARDO RANCHO, IN THE 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 NORTHWEST CORNER OF SAID BLOCK 14, ALSO BEING AN ANGLE POINT IN THE EXISTING CITY OF ESCONDIDO BOUNDARY; THENCE, ALONG THE NORTHERLY LINE OF SAID BLOCK 14 AND SAID EXISTING CITY OF ESCONDIDO BOUNDARY, (1) SOUTH 77°22'37" EAST, 739.22 FEET; THENCE LEAVING SAID NORTHERLY LINE AND SAID CITY OF ESCONDIDO BOUNDARY, (2) SOUTH 12°36'32" WEST, 1288.68 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID BLOCK 14, BEING THE NORTHERLY SIDELINE OF GAMBLE LANE, ALSO BEING A POINT IN THE EXISTING CITY OF ESCONDIDO BOUNDARY; THENCE ALONG SAID SOUTHERLY LINE AND SAID EXISTING CITY OF ESCONDIDO BOUNDARY, (3) NORTH 77°24'18" WEST, 43.65 FEET; THENCE LEAVING SAID SOUTHERLY LINE AND SAID CITY OF ESCONDIDO BOUNDARY, (4) NORTH 12°19'28" EAST, 322.37 FEET; THENCE, (5) NORTH 77°23'04" WEST, 441.84 FEET; THENCE, (6) NORTH 12°17'28" EAST, 322.70 FEET; THENCE, (7) NORTH 77°22'40" WEST, 243.75 FEET TO A POINT IN THE WESTERLY LINE OF SAID BLOCK 14, ALSO BEING A POINT IN THE EXISTING CITY OF ESCONDIDO BOUNDARY; THENCE ALONG SAID WESTERLY LINE AND SAID EXISTING CITY OF ESCONDIDO BOUNDARY, (8) NORTH 12°01'20" EAST, 643.73 FEET TO THE **POINT OF BEGINNING**. CONTAINING, 14.819 ACRES, MORE OR LESS.

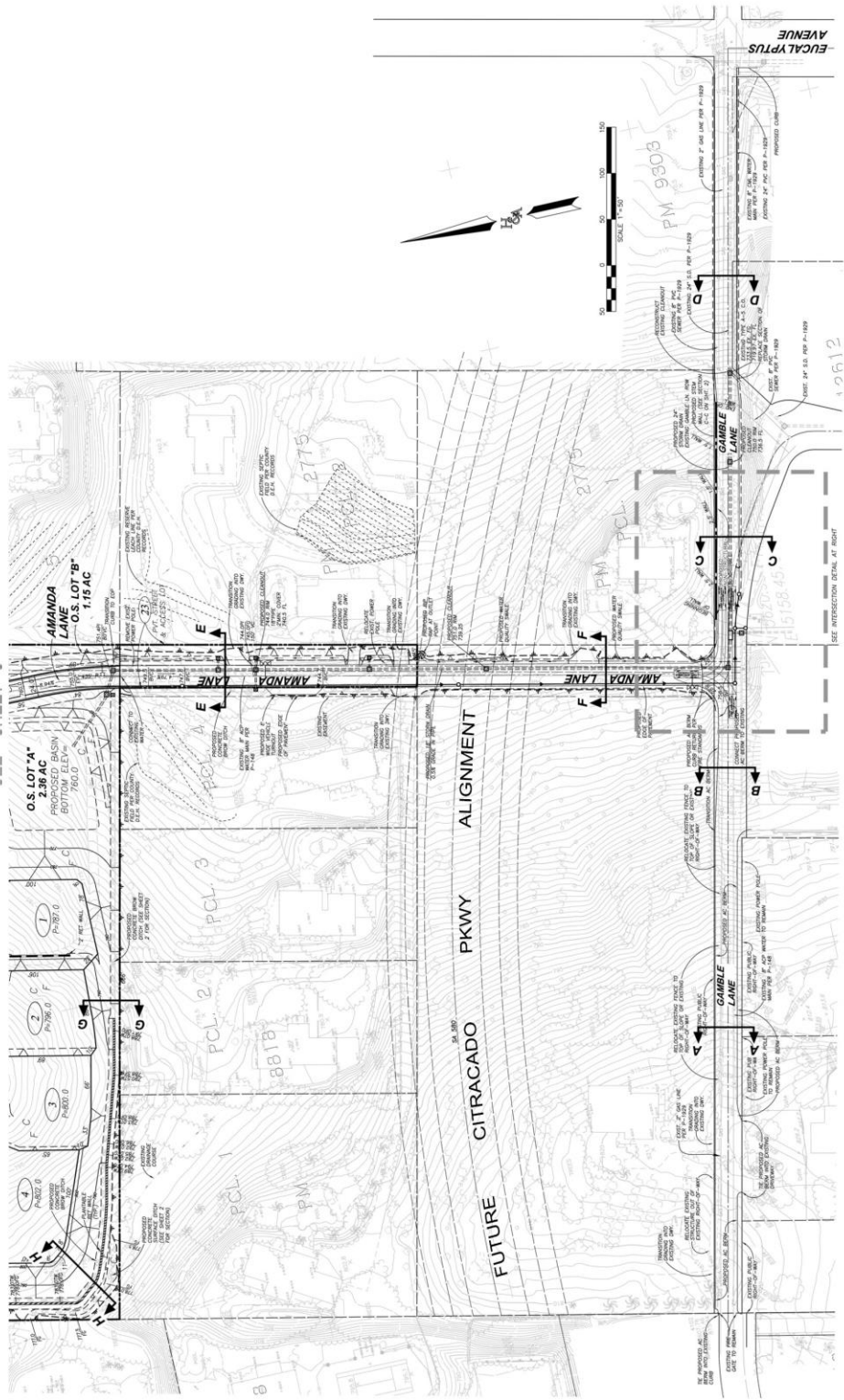
# EXHIBIT "B"

