



# City of Escondido

## Zoning Administrator

### MEETING AGENDA

201 North Broadway  
City Hall - Parkview Room

**February 23, 2023**  
4:00 p.m.

A. Call to Order: \_\_\_\_\_

Zoning Administrator: Adam Finestone, City Planner

Staff Present: \_\_\_\_\_

Public Present: \_\_\_\_\_

B. Agenda item:

**1. ADOPTION OF A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION – CASE NO. PL 20-0654:**

Adoption of a Final Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Reporting Program (MMRP), and Approval of a Plot Plan for a 67,300 square foot industrial building.

Location: 2351 Meyers Avenue (APNs 228-312-05-00 and 228-312-06-00)

Applicant: ViaWest Group (Rodney Boden, Representative)

Planner: Jay Paul, Senior Planner

**DECISION OF THE ZONING ADMINISTRATOR:**

Approved, as set to form

Conditionally approved with the attached modifications

Denied

Continued to: \_\_\_\_\_ Date Certain (\_\_\_\_\_) \_\_\_\_\_ Date Unknown

Referred to Planning Commission

C. Adjournment: \_\_\_\_\_

I certify that these actions were taken at the Zoning Administrator meeting on February 23, 2023.

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Zoning Administrator

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Witness



**Agenda Item No.: B.1**  
**Date: February 23, 2023**

## ZONING ADMINISTRATOR

**CASE NUMBER:** PL 20-0654

**APPLICANT:** ViaWest Group (Rodney Boden, representative)

**PROJECT LOCATION:** On the west side of Meyers Avenue, between East Barham Drive to the north and Corporate Drive to the south, addressed at 2351 Meyers Avenue (APNs 228-312-05-00 and 228-312-06-00)

**REQUEST:** Adoption of a Final Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Reporting Program (MMRP), and Approval of a Plot Plan, for a 67,300 square foot industrial building

**STAFF RECOMMENDATION:** Approval

**GENERAL PLAN DESIGNATION:** Light Industrial (LI)

**ZONING:** Planned Development – Industrial (PD-I)

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

The project applicant (ViaWest Group), is proposing to develop a vacant 4.26-acre property with a 67,300-square-foot industrial building. The building includes 6,000 square feet of office on the first floor and 6,000 square feet of office space on the mezzanine level. The remaining 55,300 square feet of floor area could be used for a variety of industrial type uses consistent with the Light Industrial (M-1) zone. (It should be noted that a planned development was previously approved on the site, and has since expired. Pursuant to Article 19 of the Escondido Zoning Code, the property may be developed consistent with the zoning designation in place immediately prior to the planned development approval, in this case the M-1 zone.) The project will take access from a single ingress/egress driveway off Meyers Avenue with a two-way driveway that loops around the building for cars and trucks. Up to 151 parking spaces would be provided along with three large truck loading bays/docks.

A Draft IS/MND was prepared for the project by McKenna Lanier Group Inc., and identified impacts related to biology, hazards and hazardous materials, (associated with anticipated grading-blasting and noise) and tribal cultural resources, that might be potentially significant.

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

The Draft IS/MND was circulated for public review for 30 days (August 19, 2022 – September 19, 2022). Staff received two comment letters/emails during the public review period, and the letters/emails and responses to comments have been included with the Final IS/MND. No new potentially significant impacts were identified which would necessitate the recirculation of the Draft IS/MND. The Final IS/MND has been updated to include additional information or clarification in specific sections to correspond with relevant comments received during the review period.

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

<https://www.escondido.org/meyers-avenue-industrial-project>

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

1. The Final IS/MND has been prepared in compliance with all requirements contained in the California Environmental Quality Act (CEQA) and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. The project applicant has agreed to implement all mitigation measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the MMRP prepared for the project.
2. The Plot Plan meets all of the requirements or conditions imposed by Article 61 of the Escondido Zoning Code, General Plan Light Industrial (LI) land-use designation and policies, and Light Industrial (M-1) zoning designation.

Respectfully submitted,

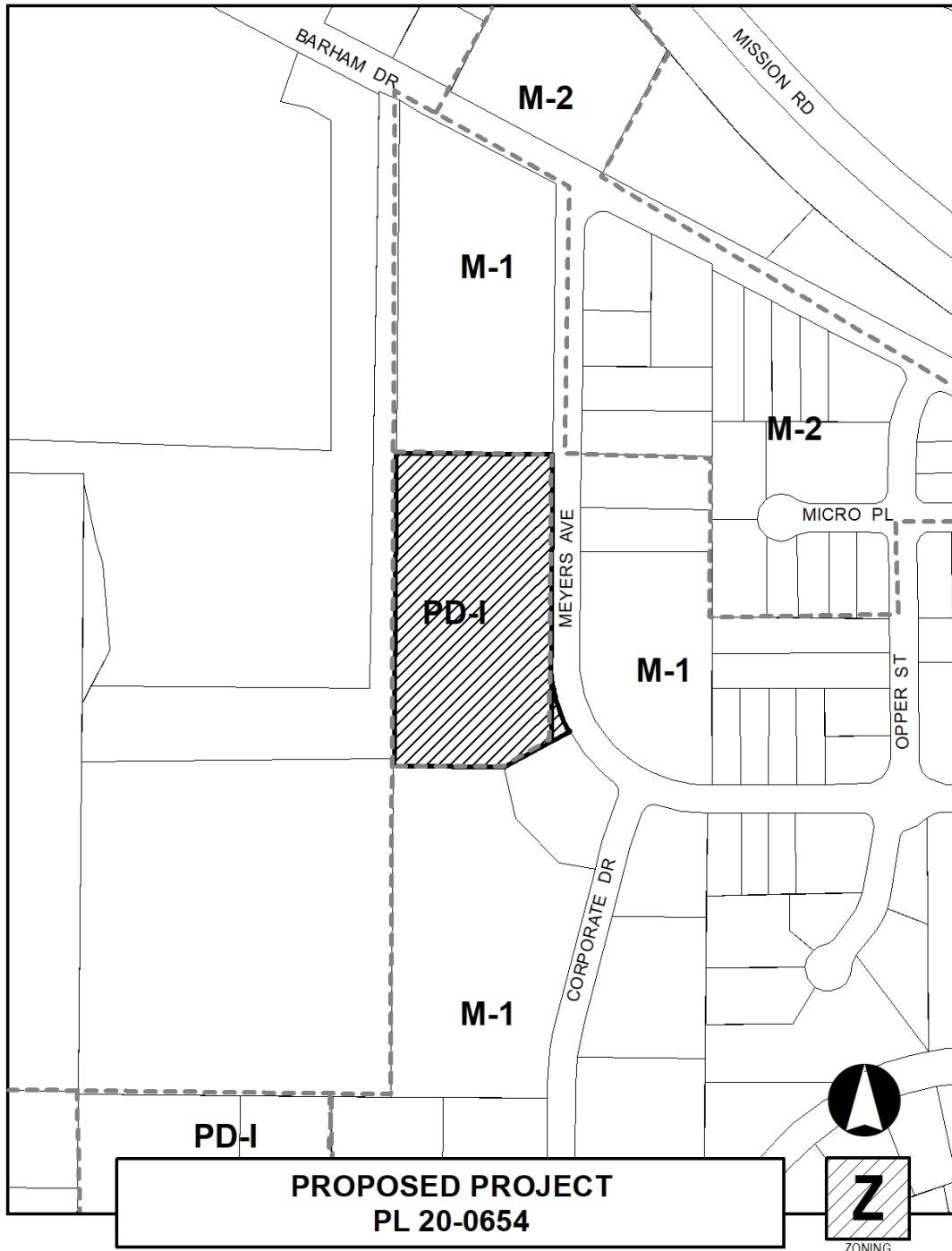
*J Paul*

Jay Paul  
Senior Planner

#### **ATTACHMENTS:**

1. Project Location/Aerial Map
2. Plot Plan - Plans
3. Draft Zoning Administrator Resolution No. 2023-02, including Exhibits A, B, C, D, E and F