## Plans PL22-0444 SUB13-0007, PHG13-0034



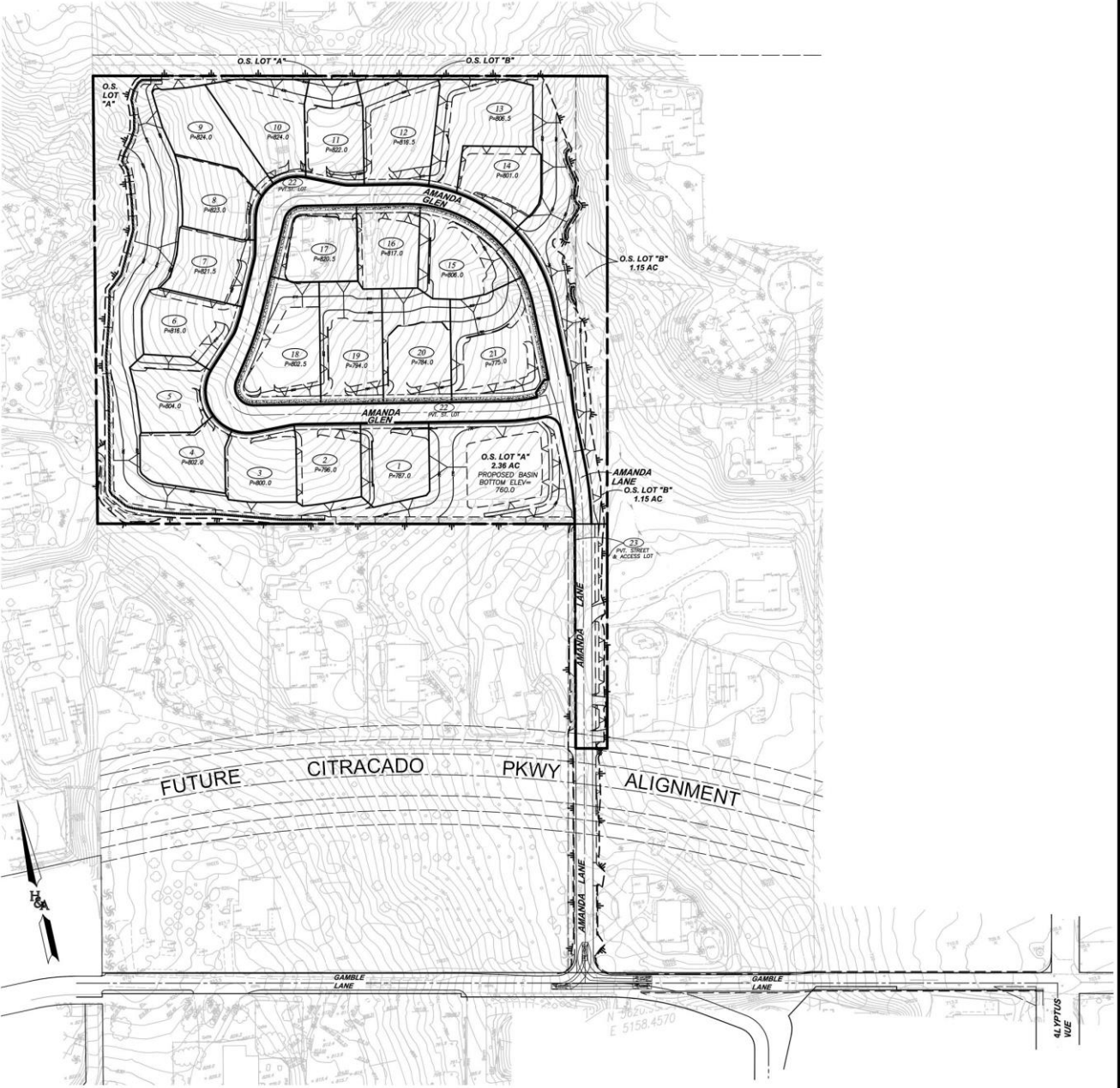
PROPOSED PROJECT  
SUB 13-0007

PLOT  
PLAN



**PROPOSED PROJECT  
SUB 13-0007**

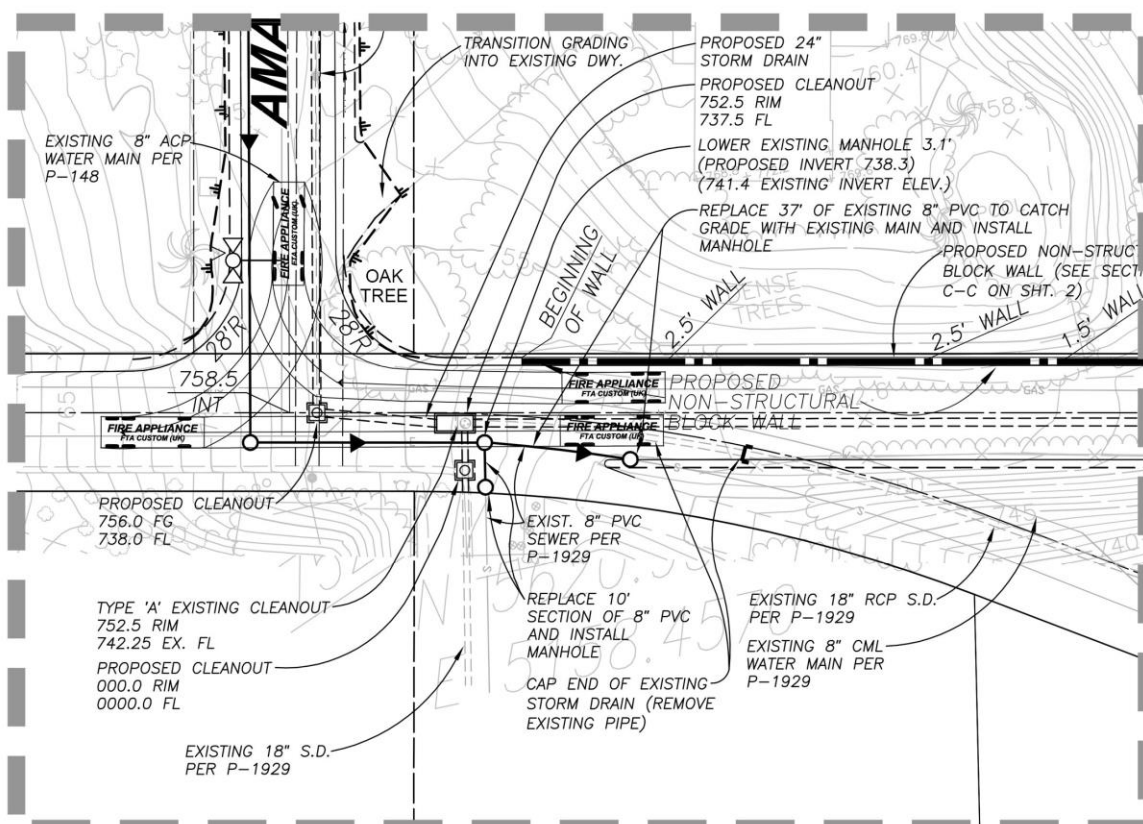
**PLOT  
PLAN**



**PROJECT MAP**

**PROPOSED PROJECT  
SUB 13-0007**

**PLOT  
PLAN**



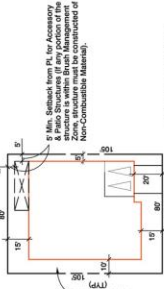
**INTERSECTION DETAIL FOR AMANDA LANE AND GAMBLE LANE**

**PROPOSED PROJECT  
SUB 13-0007**

**DETAIL**

PRELIM PLOTTING

AMANDA ESTATES



\*10' SETBACK TO UTILITY OR SIGNALING ORANGE

NOTE: MINIMUM SETBACKS OF 5' FOR INDEPENDENTLY SET STRUCTURES. THE TOTAL SETBACKS OF THE LOT SHALL BE MAINTAINED AS TO TOTAL SEPARATION IS MAINTAINED BETWEEN STRUCTURES

TYPICAL SETBACKS - MINIMUM REQUIRED

SCALE: 1"=40'