**ATTACHMENT 1**



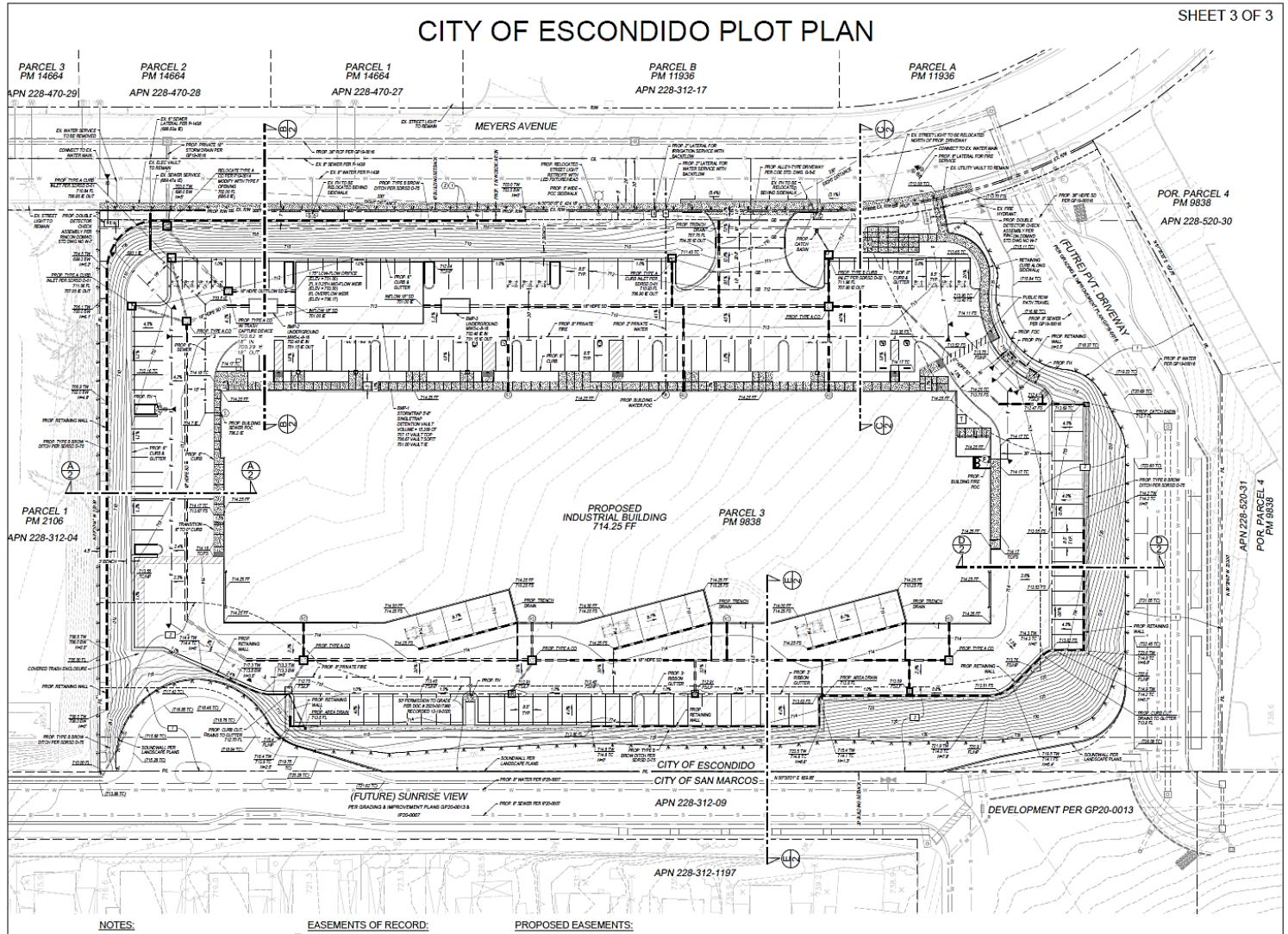
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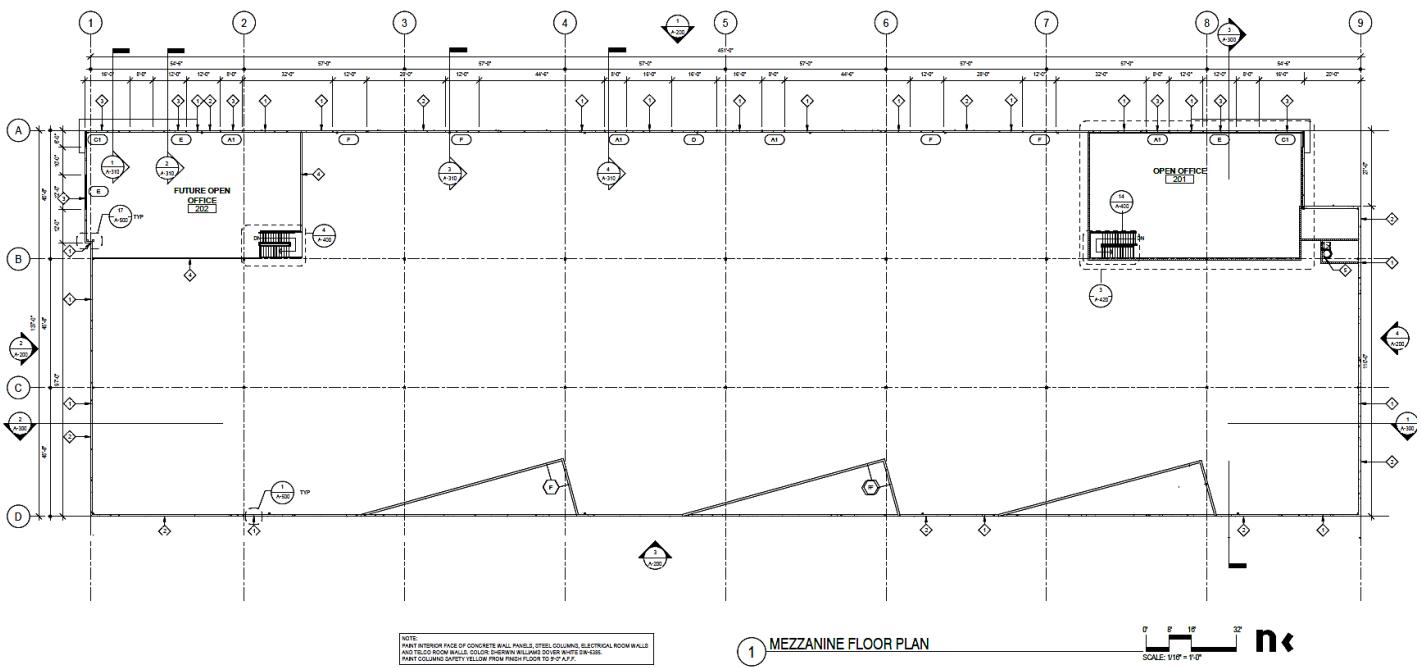
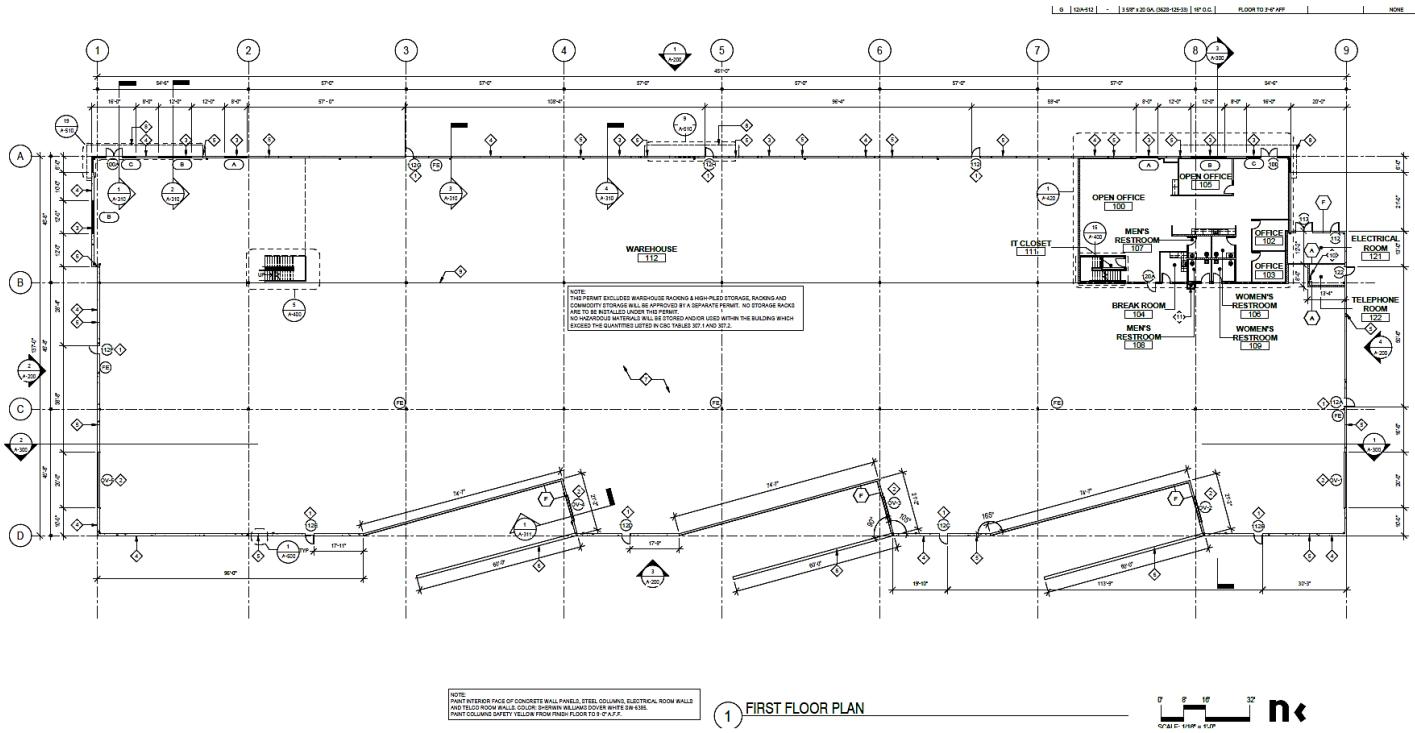