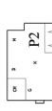
BUILDING MIX

6 UNITS (28.5%)



PLAN 1/1X

7 UNITS (33.3%)



PLAN 2

4 UNITS (19.1%)



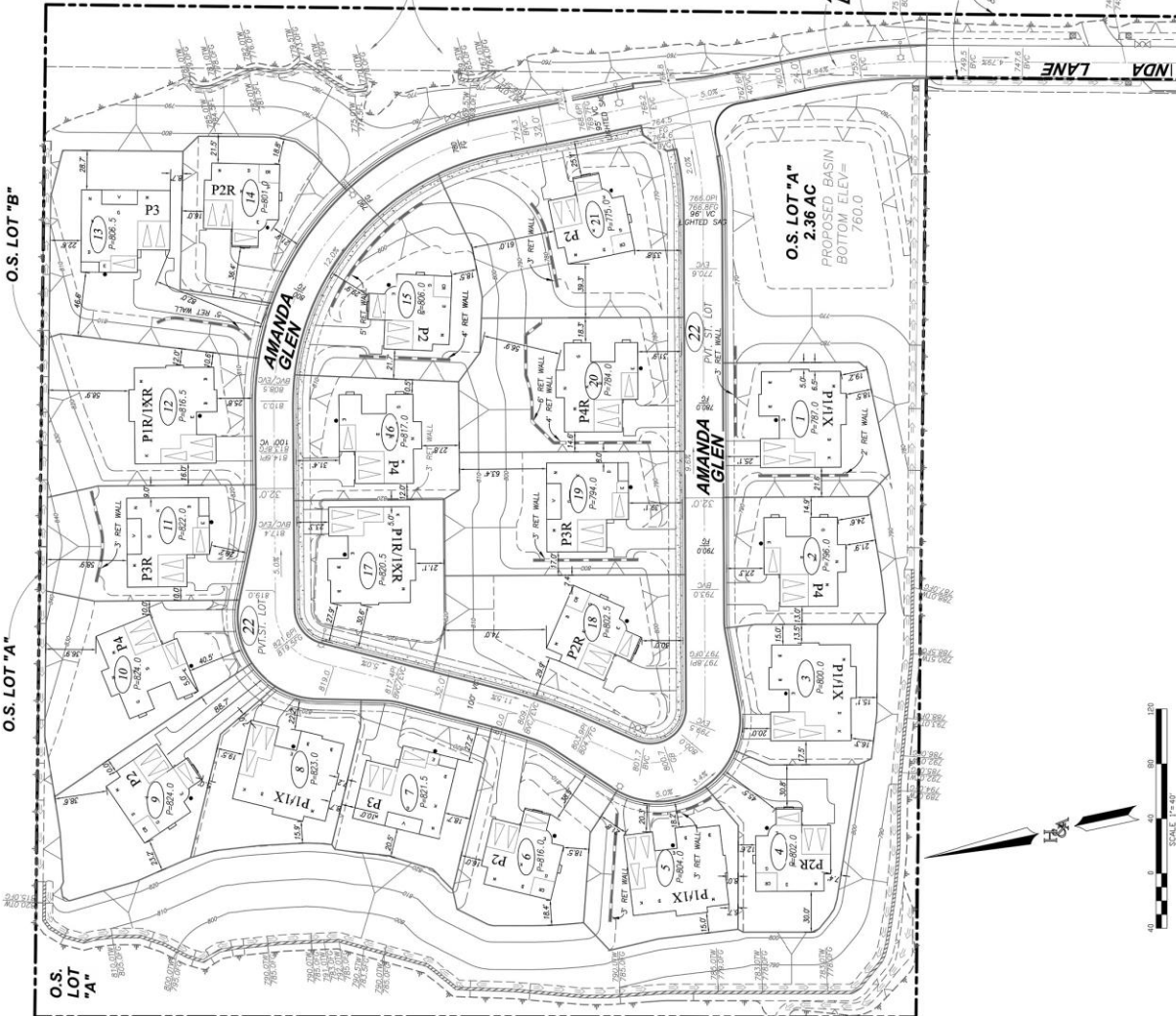
PLAN 3

4 UNITS (19.1%)



PLAN 4

21 UNITS (100%)



PROPOSED PROJECT  
SUB 13-0007

PLOT  
PLAN

## LOTTING SUMMARY

AMANDA ESTATES			
LOT #	GROSS LOT AREA	NET LOT AREA (EXCLUDES PANHANDLES) *	20,000 SF - NET LOT SF
1	11,062	11,062	8,938
2	10,509	10,509	9,491
3	10,443	10,443	9,557
4	10,205	10,205	9,795
5	10,941	10,941	9,059
6	11,870	11,870	8,130
7	10,594	10,594	9,406
8	10,694	10,694	9,306
9 *	11,978	10,627	9,373
10	14,171	14,171	5,829
11	12,192	12,192	7,808
12	15,668	15,668	4,332
13 *	15,758	13,126	6,874
14	10,896	10,896	9,104
15	14,207	14,207	5,793
16	10,717	10,717	9,283
17	12,182	12,182	7,818
18	17,561	17,561	2,439
19	15,498	15,498	4,502
20	15,555	15,555	4,445
21	20,404	20,404	
RES. SUBTOTAL SF	273,105	269,122	151,282
RES. SUBTOTAL AC	6.27	6.18	3.47
MAX	20,404	20,404	21 Lots
MIN	10,205	10,205	
RES. AVG LOT SIZE	13,005	12,815	
PVT. ST. LOT 22	47,586	Internal Street	
PVT. ST. LOT 23	14,852	Access Street	
PVT. STREET SUBTOTAL	62,438	1.43 AC	
OS LOT "A"	103,038	-	
OS LOT "B"	49,979	-	
OS SUBTOTAL	153,017	3.51 AC	
PROPOSED TOTAL SF	488,560	-	
PROPOSED TOTAL AC	11.22	-	

\* PANHANDLE LOTS

## PROJECT SUMMARY

	SQ. FT.	AC.	% OF SITE
<b>GROSS SITE AREA</b>	<b>488,560</b>	<b>11.22</b>	<b>100.00%</b>
RESIDENTIAL LOT AREA	273,105	6.27	55.9%
PRIVATE STREET AREA (SURFACE - LOT 22 & PORTION OF LOT 23)	55,330	1.27	11.3%
PRIVATE STREET AREA (NON-SURFACE PORTION OF LOT 23)	7,108	0.16	1.5%
PRIVATE LOTS A - B	153,017	3.51	31.3%

## OPEN SPACE SUMMARY

OPEN SPACE DESCRIPTION	SQ. FT.	AC.
PRIVATE OS LOTS A and B	153,017	3.51
<b>TOTAL</b>	<b>153,017</b>	<b>3.51</b>
TOTAL LOT AREA UNDER 20,000 SF	151,282	3.47
EXCESS OPEN SPACE PROVIDED	1,735	0.04

**PROPOSED PROJECT  
SUB 13-0007**

**DETAIL**

**Landscape Amenities Legend**

- 1** Project Monumentation:
  - Rustic stone wall with project name/logo.
- 2** Themed Fencing
  - Rustic wood fencing
  - Masonry pillars
- 3** Preserved Drainage in Open Space Lot
- 4** Open Space Detention Basin
- 5** Landscape
- 6** Screening

- 3'-6" Rustic Wood Rail Fence
- 5'-6" View Fence
- 5'-6" Fence
- Split Rail Fence
- Monument Wall

Refer to Civil Engineer's plans for retaining conditions.



**Amanda Estates L-2**  
New Urban West

**Overall Landscape Exhibit**

San Diego County, California

**PROPOSED PROJECT  
SUB 13-0007**

**L**  
LANDSCAPE



## **EXHIBIT “C”**

### **Findings of Fact**

#### **Extension of Time**

**PL22-0444 (SUB13-0007/PHG13-0034)**

#### **Environmental Determination(s)**

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

#### **Tentative Subdivision Map and Planned Development Determination(s)**

1. The Zoning Administrator finds that the extension of time request is reasonable, was filed within the time periods specified, and meets all requisite findings for the requested extension of time on the Tentative Subdivision Map and associated Planned Development.
2. The proposed 21-lot tentative map with a density of 1.9 dwelling units per acre is consistent with the applicable General Plan land use designation of Estate II which allows up to 2.0 dwelling units per acre. The Project site would allow a maximum theoretical yield of up to 21 lots based on site-specific slope conditions and General Plan Subdivision Ordinance yield provisions and clustering policies. No changes in City policy have occurred that would conflict with the project. Escondido Municipal Code Section 32.210.02(c) allows for multiple extensions to be granted by the City not to exceed a maximum of five years. This request would extend the Tentative Subdivision Map and associated Planned Development to October 8, 2024.
3. All findings of fact associated with City Council Ordinance No. 2015-08 and Resolution No. 2015-38 that approved Case Nos. SUB13-0007 and PHG13-0034 and the environmental determination, are incorporated herein as though fully set forth. The proposed project will comply with all the applicable regulations, conditions, and polices imposed by the Escondido Municipal and Zoning Codes.
4. The location, design, and residential density of the proposed 21-lot Tentative Subdivision Map and associated Planned Development are consistent with the goals and policies of the Escondido General Plan because single-family residential development is permitted and encouraged in the within the Estate II land-use designation. The proposed infill residential

Project would be 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.

5. The Project site is physically suitable for the proposed density of development because the property is within a suburban area that is developed with a mix of similar single-family residential uses. The Estate II land-use designation allows up to 2.0 dwelling units per acre. Based on the Project area of 11.2 acres, the underlying land-use designation would allow up to 21 lots with a minimum clustered lot size of 10,000 square feet. The request to subdivide the subject site into 21 clustered lots with a minimum lot size of 10,000 square feet is consistent with the land use density and development requirements envisioned for this area. Furthermore, the proposed Tentative Subdivision Map and associated Planned Development are consistent with applicable provisions of the General Plan that addresses growth management.
6. The proposed residential Project would be based on sound principles of land use and the project is well integrated and compatible with its surroundings because it is situated near similar residentially developed properties. Adequate access, parking, utilities and landscaping would be provided to serve the development. The Project would not disrupt or divide the physical arrangement of the area because the subject site is zoned for residential development, is infill in nature, and is adjacent to similar single-family residential uses to the north, south and east and west. Development of the project, new street and utility extensions would not adversely alter or impact the existing circulation pattern throughout the surrounding neighborhood, nor preclude the development of surrounding parcels. All vehicular traffic generated by the Project will be accommodated safely and without degrading the levels of service on the adjoining streets or intersections.
7. The proposed residential Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding as detailed in the Final Mitigated Negative Declaration adopted for the Project. The requirements of the California Environmental Quality Act have been met because it was found/determined the Project will not have a significant effect on the environment because mitigation measures and project design features will avoid or reduce potential impacts to less than a significant level, as demonstrated in the Final Mitigated Negative Declaration adopted for the project.
8. The proposed residential development would not conflict with the provisions of an adopted Specific Plan or proposed Habitat Conservation Plan. The Project site is not located within a General Plan Specific Planning Area or area identified for preservation on the City's draft Multiple Habitat Conservation Program (MHCP), nor does it contain any sensitive resources as identified in General Plan Resource Conservation Element. The Project site is not listed on the City' Parks, Trails and Open Space Plan, or any local or regional parks and open space.

9. The design of the tentative map and the type of improvements are not likely to cause serious public health problems since public water and sewer facilities exist in the area or will be provided to the site, and the project proposes appropriate on- and off-site street improvements to adequately accommodate the project. Storm water/drainage features also are proposed in accordance with current SUSMP requirements. The project proposed off-site improvements to Amanda Lane and Gamble Lane, including traffic calming along Gamble Lane to reduce current roadway and drainage deficiencies within the area, which would be a public benefit to existing city and county residents. The Project would not create any adverse noise impacts to adjacent properties due to the residential nature of the project and limited traffic generated by the Project. The Project, as approved, is required to pay all applicable development fees and install improvements in conformance with City standards. The Project is not subject to any further funding requirements as a result of the requested extension of time for expiration of the Tentative Map.
10. The design of the 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 will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
11. The design of the subdivision map has provided, to the extent feasible, for passive or natural heating or cooling opportunities in the subdivision. Unit sizes and configuration provide opportunities for passive/solar heating and landscaping provides passive cooling opportunities.
12. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will be obtained prior to recordation of the map.
13. In consideration of the above, the proposed Project meets all of the requirements of section 66474 of the California Government Code and the proposed 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(s), the Escondido General Plan and above findings.