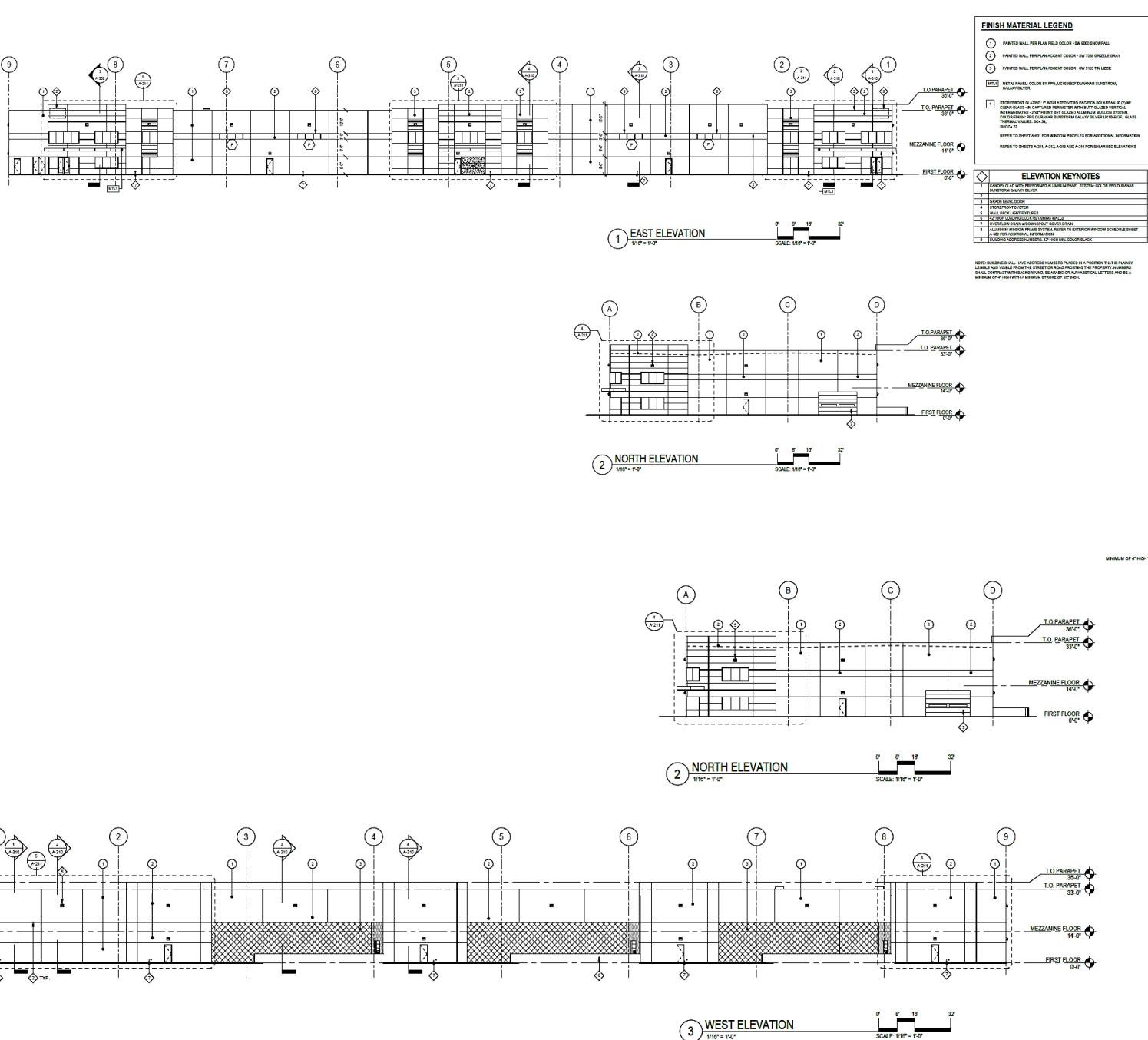
PL20-0654

Aerial  
APNs 228-312-05-00 and 228-312-06-00

## Attachment 2

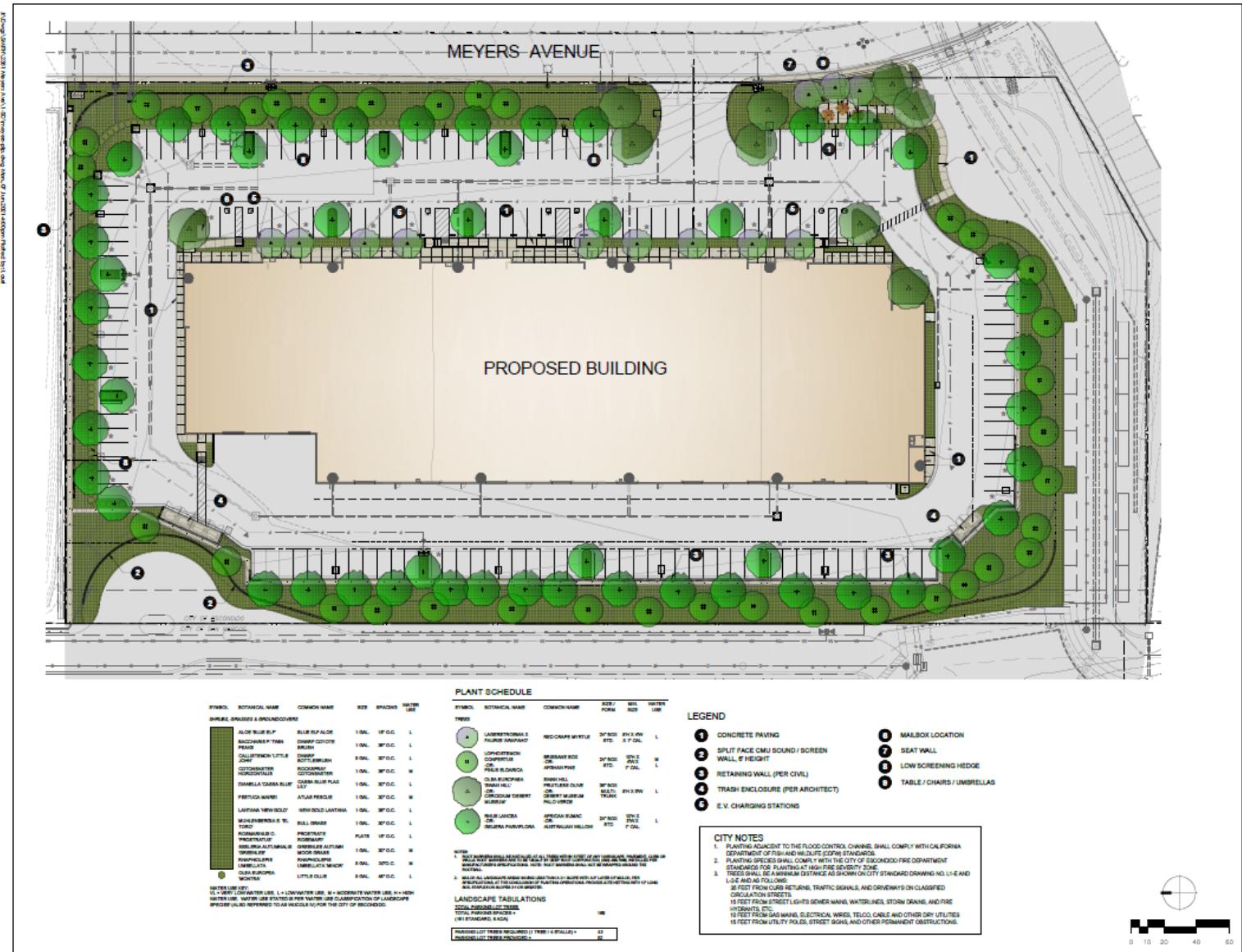






Zoning Administrator  
February 28, 2023  
PL20-0654





Zoning Administrator  
Hearing Date: February 23, 2023  
Effective Date: March 7, 2023

RESOLUTION NO. 2023-02

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
ADOPTING A FINAL INITIAL STUDY/MITIGATED  
NEGATIVE DECLARATION, MITIGATION  
MONITORING AND REPORTING PROGRAM, AND  
APPROVING A PLOT PLAN FOR AN INDUSTRIAL  
DEVELOPMENT

APPLICANT: ViaWest Group

CASE NO: PL 20-0654

WHEREAS, ViaWest Group. ("Applicant"), filed a land use development application, Planning Case No. PL 20-0654 ("Application"), constituting a request for a Plot Plan to develop a 67,300 square foot industrial building ("Project") on a 4.26-acre property located on the west side of Meyers Avenue, between East Barham Drive to the north and Corporate Drive to the south, addressed at 2351 Meyers Avenue (APNs 228-312-05-00 and 228-312-06-00), and

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

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido 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, industrial development is a permitted use within the Planned Development-Industrial (PD-I) and Light Industrial (M-1) zones, subject to the approval of a Plot Plan, in accordance with Article 61 of the Escondido Zoning Code; and

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

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

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration (“IS/MND”) was prepared, circulated, and notice made of its availability for public review and comment during the period from August 19, 2022 to September 19, 2022; and

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

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

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

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

WHEREAS, on February 23, 2023, the Zoning Administrator held a public meeting as prescribed by law, at which time the Zoning Administrator received and considered the reports, related documents and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Zoning Administrator, including, without limitation:

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

- c. The staff report, dated February 23, 2023, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

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

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

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

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

6. The Application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "F," 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.

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

8. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is conditionally approved as set forth on

the Application and Project drawings, all designated as approved by the Zoning Administrator, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Development Services 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 a majority vote of the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 23rd day of February, 2023.

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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 PL20-0654**

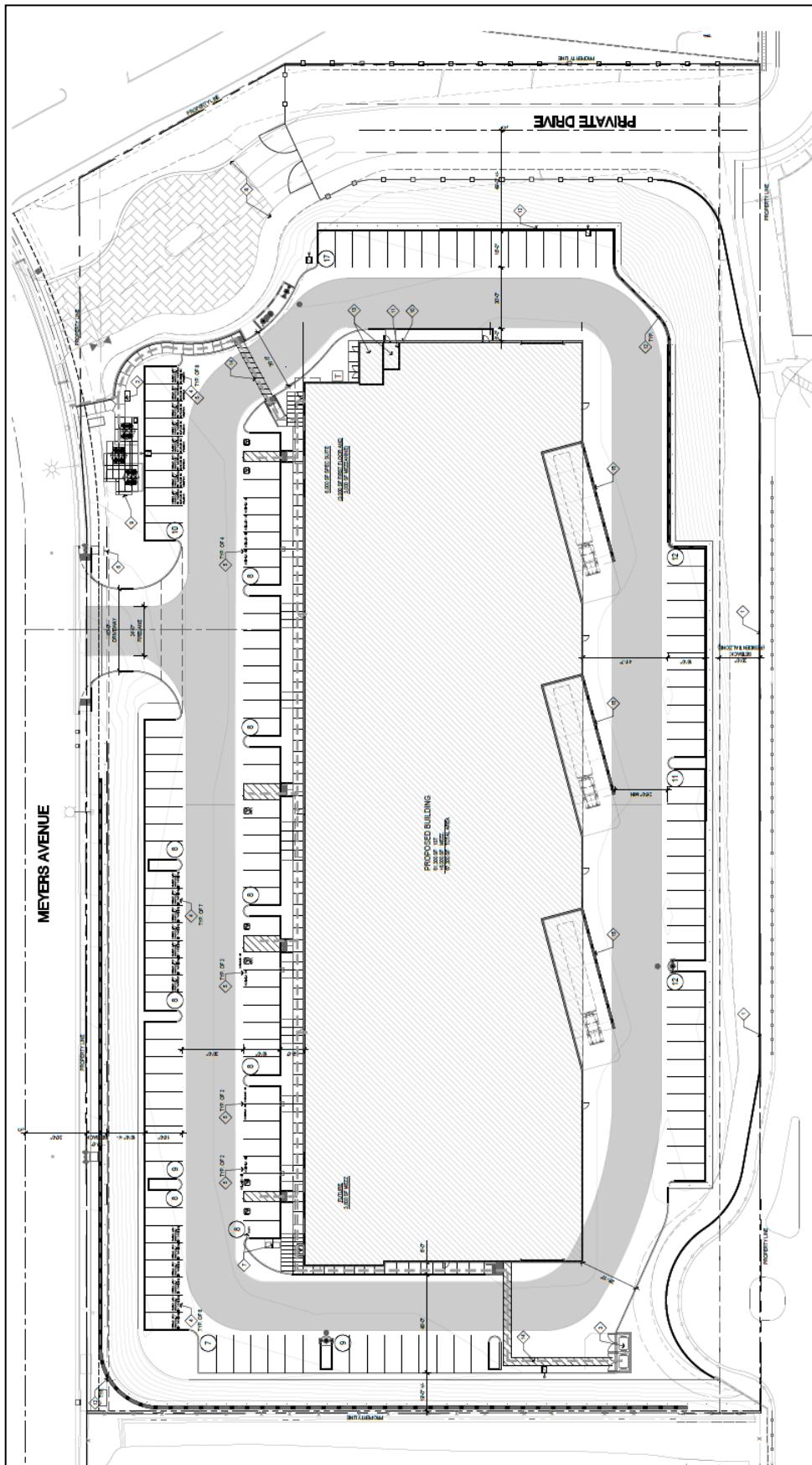
The Land referred to herein below is situated in the City of Escondido, County of San Diego, State of California, and is described as follows:

PARCEL 3, OF PARCEL MAP NO. 9838 ESCONDIDO MAP P-79-37, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 26, 1980, AS FILE NO. 80-103462 OF OFFICIAL RECORDS

For conveyancing purposes only: APN 228-312-05-00 (Affects a portion of said land) and 228-312-06-00 (Affects a portion of said land)

## EXHIBIT "B"

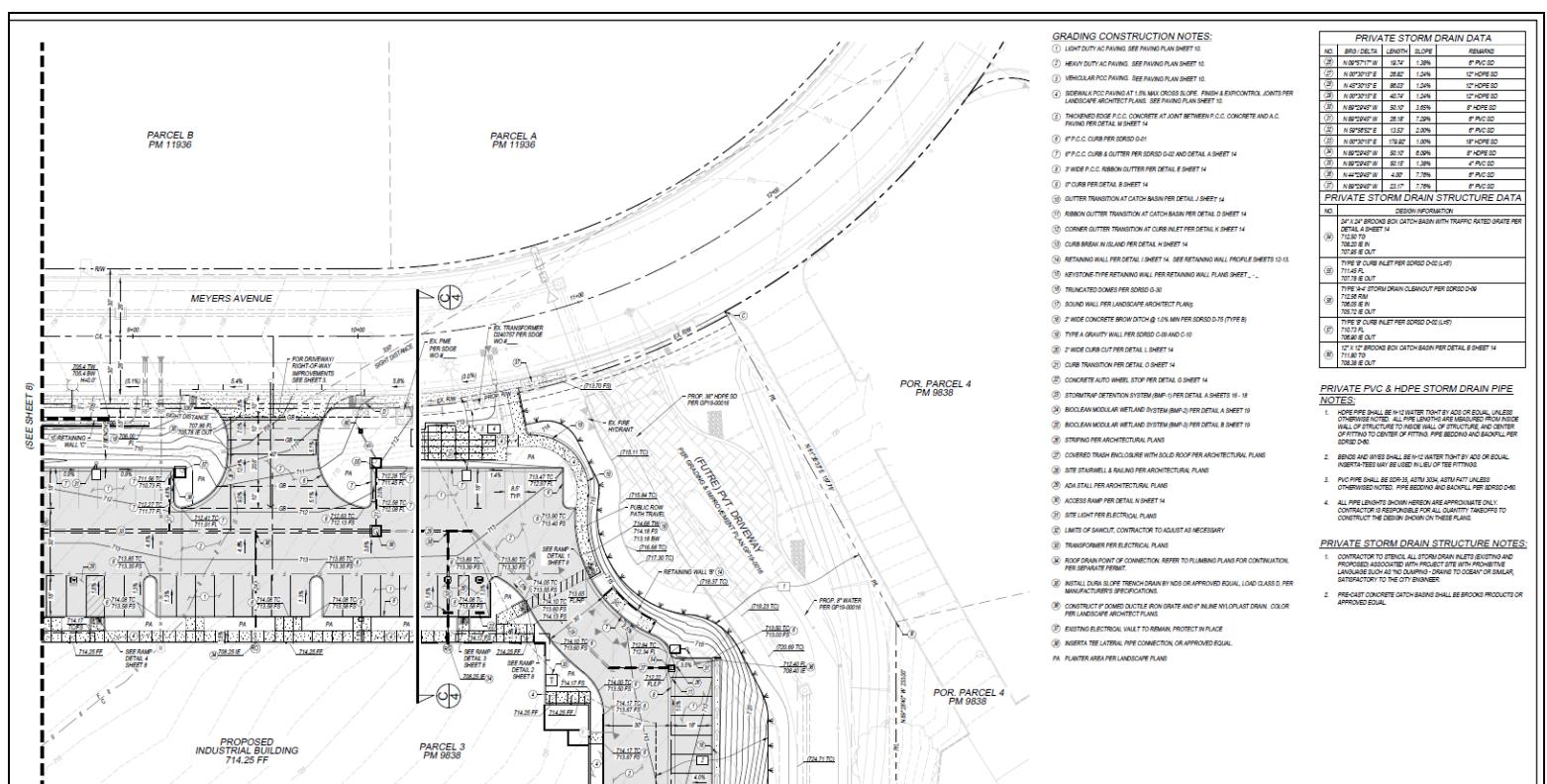
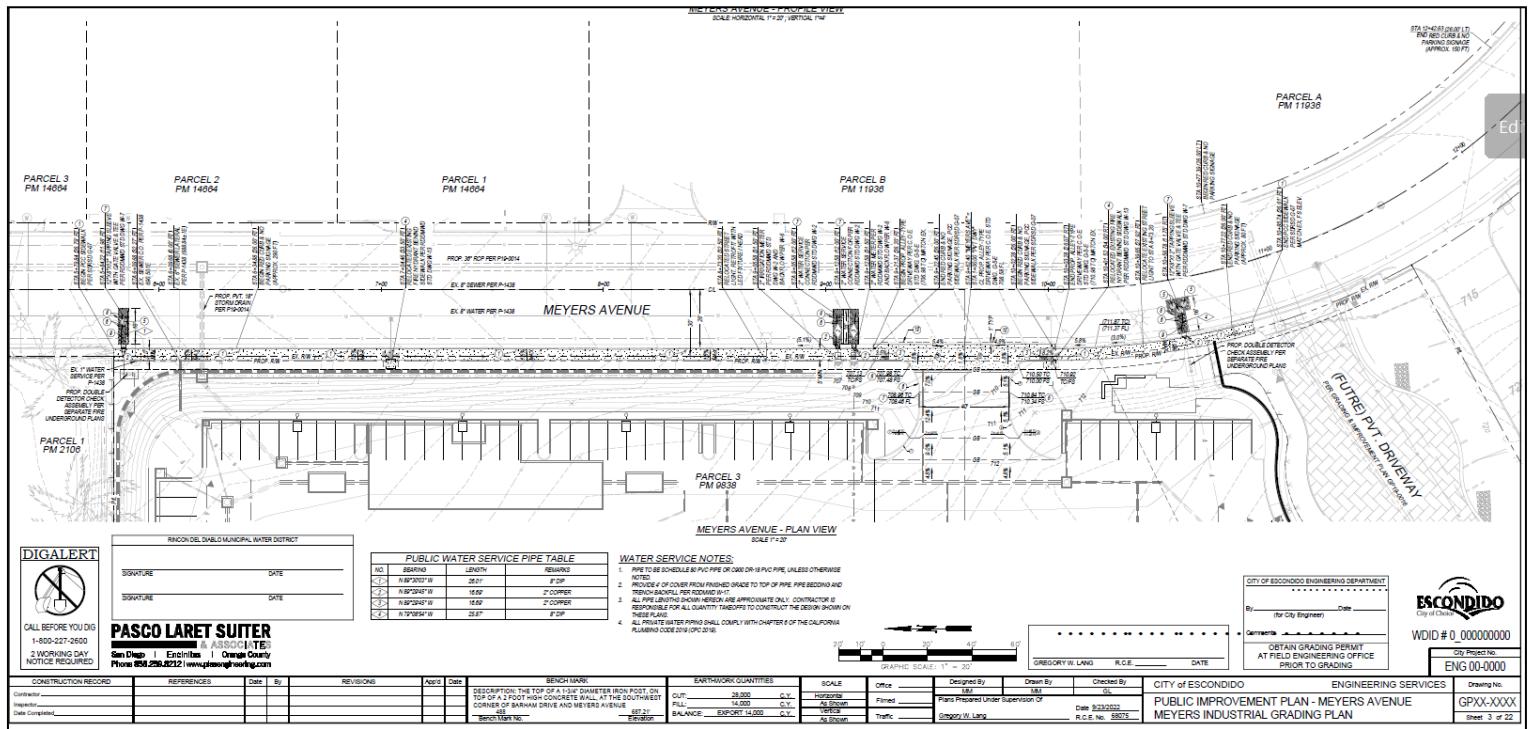
Plans  
PL20-0654