# EXHIBIT “D”

## CONDITIONS OF APPROVAL

### PLANNING CASE NO. PL 22-0444 SUB13-0007 / PHG13-0034

This Project is conditionally approved as set forth on the Extension of Time application received by the City of Escondido on August 16, 2022, and the Project drawings consisting of Tentative Subdivision Map, Civil Sheets and Grading Plan, Plotting Plan, all designated as recommended for approval by the Zoning Administrator on September 28, 2022, and shall not be altered without express authorization by the Development Services Department. The full set of plans associated with the subject Tentative Subdivision Map and Master and Precise Development Plan are available in the Planning Division as originally approved by the City Council pursuant to Ordinance No. 2015-08 and Resolution No. 2015-38 and detailed in the City Council staff report and attachments dated April 8, 2015.

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.** This extension of time for the Tentative Subdivision Map and associated Planned Development is granted for an additional three years. If the Permit was filed as or concurrent with a Tentative Map, the Permit shall expire on **October 8, 2025**, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code.
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 the Grading Exemptions for the slope up to an additional one foot in height, and modifications to retaining wall heights. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

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

#### **7. Availability of Permit Conditions.**

- a.** Prior to Final Map recordation, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of 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 Director of Development Services.

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

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

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

- 14. 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.

**15. Indemnification, Hold Harmless, Duty to Defend.**

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

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

**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. **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.
12. **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.
13. **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.

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

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

1. Parking shall be provided in accordance with the Article 39 (Off-Street Parking) of the Escondido Zoning Code and Master Development Plan.
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. 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 Community Development.
  - e. The builder will be responsible for providing initial stabilization of the front yards, using hydro-seed and the homeowner shall be responsible for maintaining the method of stabilization through the completion of landscape improvements installed by the homeowner.

**E. Specific Planning Division Conditions:**

- 1. All residential lots shall meet the minimum 10,000 SF net lot area and 80-foot average lot width requirements as detailed in the approved Master and Precise Development Plan. In no event shall the reduction of lot sizes for this clustered residential development exceed the amount of open space area within the development. Conformance with these requirements shall be demonstrated on the final Tentative Map submitted for certification, the grading plan and final map. Non-compliance with these minimum standards will result in revisions to the map, as might be necessary to achieve compliance.
- 2. Exemptions from the Grading Ordinance are approved as part of this project, as specifically detailed in the staff report, exhibits and details of request as follows:

Area 1: (Open Space Lots A & B) Fill Slopes ranging from 5' to 35' in height

Area 2: (Lots 15, 21 and Open Space Lots A & B) Fill slopes ranging from 20' to 38' in height

Area 3: (Lots 11 & 12) Cut slopes up to 24' in height

Area 4: (Lot 19 and Open Space Lot A) Cut slopes up to 28' in height

Note: The final engineering design may require slopes, including identified grading exemption slopes to vary up to approximately 1 foot in height from the heights described above, as may be determined by Director of Community Development.

3. Prior to recordation of the Tentative Map, copies of the CC&Rs shall be submitted for review and approval. The CC&Rs shall be submitted to the Engineering Division (along with the appropriate review fee). The CC&Rs shall contain provisions for the maintenance of any common facilities, landscaping, drainage and storm water facilities, and walls, etc. All the lots in the subdivision shall be part of the homeowners' association. A self-managed homeowners' association shall not be allowed and shall be managed by a professional management company.
4. No street names are submitted as part of this approval. A separate request shall be submitted prior to final map.
5. All exterior residential lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All residential outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
6. The project shall be developed with the unit mix and location of proposed units as identified on the Plotting Plan. Deviations from the Plotting Plan may be approved on a case-by-case basis by the Director of Development Services. Lots 8, 12 and 17 shall be restricted to single-story homes (with no second story addition option allowed). This requirement shall be included in the project CC&Rs.
7. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits and details in the staff report to the satisfaction of the Planning Division.
8. General setbacks for primary and accessory structures shall be subject to the R-1-10 zoning standards unless otherwise prescribed in the approved Master and Prevised Development Plan, details of request section of the staff report and conditions of approval, and as illustrated on the project exhibits (Preliminary Plotting Plan). Appropriate setbacks from top and toe of slope shall be maintained, as determined by the Engineering Division. California rooms provided as an option by the builder must meet the rear yard setback. Single-story structures, such as patio covers, gazebos, outdoor kitchens and fireplaces may encroach 10 feet into the rear yard setback. Swimming pools, spas and associated equipment shall not be permitted in the front yard and must be located at least five feet from side and rear property lines.
9. Exterior stairways for the Plan 1X shall be required to meet all building setbacks required for the primary structure.

10. A minimum 15' separation between homes shall be maintained at all times.
11. Appropriate access shall be provided around all sides of the building (with appropriate separation/setback from slopes or retaining walls, generally min. 5 feet) or as determined by the Fire Department and Engineering Division on a case-by-case basis for each lot.
12. Prior to issuance of building permits for the first phase, the applicant shall submit a design review package to the Planning Division for the entry project identification signage. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs.
13. The perimeter retaining walls shall incorporate decorative materials and shall be indicated on the final grading and landscape plans (material type and color). Decorative masonry cap also shall be used (rolled mortar cap not allowed). Stucco finish shall not be allowed for perimeter retaining walls.
14. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site (Escondido Ordinance 2011-03 (RR) Section 503.2.1).
15. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.

**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. Mitigation Measures:**

1. **Air-1 Construction Dust Control Measures.** The on-site construction superintendent shall ensure implementation of standard best management practices to reduce the emissions of fugitive dust to a level of less than significant during all grading and site preparation activities including, but not limited to, the following actions:
  - a. Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water shall be applied at a frequency to be determined by the on-site construction superintendent.
  - b. Operate all vehicles on the construction site at speeds less than 15 miles per hour.
  - c. Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer.
  - d. If a street sweeper is used to remove any track-out/carry-out, only PM10-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carryout is prohibited under any circumstances.

2. **Bio-1** To avoid any direct impacts to raptors, removal of eucalyptus woodland habitat shall occur outside of the raptor breeding season (January 15 to August 31). If removal of eucalyptus woodland habitat must occur during the breeding season, the applicant shall retain a City approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting raptors in the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction activities (including the removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City for review and approval prior to initiating any construction activities.
3. **Bio-2** Vegetation clearing or brushing shall occur outside of the typical breeding season for raptors and migratory birds (January 15 to August 31). If this is not possible, then a qualified biologist shall conduct a survey for nesting birds no more than five calendar days prior to construction to determine the presence or absence of nests on the project site. The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. No construction activities shall occur within 300 feet of tree dwelling raptor nests, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (Leq) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) Leq, which will reduce the impact to below a level of significance.
4. **Bio-3** During construction activities, the construction contractor shall ensure that dirt storage piles are stabilized by chemical binders, tarps, fencing or other erosion control measures.
5. **Bio-4** During construction activities, the construction contractor shall terminate grading activities if winds exceed 25 mph.
6. **Bio-5** Prior to issuance of a grading permit, the project applicant shall show on project plans that all landscape areas, including plant material within the plantable retaining wall, include native vegetation and drought tolerant plant materials.
7. **Bio-6** During construction activities, the construction contractor shall ensure that the limits of grading are flagged or marked with silt fencing prior to grading to prevent indirect impacts to off-site sensitive coastal sage scrub habitat to the northeast of the project site. Prior to grading, a qualified biologist shall review the flagging and silt fencing and during grading the qualified biologist shall monitor the limits of clear and grub and grading activities. Monitoring shall be conducted on an as needed basis as determined by the qualified biologist with reports submitted to the City of Escondido Planning Division on a weekly basis.
8. **Bio-7** To offset impacts associated with the loss of one mature oak tree, prior to issuance of a certificate of occupancy for the first residence, the applicant shall plant two oak trees within an open space area on the proposed project site, and the on-site homeowners' association shall ensure that they are maintained in perpetuity.
9. **Cul-1** The following mitigation monitoring and reporting program shall be implemented to address potential impacts to undiscovered buried archaeological resources within the proposed project impact area. This program shall include, but not be limited to, the following actions:
  - a. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitor from a tribal group appropriate to this location have been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the lead agency. The archaeologist shall be responsible for coordinating with the tribal representative. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