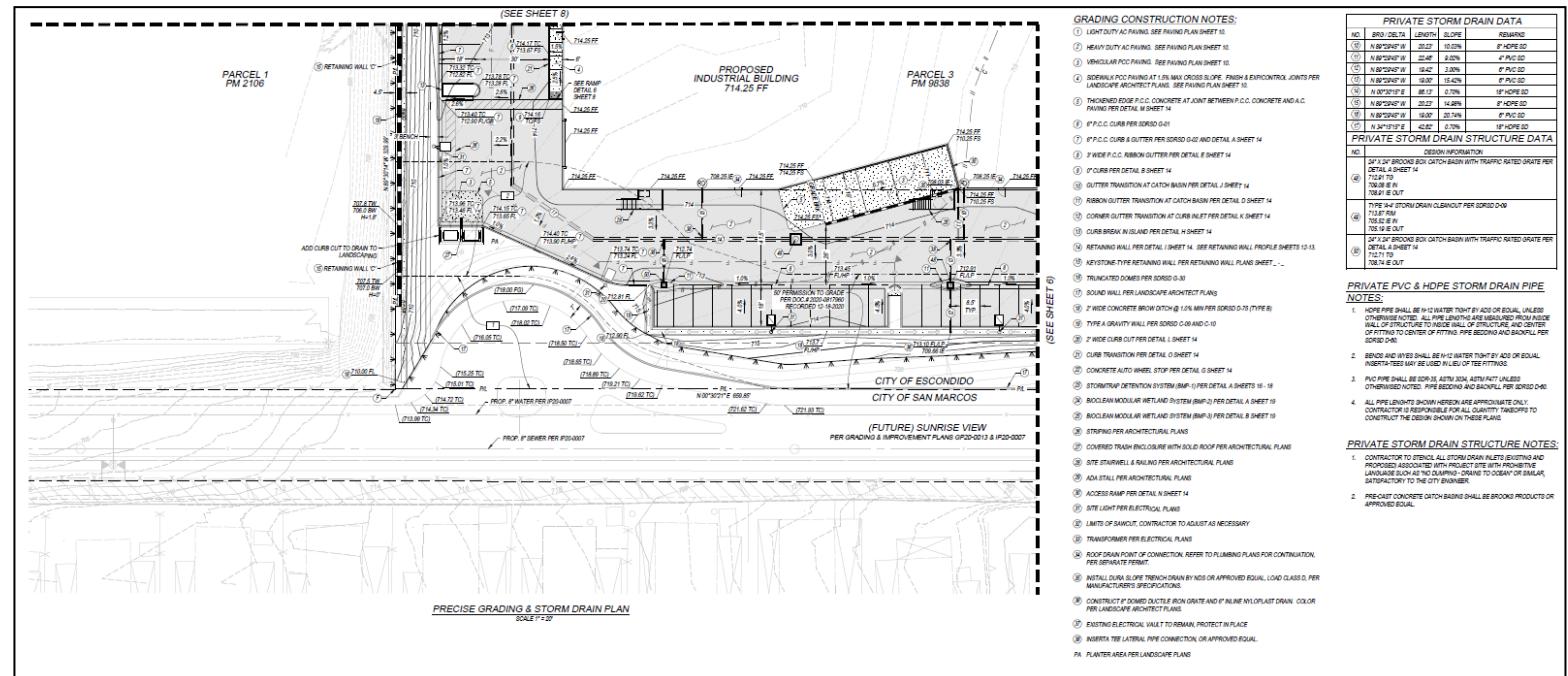
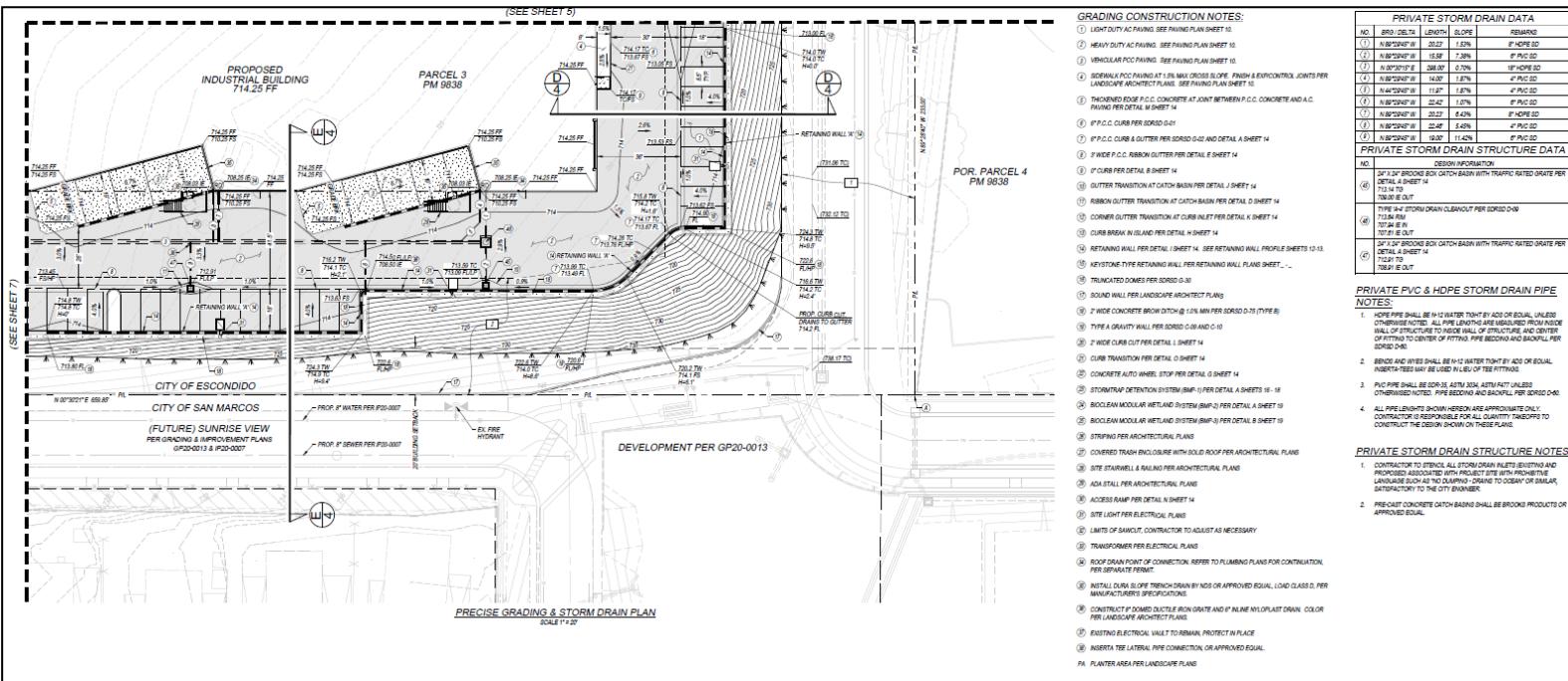


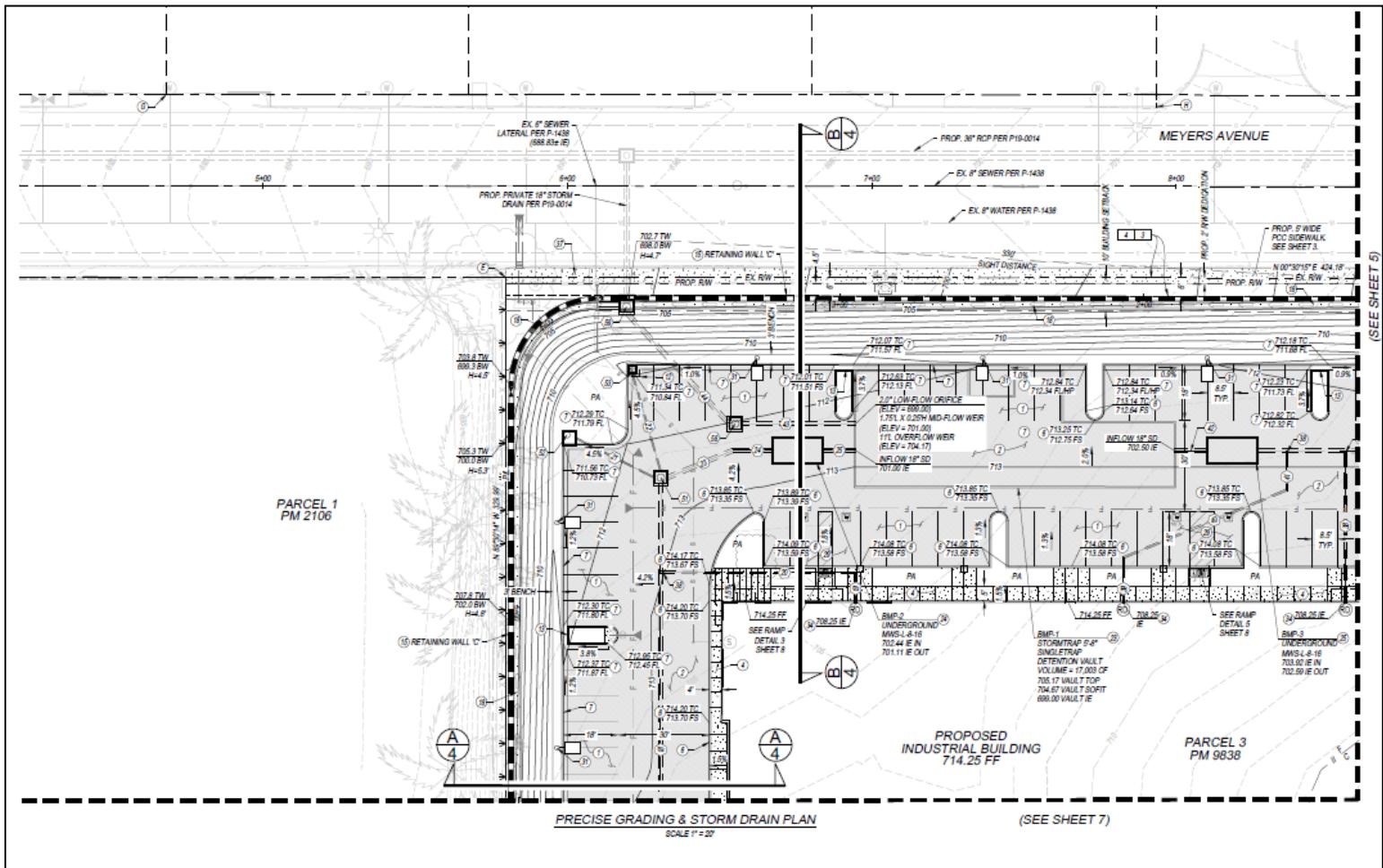
## SITE PLAN KEYNOTES

- 1 6' TALL SOUND/ SCREEN WALL (SEE LANDSCAPE DRAWINGS)
- 2 SHORT-TERM BIKE PARKING - LOOP BIKE RACK (7 BICYCLES)
- 3 TRASH ENCLOSURE SEE <sup>1</sup> AS101
- 4 CARPOOL AND ZERO EMISSION PARKING STALLS
- 5 ELECTRIC VEHICLE CHARGING STATIONS (RACEWAY INSTALLED)
- 6 MONUMENT SIGN
- 7 USPS PARKING STALL w/ ADJACENT GROUND-MTD. TENANT MAILBOX
- 8 ACCESS EASEMENT TO RESIDENTIAL DEVELOPMENT
- 9 OUTDOOR AMENITY AREA - REFER ALSO TO LANDSCAPE PLANS
- 10 GAS METER AND GAS STUB UP
- 11 FIRE RISER
- 12 RETAINING WALLS PER CIVIL
- 13 ELECT. ROOM & TELEPHONE MPOE/FIRE RISER ROOM
- 14 DRIVE AISLE CROSSINGS WITH THE FOLLOWING FOR PEDESTRIAN SAFETY :  
ACCESSIBLE PATH AT LESS THAN 2% SLOPE, PAINTED 4-Ft. W. PEDESTRIAN PATH WITH DIRECTIONAL SIGNAGE, ACCESSIBLE CURB RAMPS PER CITY STDS., TRUNCATED DOME INDICATORS PER CITY STDs. AT DRIVE AISLE CROSSINGS
- 15 42" DOCK WALL (MINIMUM HEIGHT FROM FINISHED ADJACENT SURFACE)

OVERALL SITE PLAN







#### GRADING CONSTRUCTION NOTES:

- ① LIGHT DUTY AC PAVING. SEE PAVING PLAN SHEET 10.
- ② HEAVY DUTY AC PAVING. SEE PAVING PLAN SHEET 10.
- ③ VEHICULAR PCC PAVING. SEE PAVING PLAN SHEET 10.
- ④ SIDEWALK PCC PAVING AT 1.5% MAX CROSS SLOPES. FINISH & EXTRACONTROL JOINTS PER LANDSCAPE ARCHITECT PLANS. SEE PAVING PLAN SHEET 10.
- ⑤ THICKENED EDGE P.C.C. CONCRETE AT JOINT BETWEEN P.C.C. CONCRETE AND A.C. PAVING PER DETAIL M SHEET 14.
- ⑥ 8" P.C.C. CURB PER SORSD G-01
- ⑦ 8" P.C.C. CURB & GUTTER PER SORSD G-02 AND DETAIL A SHEET 14
- ⑧ 3' WIDE P.C.C. RIBBON GUTTER PER DETAIL SHEET 14
- ⑨ 0" CURB PER DETAIL B SHEET 14
- ⑩ GUTTER TRANSITION AT CATCH BASIN PER DETAIL J SHEET 14
- ⑪ RIBBON GUTTER TRANSITION AT CATCH BASIN PER DETAIL D SHEET 14
- ⑫ CORNER GUTTER TRANSITION AT CURB INLET PER DETAIL K SHEET 14
- ⑬ CURB BREAK IN ISLAND PER DETAIL H SHEET 14
- ⑭ RETAINING WALL PER DETAIL I SHEET 14. SEE RETAINING WALL PROFILE SHEETS 12-13.
- ⑮ KEYSTONE-TYPE RETAINING WALL PER RETAINING WALL PLANS SHEET 1-1.
- ⑯ TRUNCATED DOMES PER SORSD G-30
- ⑰ SOUND WALL PER LANDSCAPE ARCHITECT PLANS
- ⑱ 2' WIDE CONCRETE BROW DITCH @ 1.0% MIN FOR SORSD D-15 (TYPE B)
- ⑲ TYPE A GRAVITY WALL PER SORSD C-09 AND C-10
- ⑳ 2' WIDE CURB CUT PER DETAIL J SHEET 14
- ㉑ CURB TRANSITION PER DETAIL O SHEET 14
- ㉒ CONCRETE AUTO WHEEL STOP PER DETAIL G SHEET 14
- ㉓ STORMTRAP DETENTION SYSTEM (BMP-1) PER DETAIL A SHEETS 16-18
- ㉔ BIOCLEAN MODULAR WETLAND SYSTEM (BMP-2) PER DETAIL A SHEET 19
- ㉕ BIOCLEAN MODULAR WETLAND SYSTEM (BMP-3) PER DETAIL B SHEET 19
- ㉖ STRIPING PER ARCHITECTURAL PLANS
- ㉗ COVERED TRASH ENCLOSURE WITH SOLID ROOF PER ARCHITECTURAL PLANS
- ㉘ SITE STAIRWELL & RAILING PER ARCHITECTURAL PLANS
- ㉙ ADA STALL PER ARCHITECTURAL PLANS
- ㉚ ACCESS RAMP PER DETAIL N SHEET 14
- ㉛ SITE LIGHT PER ELECTRICAL PLANS
- ㉜ LIMITS OF BACKFILL, CONTRACTOR TO ADJUST AS NECESSARY
- ㉝ TRANSFORMER PER ELECTRICAL PLANS
- ㉞ ROOF DRAIN POINT OF CONNECTION. REFER TO PLUMBING PLANS FOR CONTINUATION, PER SEPARATE PERMIT.
- ㉟ INSTALL DURA SLOPE TRENCH DRAIN BY NDS OR APPROVED EQUAL, LOAD CLASS D, PER MANUFACTURER'S SPECIFICATIONS
- ㉟ CONSTRUCT 8" DOMED DUCTILE IRON GRATE AND 8" INLINE NYLONPLAST DRAIN. COLOR PER LANDSCAPE ARCHITECT PLANS
- ㉟ EXISTING ELECTRICAL VULT TO REMAIN, PROTECT IN PLACE
- ㉟ INSERTA TEE LATERAL PIPE CONNECTION, OR APPROVED EQUAL
- ㉟ PLANTER AREA PER LANDSCAPE PLANS