- b. The qualified archaeologist and a Native American representative shall attend the pregrading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
  - c. During the original cutting of previously undisturbed deposits the archaeological monitor and Native American representative shall be on site full-time to perform inspections of the excavations. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The project archaeologist shall be responsible for determining the duration and frequency of monitoring.
  - d. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
  - e. In the event that previously unidentified cultural resources are discovered, the archaeologist, with input from the Native American representative, shall have the authority to temporarily divert halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the City Planning Division at the time of discovery. The archaeologist, in consultation with the Native American representative, shall determine the significance of the discovered resources. The significance determination and any additional mitigation measures shall be submitted to the City of Escondido for review. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a research design and data recovery program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods. If any human remains are discovered, the County Coroner and City shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
  - f. Where any significant cultural deposits have been discovered, data recovery measures shall be implemented before construction activities are allowed to resume in the affected area.
  - g. All cultural material collected during the grading monitoring program shall be processed using appropriate protocols for cataloging, recording, and photographing, in addition to special studies, to facilitate a detailed and exhaustive analysis. When all research potential of the collection has been exhausted, the collection shall be repatriated to the Native American community, consistent with existing state law and the City's policies. Should the Native American community decline the collection, the collection shall be curated at the San Diego Archaeological Center.
  - h. A report documenting the field and analysis results and interpreting the artifact and research data within the research context, shall be completed and submitted to the satisfaction of the City Planning Department prior to the issuance of any building permits. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.
- 10. Geo-1** Prior to the issuance of a grading permit, the applicant shall demonstrate that all recommendations contained in the GSI Preliminary Geotechnical Evaluation (2011) are incorporated into the proposed project during construction. All required recommendations from the Geotechnical Evaluation shall be documented on the project's grading plans and included in the grading permit application submitted and approved by the City's Engineering Division prior to the start of construction.

- 11. Haz-1** Prior to the issuance of a grading permit, the results of the Site Assessment Report, dated November 17, 2014, prepared by Tetra Tech to evaluate agricultural chemical residue at the site, shall be submitted to State of California Department of Toxic Substances Control (DTSC) for review. Based on the results of the Site Assessment Report, the environmental condition of the project site has been sufficiently characterized as soil with concentrations of metals, polyaromatic hydrocarbons, and dioxin/furan compounds exceeding DTSC-approved screening levels is limited to an area approximately 35 feet wide by 51 feet long by 2 feet deep adjacent to the westerly property boundary. A Response Plan shall be developed to remediate the impacted soils and shall be provided to DTSC for review. The Response Plan shall be submitted in accordance with the California Land Reuse and Revitalization Act (CLRRA) and shall be implemented under the oversight of the DTSC.
- 12. Haz-2** If asbestos-cement irrigation pipelines are encountered during site grading, they shall be handled in accordance with the U.S. Occupational Safety and Health Administration (OSHA), California OSHA, and County of San Diego Department of Environmental Health requirements and all federal, state, and local disposal regulations.
- 13. Haz-3** At least 10 working days prior to the issuance of the demolition permit or commencement of any asbestos stripping or removal work (such as site preparation that would break up, dislodge or similarly disturb asbestos containing material (ACM)), the project applicant shall submit an Asbestos Demolition or Renovation Operational Plan (Notice of Intention) to the City Planning Department. The plan shall be prepared by an asbestos consultant licensed with the California State Licensing Board and certified by the California Occupational Safety and Health Administration (Cal OSHA) to conduct an asbestos inspection in compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) requirements. The Asbestos NESHAP, as specified under Rule 40 CFR 61, Subpart M, (enforced locally by the San Diego County Air Pollution Control District (SDCAPCD), under authority, per Regulation XI, Subpart M - Rule 361.145), requires the Asbestos Demolition or Renovation Operational Plan to include the facility information, project description, presence of asbestos, removal and demolition contractors, means of waste transportation off site, contingency plan, and certified specialist who will be present on site during removal of asbestos. Removal of all ACM or presumed ACM on the project site shall be monitored by the certified asbestos consultant and shall be performed in accordance with all applicable laws, including California Code of Regulations, Title 8, Section 1529, Asbestos; OSHA and Cal OSHA standards; and the SDCAPCD Rule 361.145, Standard for Demolition and Renovation. Notification of at least 10 days of any removal or demolition work and payment of the appropriate fee(s) is required by SDCAPCD.
- 14. Haz-4** Prior to the issuance of a grading permit or demolition permit, the project applicant shall show proof to the City Planning Department that a Certified Lead Inspector/Assessor, as defined in Title 17, CCR Section 35005, and in accordance with all applicable laws pertaining to the handling and disposal of lead-based paint, has been retained to perform demolition and removal of all existing on-site structures constructed pre-1979. Lead-based materials exposure is regulated by California Occupational Safety and Health Administration (Cal OSHA). Title 8 CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead based materials so that exposure levels do not exceed Cal OSHA standards.
- 15. Haz-5** Prior to issuance of a grading permit, the project applicant shall hire an environmental consultant to prepare and submit to the lead regulatory agency (California Department of Toxic Substances Control (DTSC)) a Response Plan pursuant to California Land Reuse and Revitalization Act (CLRRA), for the excavation, testing and off-site disposal of polyaromatic hydrocarbons, dioxin, and furan compounds found within the undocumented fill in the natural drainage swale adjacent to the westerly property line of the project site. The Response Plan shall be implemented under DTSC oversight during site grading and excavation according to the method described below or otherwise required by DTSC.



- a. The undocumented fill shall be excavated, profiled for proper disposal and transported to an appropriate landfill certified to accept Cal-hazardous waste by a licensed hazardous waste contractor.
- b. Testing of soils exposed on the bottom and the sides of the remedial excavation shall be performed to confirm that the extent of excavation is sufficient for purposes of satisfying DTSC's requirements.

Following completion of the Response Plan, the proposed project applicant shall obtain a written regulatory closure letter from the DTSC specifying that no further action is necessary in regard to the undocumented fill in the natural drainage swale adjacent to the westerly property line of the proposed project site.

- 16. Haz-6** Prior to issuance of a grading permit, the project applicant shall hire an environmental remediation contractor who shall be responsible for managing any grading, excavation or ground disturbance in the natural drainage swale adjacent to the westerly property line. The environmental remediation contractor and its staff shall be trained through the Occupational Safety and Health Administration (OSHA) 40-hour safety program (29 Code of Federal Regulations [CFR] 1910.120), and shall implement the Response Plan and a soil management plan (SMP) approved by the DTSC, under DTSC's oversight.
- 17. Haz-7** Prior to the start of the construction, the construction contractor shall notify the Escondido Police Department of the location, timing, and duration of any lane closure(s) on Gamble Lane, or any other road in the project area, due to project construction activities. If determined necessary by the Police Department, local emergency services, including the Escondido Fire Department and appropriate ambulances services, shall be notified of the lane closure(s).
- 18. Noi-1** Construction Activities Limitation. Construction activities associated with the project that occur within 75 feet of an existing residence shall only take place during the day as required by the Noise Ordinance. Sections 17-234, 17-238, and 17-240 of the City of Escondido Noise Ordinance limit operation of construction equipment to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading activities on Saturday may not begin until 10:00 a.m. and must end by 5:00 p.m. Construction is prohibited on Sundays. Therefore, construction activities would not occur during nighttime hours.
- 19. Noi-2** Prior to grading activities, the construction contractor shall implement and monitor the noise reduction measures described below to ensure that construction noise levels would not exceed an hourly average noise level of 75 dBA at any residential property line. Noise reduction measures are required for all off-site construction and on-site construction within 150 feet of an off-site residential lot. Any one or a combination of measures can be used as necessary. Typical measures that may be implemented include the following, as necessary, to achieve compliance with the Escondido Noise Ordinance:
  - a. Use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) for construction equipment and trucks;
  - b. Use "quiet" gasoline-powered compressors or other electric-powered compressors, and use electric rather than gasoline or diesel powered forklifts for small lifting;
  - c. Locate stationary noise sources, such as temporary generators, as far from nearby receptors as possible;
  - d. Muffle and enclose stationary noise sources within temporary sheds or incorporate insulation barriers;

- e. Limit simultaneous operation of construction equipment or limit construction time within an hour to reduce hourly average noise level; and/or
- f. For on-site construction, install temporary noise barriers of a sufficient height and thickness around the perimeter of the project site to minimize construction noise to 75 dBA as measured at the applicable property lines of the adjacent uses. It is anticipated that a plywood barrier, 8 feet in height and 1 inch thick would be sufficient (FWHA 2006, City of New York 2013).

To ensure compliance with City noise ordinance, noise monitoring shall be conducted on the first day of typical on-site and off-site construction. A one-hour noise measurement shall be conducted in accordance with Section 17-228 of the City’s noise ordinance at 50 feet from the most intensive construction activity. If it is determined that construction would have the potential to exceed the hourly construction noise level limit at any residential property, additional noise control measures shall be implemented as necessary and an additional noise measurement shall be conducted to confirm compliance.