#### PRIVATE STORM DRAIN DATA

NO.	BRG / DELTA	LENGTH	SLOPE	REMARKS
⑨	N 80°29'45" W	117.31'	0.70%	18" HOPE SD
⑩	N 80°29'45" W	10.00'	0.72%	8" HOPE SD
⑪	N 0°29'15" E	64.04'	0.72%	8" HOPE SD
⑫	N 27°08'12" E	29.08'	13.72%	6" PVC SD
⑬	N 74°19'45" E	33.94'	11.11%	6" PVC SD
⑭	N 21°59'45" W	23.85'	0.80%	18" HOPE SD
⑮	N 0°29'15" E	13.25'	0.80%	18" HOPE SD
⑯	N 0°29'15" E	11.00'	1.00%	18" HOPE SD
⑰	N 80°29'45" W	92.10'	0.00%	8" HOPE SD
⑱	N 80°29'45" W	15.00'	4.92%	8" HOPE SD
⑲	N 21°59'45" W	58.07'	4.92%	8" HOPE SD
⑳	N 80°29'45" W	12.88'	4.92%	8" HOPE SD
㉑	N 0°29'15" E	11.00'	0.82%	18" HOPE SD
㉒	N 0°29'15" E	37.58'	1.00%	18" HOPE SD
㉓	N 47°44'29" E	49.04'	22.48%	18" HOPE SD

#### PRIVATE STORM DRAIN STRUCTURE DATA

NO.	DESIGN INFORMATION
㉔	TYPE 1A-4 STORM DRAIN CLEANOUT PER SORSD D-09 710.52' RM 703.02' E IN 702.74' E OUT
㉕	TYPE 1B CURB INLET PER SORSD D-02 (L-H) 710.73' RM 703.73' E OUT
㉖	24" X 24" BROOKS BOX CATCH BASIN WITH TRAFFIC RATED GRATE PER DETAIL A SHEET 14 710.84' RM 705.84' E OUT
㉗	TYPE 1A-4 STORM DRAIN CLEANOUT PER SORSD D-09 710.00' RM 698.62' E IN 698.32' E OUT
㉘	TYPE 1A-4 STORM DRAIN CLEANOUT PER SORSD D-09 WITH TYPE F OPEN TOP 701.70' RM 687.13' E IN 686.80' E OUT

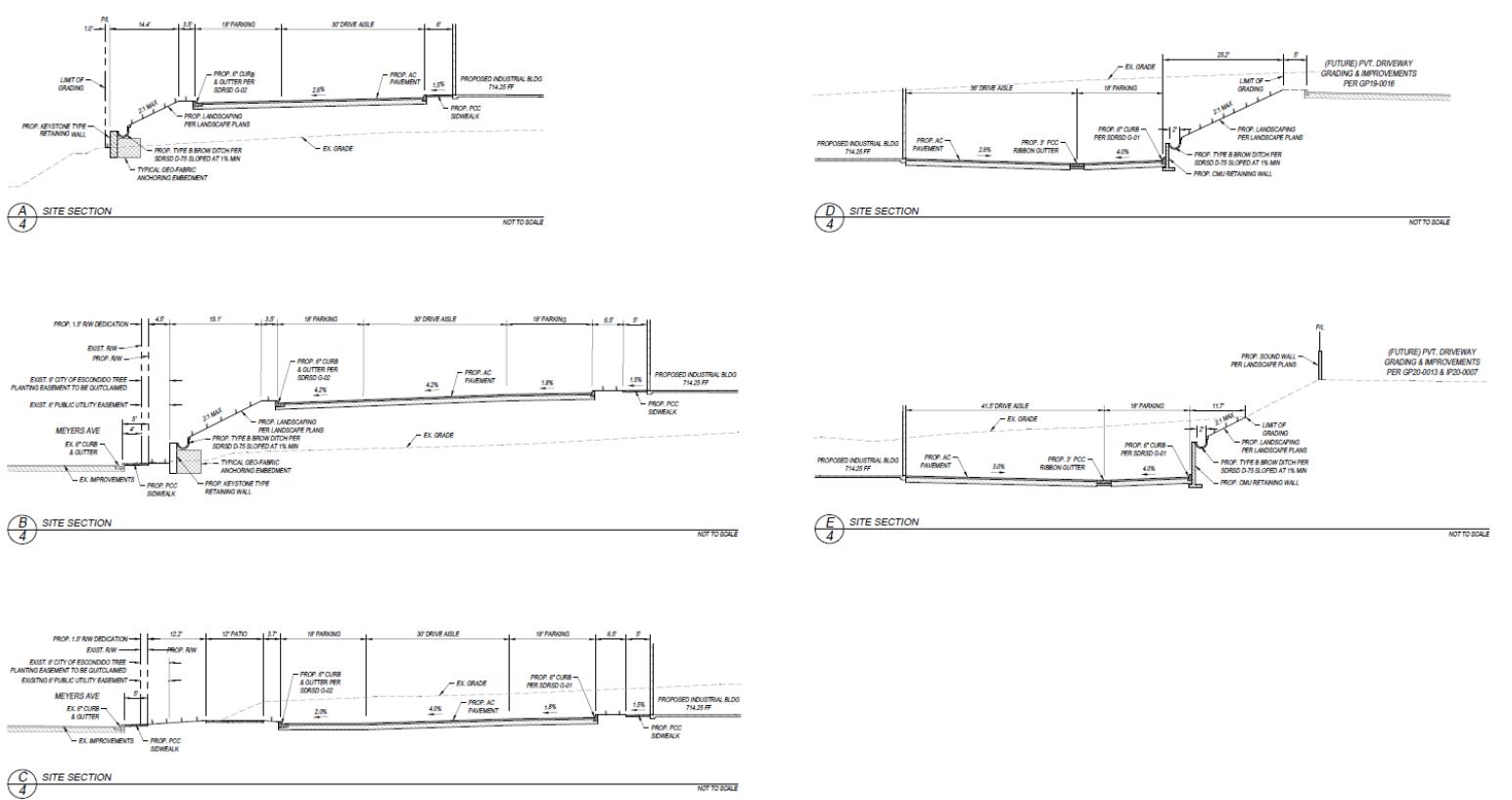
#### PRIVATE PVC & HDPE STORM DRAIN PIPE NOTES:

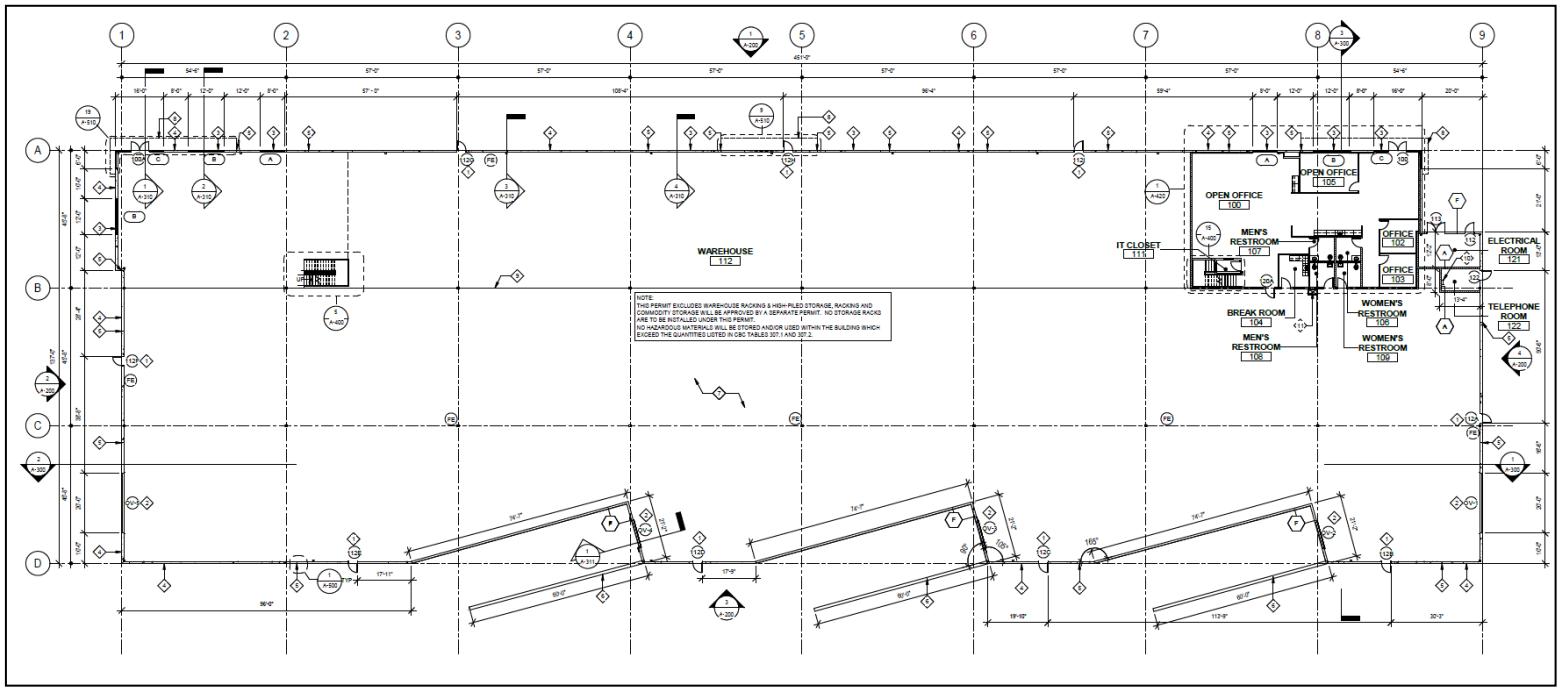
1. HOPE PIPE SHALL BE N-12 WATER TIGHT BY AOD OR EQUAL, UNLESS OTHERWISE NOTED. ALL PIPE LENGTHS ARE MEASURED FROM INSIDE WALL OF STRUCTURE TO INSIDE WALL OF STRUCTURE, AND CENTER OF FITTING TO CENTER OF FITTING. PIPE BEDDING AND BACKFILL PER SORSD D-05.
2. BENDS AND MYES SHALL BE N-12 WATER TIGHT BY AOD OR EQUAL. INSERTA-TEES MAY BE USED IN LIEU OF TEE FITTINGS.
3. PVC PIPE SHALL BE SDR-35, ASTM 2024, ASTM F477, UNLESS OTHERWISE NOTED. PIPE BEDDING AND BACKFILL PER SORSD D-05.
4. ALL PIPE LENGTHS SHOWN HEREON ARE APPROXIMATE ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL QUANTITY TAKEOFFS TO CONSTRUCT THE DESIGN SHOWN ON THESE PLANS.