**H. Fire Department Conditions:**

**Fire Protection Systems**

- 1.  NFPA 13  NFPA 13R  NFPA 13D **automatic fire sprinkler system** will be required.
- 2. Fire hydrants capable of delivering  1,500 GPM  2,500 GPM at 20 PSI residual pressure are required every  500 feet  300 feet  other.
- 3. The project internal streets must maintain a minimum required access width of 28’ (32’ min. shown on TM) to allow for on-street parking, loading and unloading of vehicles and still provide clear and unobstructed emergency vehicle access. One side to be marked as “FIRE LANE” (must meet Escondido Fire Department standards).
- 4. 13 feet 6 inches of vertical clearance must be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access width must be trimmed or removed and provisions to provide ongoing maintenance must be reflected in the CC&Rs. A copy of the CC&Rs listing this requirement must be submitted.
- 5. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site (Escondido Ordinance 2011-03 (RR) Section 503.2.1).
- 6. A 28’ inside turning radius will be required on all corners.
- 7. Speed humps/bumps will not be allowed

**I. Specific Engineering Conditions of Approval:**

**GENERAL**

- 1. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Subdivision Map.
- 2. Grading permit for the project may be issued prior to recordation of the final map provided that: 1) Grading, Erosion Control, Drainage and Landscaping Plans have been reviewed by the City Engineer and found to be ready for approval; and 2) Performance bond, satisfactory to City Engineer has been

provided to the City; and 3) All Planning and Engineering conditions related to grading have been met.

3. Building Permits for model homes may be issued prior to recordation of Final Map provided that: 1) adequate securities are provided for demolition and removal of the model units that will be required if the map is not recorded; and 2) other conditions required for building permit issuance are met. Bonding for building demolition and removal may be included in the Grading and Private Improvements bonds.
4. The project owner will be allowed to submit project final plans and map for plan check by the City prior to annexation of the project.
5. 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.
6. 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.
7. The engineer shall submit to the Planning Division copy of the Tentative Map as presented to the Planning Commission and the City Council for certification. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. Public and private street improvements shall be designed and constructed to City Design Standards, Gamble Lane Traffic Calming Plan and the Amanda Estates Subdivision Tentative Map. Private Streets shall be designed and constructed in accordance with the City Design Standards and any modifications to the standards shall be in conformance with the approved Amanda Estates Tentative Subdivision Map and the project master development plans.
2. The developer shall construct street improvements, including but not limited to, new roadways, roadway removal and reconstruction, curb & gutter, sidewalk, street lights, street trees, signing and striping on the following streets consistent with the Amanda Estates Traffic Calming Plan and Subdivision Tentative Map:

<b><u>STREET</u></b>	<b><u>CLASSIFICATION</u></b>
Amanda Lane	Offsite Access Road
Gamble Lane	Offsite Access Road
Amanda Glen	Private Residential

3. The developer shall be responsible to improve the existing Gamble Lane between Eucalyptus Avenue and westerly end of Gamble Lane (at the gate) with widening the existing roadway to 24 feet, install ac berm on both sides and sign and stripe in accordance with the "Traffic Calming Plan" prepared by the project engineer and by the City Engineer. Improvements shall include upgrading the existing structural section with asphalt concrete overlay to equal a residential street standard structural section.
4. The developer shall be responsible to construct a temporary turn around within the existing right-of-way and access easement in accordance with the "Traffic Calming Plan" and project tentative map, to the satisfaction of the City Engineer.
5. The developer shall be responsible to install a streetlight at the intersection of Amanda Lane and Gamble Lane.

6. The developer shall be responsible to replace the existing emergency access gate at the northerly end of Gamble Lane with a gate approved by the Fire Chief. The gate shall be operational, prior to first occupancy.
7. The developer shall be responsible to improve Amanda Lane (offsite) as a 24 feet roadway with residential street standard structural section as a green street with super-elevation and storm water treatment swale along the east side.
8. The developer shall be responsible to construct Amanda Glen (on-site) as a private residential standard street (32' wide) with rolled curb and sidewalk on one side.
9. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved roadways and traffic related improvements on and off site. The developer will be responsible for removal of all existing signing and striping and construction of all new signing and striping to the satisfaction of the City Engineer.
10. The address of each 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 and Fire Marshal.
11. 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 the issuance of an Encroachment Permit for construction within the public right-of-way.

## **GRADING**

1. A site grading and erosion control plan shall be approved by the Engineering Services Division. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and on the grading plan, that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his or her recommendations.
2. 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 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.
3. Cut slope setbacks must 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 General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one (1) or more acres.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
7. Unless specifically permitted to remain by the County Health Department, any existing wells within the project shall be abandoned and capped, and all existing septic tanks within the project shall be pumped and backfilled per County Health Department requirements.

8. Prior to approval of final plans, the developer will be required to obtain permission from adjoining property owners for any off-site street improvements, grading and slopes necessary to construct the project and/or the required improvements.

### **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 the approved drainage study prepared by the developer's engineer. Drainage improvements shall include construction of offsite storm drain on Amanda Lane and Gamble Lane, including removal and reconstruction of a section of the existing storm drain system.
2. A final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval together with the final improvement and grading plans, consistent with the "Gamble Lane Traffic Calming Plan" and the Amanda Estates Subdivision Tentative Map. The Water Quality Technical Report shall include hydro-modification calculations, post construction storm water treatment measures and maintenance requirements.
3. All onsite drainage system, storm water treatment and retention facilities and their drains including the bio-retention basins and bio swales shall be maintained by homeowners' association. Provisions stating this shall be included in the CC&Rs.
4. The developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement by the homeowners' association to the City Engineer. This Agreement shall be referenced and included in the CC&Rs.
5. All storm drain systems within the project are private. The responsibility for maintenance of these storm drains shall be that of the homeowners' association. Provisions stating this shall be included in the CC&Rs.

### **WATER SUPPLY**

1. Fire hydrants together with adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Water District. The developer shall coordinate all water related improvements for the project with Rincon staff. Approved water improvement plans for the project shall be submitted to the City Engineer prior to approval of grading or improvement plans by the City.

### **SEWER SUPPLY**

1. The developer shall be responsible to design and construct a sewer system for the project in accordance with Design standards and the requirements of the Utilities Engineer. Sewer improvements shall include removal and replacement of a portion of the existing sewer on Gamble Lane to provide for gravity flow and meet the required depth of cover for sewer lines per the Amanda Estates Subdivision Tentative Map and to the satisfaction of the Utilities Director.
2. All onsite sewer mains shall be public. All on-site sewer laterals shall be private. The Homeowners' Association will be responsible for all maintenance and repair of these laterals. This shall be clearly stated in the CC&Rs.

### **CC&Rs**

1. Copies of the CC&Rs shall be submitted to the Engineering Services Division and Planning Division for approval prior to approval of the Final Map.

2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of all, lightings, signing and striping, parkway landscaping and irrigation, storm water treatment basins and facilities, sewer laterals, common open spaces, Amanda Glen and Amanda Lane, including roadside bio swale. These provisions must be approved by the Engineering Services Division prior to approval of the Final Map.
3. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Water Quality Technical Report for the project.
4. The CC&Rs must state that the homeowners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the Property Owners' Association when repair or replacement of private utilities is done.

**FINAL MAP - EASEMENTS AND DEDICATIONS**

1. The developer shall make all necessary dedications public utilities and emergency access easements for the private streets according to the following street classifications.

<b><u>STREET</u></b>	<b><u>CLASSIFICATION</u></b>
Amanda Lane	Offsite Access Road (P.U.E./Emergency Access)
Amanda Glen	Private Residential (P.U.E./Emergency Access)

2. Necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.
3. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
4. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the final map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.
5. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.

**REPAYMENTS, FEES AND CASH SECURITIES**

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, including any repayments in effect prior to approval of the Final Subdivision Map. All development impact fees are paid at the time of Building Permit.

3. Storm Drain Repayment of \$16,828 (\$18,174, after July 2015) per acre for the 5.7 acres of project site (total \$95,920 if paid prior to July 2015) within the Hamilton Basin is due to the City of Escondido for the Hamilton Basin Drainage improvements (Repayment # 197, Reso. # 91-26).

### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the subdivision boundary or along frontage of the fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer will not be responsible for undergrounding of overhead utilities on the other side of the fronting streets.
2. All new dry utilities to serve the project shall be constructed underground
3. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

# **Mitigation Monitoring and Reporting Program for the Amanda Estates Development Project Initial Study / Mitigated Negative Declaration City No: PHG 13-0034 / SUB 13-0007**

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 Amanda Estates Development Project (proposed project), which is the subject of the Initial Study / Mitigated Negative Declaration (IS/MND), complies with all applicable environmental mitigation requirements. The mitigation described in the IS/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 IS/MND. Only those subsections of the environmental issues presented in the IS/MND that have mitigation measures are provided below in the MMRP table. All other subsections in the IS/MND do not contain mitigation measures. For each specified mitigation measure, the MMRP table identifies the following: 1) Implementation Action, 2) Method of Verification, 3) Timing of Verification, 4) Responsible Agency/Party, and 5) Verification Date.



## Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<b>Air Quality</b>					
<p><b>Air-1 Construction Dust Control Measures.</b> The on-site construction superintendent shall ensure implementation of standard best management practices to reduce the emissions of fugitive dust to a level of less than significant during all grading and site preparation activities including, but not limited to, the following actions:</p> <ol style="list-style-type: none"> <li>1. Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site additional water shall be applied at a frequency to be determined by the on-site construction superintendent.</li> <li>2. Operate all vehicles on the construction site at speeds less than 15 miles per hour.</li> <li>3. Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer.</li> <li>4. If a street sweeper is used to remove any track-out/carry-out, only PM<sub>10</sub>-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.</li> </ol>	Require standard best management practices	Field monitoring	Prior to and during any construction activities	City of Escondido Community Development Department Planning Division; Building Division; Construction Contractor; San Diego County Air Pollution Control District	

<b>Biological Resources</b>					
<p><b>Bio-1</b> To avoid any direct impacts to raptors, removal of eucalyptus woodland habitat shall occur outside of the raptor breeding season (January 15 to August 31). If removal of eucalyptus woodland habitat must occur during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting raptors in the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction activities (including the removal of vegetation). The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities.</p>	<p>Require that impacts to raptors be avoided during breeding season</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to initiating any construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Project Biologist; Engineering Division</p>	
<p><b>Bio-2</b> Vegetation clearing or brushing shall occur outside of the typical breeding season for raptors and migratory birds (January 15 to August 31). If this is not possible, then a qualified biologist shall conduct a survey for nesting birds no more than five calendar days prior to construction to determine the presence or absence of nests on the project site. The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. No construction activities shall occur within 300 feet of tree dwelling raptor nests, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (Leq) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) Leq, which will reduce the impact to below a level of significance.</p>	<p>Require that impacts to raptors and migratory birds be avoided during breeding season</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to initiating any construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Project Biologist; Engineering Division</p>	
<p><b>Bio-3</b> During construction activities, the construction contractor shall ensure that dirt storage piles are stabilized by chemical binders, tarps,</p>	<p>Require that erosion/dirt control measures are implemented</p>	<p>Field survey and documentation</p>	<p>During construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Field</p>	

fencing or other erosion control measures.				Engineer; Construction Contractor	
<b>Bio-4</b> During construction activities, the construction contractor shall terminate grading activities if winds exceed 25 mph.	Require termination of construction activities if strong winds	Field survey and documentation	During construction activities	City of Escondido Community Development Department Planning Division; Field Engineer; Construction Contractor	
<b>Bio-5</b> Prior to issuance of a grading permit, the project applicant shall show on project plans that all landscape areas, including plant material within the plantable retaining wall, include native vegetation and drought tolerant plant materials.	Require native vegetation and drought tolerant plant materials	Review of plans/permits	Prior to issuance of any permits	City of Escondido Community Development Department Planning Division	
<b>Bio-6</b> During construction activities, the construction contractor shall ensure that the limits of grading are flagged or marked with silt fencing prior to grading to prevent indirect impacts to off-site sensitive coastal sage scrub habitat to the northeast of the project site. Prior to grading, a qualified biologist shall review the flagging and silt fencing and during grading the qualified biologist shall monitor the limits of clear and grub and grading activities. Monitoring shall be conducted on an as needed basis as determined by the qualified biologist with reports submitted to the City of Escondido Planning Department on a weekly basis.	Require that silt fencing be implemented during construction and before grading activities	Field survey, documentation and monitoring report	Prior to issuance of grading plan; During construction activities	City of Escondido Community Development Department Planning Division; Field Engineer; Construction Contractor	
<b>Bio-7</b> To offset impacts associated with the loss of one mature oak tree, prior to issuance of a certificate of occupancy for the first residence, the applicant shall plant two oak trees within an open space area on the proposed project site, and the on-site homeowners' association shall ensure that they are maintained in perpetuity.	Plant two oak trees on the project site prior to occupancy	Review of plans, documentation	Prior to issuance of a certificate of occupancy for the first residence	City of Escondido Community Development Department Planning Division; Construction Contractor	

### Cultural Resources

<b>Cul-1</b> The following mitigation monitoring and reporting program shall be implemented to address potential impacts to undiscovered buried archaeological resources within the proposed project impact					
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<p>area. This program shall include, but not be limited to, the following actions:</p>					
<p>1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitor from a tribal group appropriate to this location have been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the lead agency. The archaeologist shall be responsible for coordinating with the tribal representative. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Require verification and approval of qualified archaeologist</p>	<p>Meetings and documentation</p>	<p>Prior to issuance of permits and pre-construction meeting</p>	<p>City of Escondido Community Development Department Planning Division</p>	
<p>2. The qualified archaeologist and a Native American representative shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.</p>	<p>Require monitoring program coordination</p>	<p>Meetings and documentation</p>	<p>Prior to grading activities</p>	<p>City of Escondido Community Development Department Planning Division; Grading Contractor</p>	
<p>3. During the original cutting of previously undisturbed deposits, the archaeological monitor and Native American representative shall be on site full-time to perform inspections of the excavations. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The project archaeologist shall be responsible for determining the duration and frequency of monitoring.</p>	<p>Require on-site archaeological monitor</p>	<p>Field survey, documentation and monitoring report</p>	<p>During grading activities</p>	<p>City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division</p>	
<p>4. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	<p>Require documentation of non-significant deposits</p>	<p>Field survey, documentation and monitoring report</p>	<p>During grading activities</p>	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist</p>	
<p>5. In the event that previously unidentified cultural resources are discovered, the</p>	<p>Require identification and preservation of any</p>	<p>Field survey, documentation</p>	<p>During grading activities</p>	<p>City of Escondido Community Development</p>	

<p>archaeologist, with input from the Native American representative, shall have the authority to temporarily divert ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the City Planning Department at the time of discovery. The archaeologist, in consultation with the Native American Representative, shall determine the significance of the discovered resources. The significance determination and any additional mitigation measures shall be submitted to the City of Escondido for review. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a research design and data recovery program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods. If any human remains are discovered, the County Coroner and City shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.</p>	<p>undiscovered cultural resources or human remains</p>	<p>and monitoring report</p>		<p>Department Planning Division; Project Archaeologist; County Coroner</p>	
<p>6. Where any significant cultural deposits have been discovered, data recovery measures shall be implemented before construction activities are allowed to resume in the affected area.</p>	<p>Require recovery of any undiscovered cultural resources or human remains</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to construction activities resuming</p>	<p>City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division</p>	
<p>7. All cultural material collected during the grading monitoring program shall be processed using appropriate protocols for cataloging, recording, and photographing, in addition to special studies, to facilitate a detailed and exhaustive analysis. When all research potential of</p>	<p>Require that the cultural material be preserved or adequately mitigated</p>	<p>Field survey, documentation, collection, reporting</p>	<p>Prior to project approval</p>	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist</p>	

<p>the collection has been exhausted, the collection shall be repatriated to the Native American community, consistent with existing state law and the City's policies. Should the Native American community decline the collection, the collection shall be curated at the San Diego Archaeological Center.</p> <p>8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the City Planning Department prior to the issuance of any building permits. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p>	<p>Require documentation of analysis and data</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to issuance of any building permits</p>	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist</p>	
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**Geology and Soils**

<p><b>Geo-1</b> Prior to the issuance of a grading permit, the applicant shall demonstrate that all recommendations contained in the GSI Preliminary Geotechnical Evaluation (2011) are incorporated into the proposed project during construction. All required recommendations from the Geotechnical Evaluation shall be documented on the project's grading plans and included in the grading permit application submitted and approved by the City's Engineering Division prior to the start of construction.</p>	<p>Require incorporation of geotechnical recommendations</p>	<p>Documentation and permit application</p>	<p>Prior to issuance of grading permit</p>	<p>City of Escondido Community Development Department Engineering Division</p>	
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**Hazards and Materials Hazardous**

<p><b>Haz-1</b> Prior to the issuance of a grading permit, the results of the Site Assessment Report, dated November 17, 2014, prepared by Tetra Tech to evaluate agricultural chemical residue at the site, shall be submitted to State of California Department of Toxic Substances Control (DTSC) for review. Based on the results of the Site Assessment Report, the</p>	<p>Submittal of Site Assessment report to DTSC. Submittal of the Response Plan to DTSC for review and approval.</p>	<p>Confirmation from DTSC that no further investigations are required</p>	<p>Prior to issuance of grading permit</p>	<p>City of Escondido Community Development Department Planning Division; County of San Diego Department of Environmental Health</p>	
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<p>environmental condition of the project site has been sufficiently characterized as soil with concentrations of metals, polyaromatic hydrocarbons, and dioxin/furan compounds exceeding DTSC-approved screening levels is limited to an area approximately 35 feet wide by 51 feet long by 2 feet deep adjacent to the westerly property boundary. A Response Plan shall be developed to remediate the impacted soils and shall be provided to DTSC for review. The Response Plan shall be submitted in accordance with the California Land Reuse and Revitalization Act (CLRRRA) and shall be implemented under the oversight of the DTSC.</p>					
<p><b>Haz-2</b> If asbestos-cement irrigation pipelines are encountered during site grading, they shall be handled in accordance with the U.S. Occupational Safety and Health Administration (OSHA), California OSHA, and County of San Diego Department of Environmental Health requirements and all federal, state, and local disposal regulations.</p>	<p>Require compliance with Safety and Health requirements</p>	<p>Monitoring and documentation</p>	<p>During grading activities</p>	<p>City of Escondido Community Development Department Planning Division; Project Grading Contractor</p>	
<p><b>Haz-3</b> At least 10 working days prior to the issuance of the demolition permit or commencement of any asbestos stripping or removal work (such as site preparation that would break up, dislodge or similarly disturb asbestos containing material (ACM)), the project applicant shall submit an Asbestos Demolition or Renovation Operational Plan (Notice of Intention) to the City Planning Department. The plan shall be prepared by an asbestos consultant licensed with the California State Licensing Board and certified by the California Occupational</p>	<p>Require compliance with safety and health requirements</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to issuance of building permit for demolition</p>	<p>City of Escondido Community Development Department Planning Division; Building Division; San Diego County Air Pollution Control District</p>	
<p>Safety and Health Administration (Cal OSHA) to conduct an asbestos inspection in compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) requirements. The Asbestos NESHAP, as specified under Rule 40 CFR 61, Subpart M, (enforced locally by the San Diego County Air Pollution Control District (SDCAPCD), under authority, per Regulation XI, Subpart M - Rule 361.145), requires the Asbestos Demolition or</p>					

<p>Renovation Operational Plan to include the facility information, project description, presence of asbestos, removal and demolition contractors, means of waste transportation off site, contingency plan, and certified specialist who will be present on site during removal of asbestos. Removal of all ACM or presumed ACM on the project site shall be monitored by the certified asbestos consultant and shall be performed in accordance with all applicable laws, including California Code of Regulations, Title 8, Section 1529, Asbestos; OSHA and Cal OSHA standards; and the SDCAPCD Rule 361.145, Standard for Demolition and Renovation. Notification of at least 10 days of any removal or demolition work and payment of the appropriate fee(s) is required by SDCAPCD.</p>					
<p><b>Haz-4</b> Prior to the issuance of a grading permit or demolition permit, the project applicant shall show proof to the City Planning Department that a Certified Lead Inspector/Assessor, as defined in Title 17, CCR Section 35005, and in accordance with all applicable laws pertaining to the handling and disposal of lead-based paint, has been retained to perform demolition and removal of all existing on-site structures constructed pre-1979. Lead-based materials exposure is regulated by California Occupational Safety and Health Administration (Cal OSHA). Title 8 CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based materials so that exposure levels do not exceed Cal OSHA standards.</p>	<p>Require compliance with safety and health requirements</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to issuance of grading and building permits</p>	<p>City of Escondido Community Development Department Planning Division; Building Division</p>	
<p><b>Haz-5</b> Prior to issuance of a grading permit, the project applicant shall hire an environmental consultant to prepare and submit to the lead regulatory agency (California Department of Toxic Substances Control (DTSC)) a Response Plan pursuant to California Land Reuse and Revitalization Act (CLRRA), for the excavation, testing and off-site disposal of polyaromatic hydrocarbons, dioxin, and furan compounds found within the undocumented fill in the natural drainage swale adjacent to the westerly property line of the project site. The Response Plan shall be</p>	<p>Require compliance with remediation plans</p>	<p>Certificate of Completion</p>	<p>Prior to issuance of permits</p>	<p>City of Escondido Community Development Department Planning Division; Grading Contractor; California Department of Toxic Substances Control</p>	



<p>implemented under DTSC oversight during site grading and excavation according to the method described below or otherwise required by DTSC.</p> <ol style="list-style-type: none"> <li>1. The undocumented fill shall be excavated, profiled for proper disposal and transported to an appropriate landfill certified to accept Cal-hazardous waste by a licensed hazardous waste contractor.</li> <li>2. Testing of soils exposed on the bottom and the sides of the remedial excavation shall be performed to confirm that the extent of excavation is sufficient for purposes of satisfying DTSC's requirements.</li> </ol> <p>Following completion of the Response Plan, the proposed project applicant shall obtain a written regulatory closure letter from the DTSC specifying that no further action is necessary in regard to the undocumented fill in the natural drainage swale adjacent to the westerly property line of the proposed project site.</p>					
<p><b>Haz-6</b> Prior to issuance of a grading permit, the project applicant shall hire an environmental remediation contractor who shall be responsible for managing any grading, excavation or ground disturbance in the natural drainage swale adjacent to the westerly property line. The environmental remediation contractor and its staff shall be trained through the Occupational Safety and Health Administration (OHSA) 40-hour safety program (29 Code of Federal Regulations [CFR] 1910.120), and shall implement the Response Plan approved by DTSC, under DTSC's oversight.</p>	<p>Require performance of the Response Plan and SMP</p>	<p>Field construction, remediation activities, confirmation sampling survey, documentation and reporting</p>	<p>Prior to issuance of permits</p>	<p>City of Escondido Community Development Department Planning Division; Field Engineering Division; California Department of Toxic Substances Control</p>	
<p><b>Haz-7</b> Prior to the start of the construction, the construction contractor shall notify the Escondido Police Department of the location, timing, and duration of any lane closure(s) on Gamble Lane, or any other road in the project area, due to project construction activities. If</p>	<p>Require notification to public service providers of road closures</p>	<p>Coordination, documentation and reporting</p>	<p>Prior to construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Engineering Division; Construction</p>	

determined necessary by the Police Department, local emergency services, including the Escondido Fire Department and appropriate ambulances services, shall be notified of the lane closure(s).				Contractor; Police Department	
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**Noise**

<p><b>Noi-1 Construction Activities Limitation.</b> Construction activities associated with the project that occur within 75 feet of an existing residence shall only take place during the day as required by the Noise Ordinance. Sections 17-234, 17-238, and 17-240 of the City of Escondido Noise Ordinance limit operation of construction equipment to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading activities on Saturday may not begin until 10:00 a.m. and must end by 5:00 p.m. Construction is prohibited on Sundays. Therefore, construction activities would not occur during nighttime hours.</p>	Comply with City Noise Ordinance	Nighttime construction field check	During construction	City of Escondido Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division	
<p><b>Noi-2</b> Prior to grading activities, the construction contractor shall implement and monitor the noise reduction measures described below to ensure that construction noise levels would not exceed an hourly average noise level of 75 dBA at any residential property line. Noise reduction measures are required for all off-site construction and on-site construction within 150 feet of an off-site residential lot. Any one or a combination of measures can be used as necessary. Typical measures that may be implemented include the following, as necessary, to achieve compliance with the Escondido Noise Ordinance:</p> <ol style="list-style-type: none"> <li>1. Use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) for construction equipment and trucks;</li> <li>2. Use “quiet” gasoline-powered compressors or other electric-powered compressors, and use electric rather than gasoline or</li> </ol>	Require noise reduction measures and compliance with applicable noise ordinances	Field visits, documentation and reporting	Prior to grading activities	City of Escondido Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division	

<p>diesel powered forklifts for small lifting;</p> <ol style="list-style-type: none"> <li>3. Locate stationary noise sources, such as temporary generators, as far from nearby receptors as possible;</li> <li>4. Muffle and enclose stationary noise sources within temporary sheds or incorporate insulation barriers;</li> <li>5. Limit simultaneous operation of construction equipment or limit construction time within an hour to reduce hourly average noise level; and/or</li> <li>6. For on-site construction, install temporary noise barriers of a sufficient height and thickness around the perimeter of the project site to minimize construction noise to 75 dBA as measured at the applicable property lines of the adjacent uses. It is anticipated that a plywood barrier, 8 feet in height and 1 inch thick would be sufficient (FWHA 2006, City of New York 2013).</li> </ol>					
<p>To ensure compliance with City noise ordinance, noise monitoring shall be conducted on the first day of typical on-site and off-site construction. A one-hour noise measurement shall be conducted in accordance with Section 17-228 of the City's noise ordinance at 50 feet from the most intensive construction activity. If it is determined that construction would have the potential to exceed the hourly construction noise level limit at any residential property, additional noise control measures shall be implemented as necessary and an additional noise measurement shall be conducted to confirm compliance.</p>					