#### PRIVATE STORM DRAIN STRUCTURE NOTES:

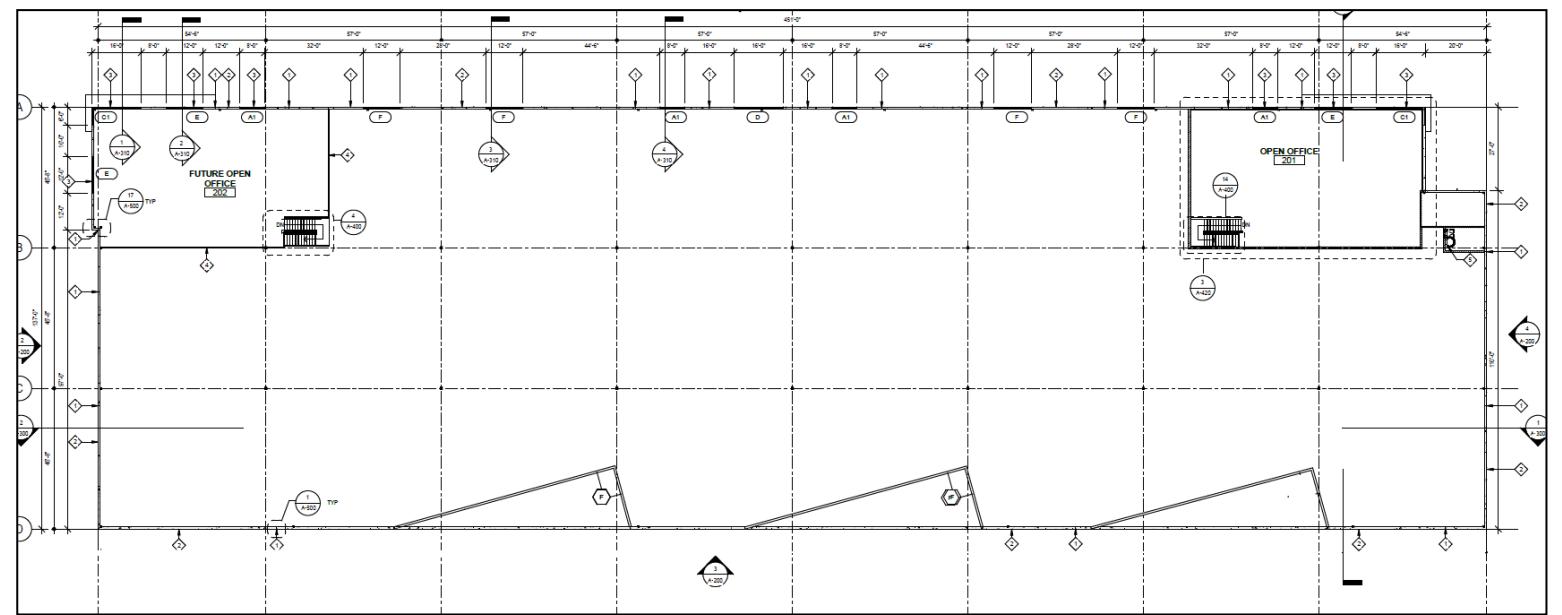
1. CONTRACTOR TO STENCIL ALL OTHER DRAIN INLETS (EXISTING AND PROPOSED) ASSOCIATED WITH PROJECT SITE WITH PROHIBITIVE LANGUAGE SUCH AS "NO DUMPING - DRAINS TO OCEAN" OR SIMILAR, SATISFACTORY TO THE CITY ENGINEER.
2. PRE-CAST CONCRETE CATCH BASINS SHALL BE BROOKS PRODUCTS OR APPROVED EQUAL.

(SEE SHEET 5)

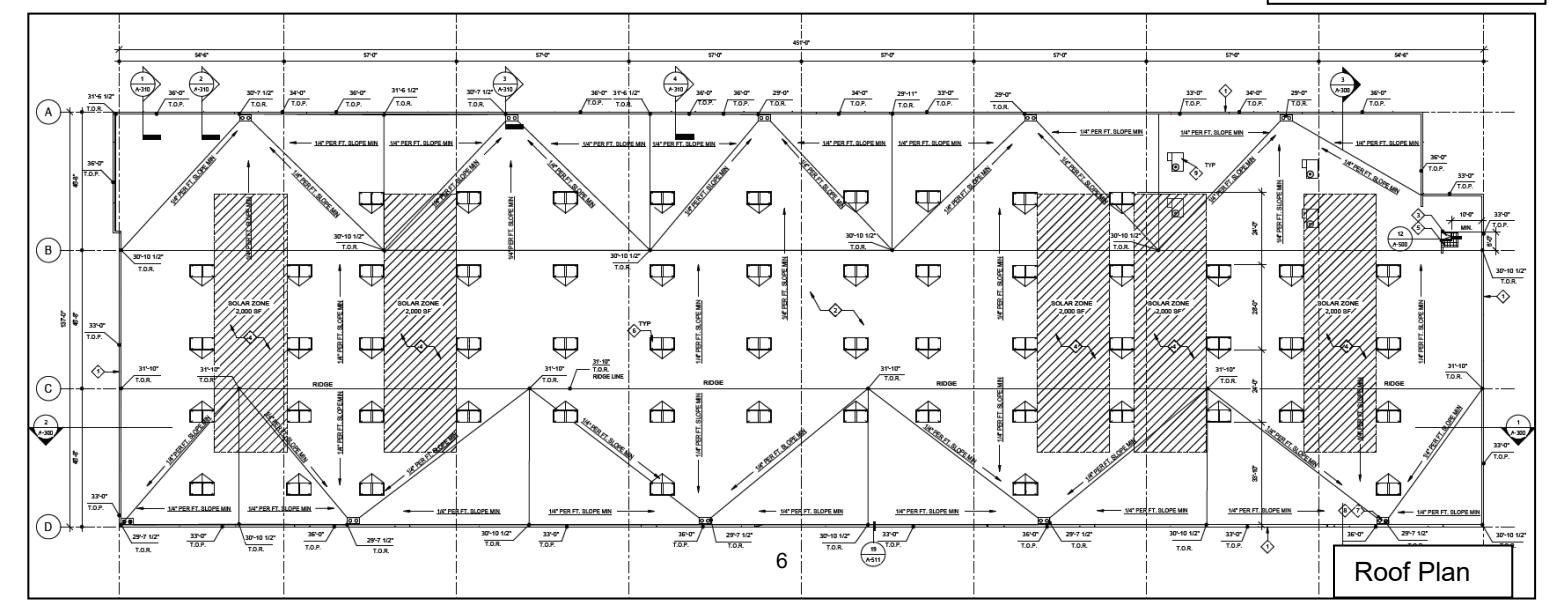


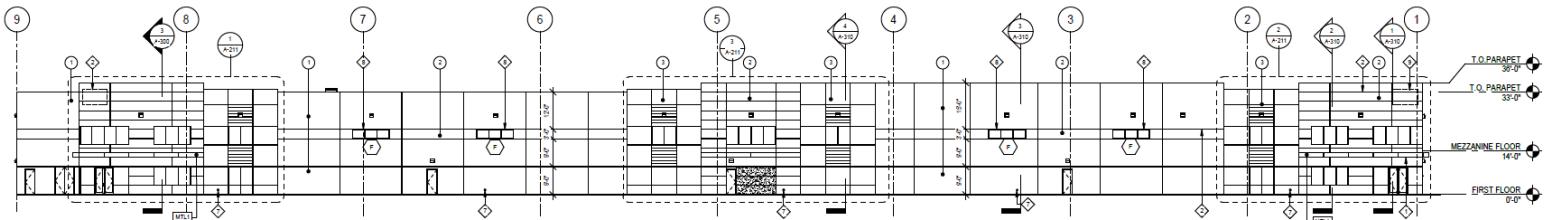


1ST Floor

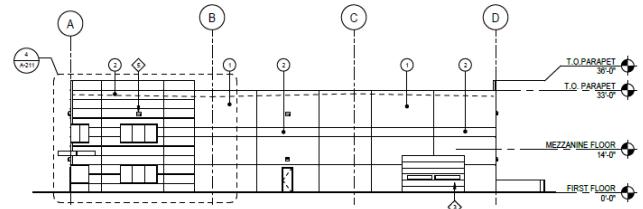


Mezzanine Level

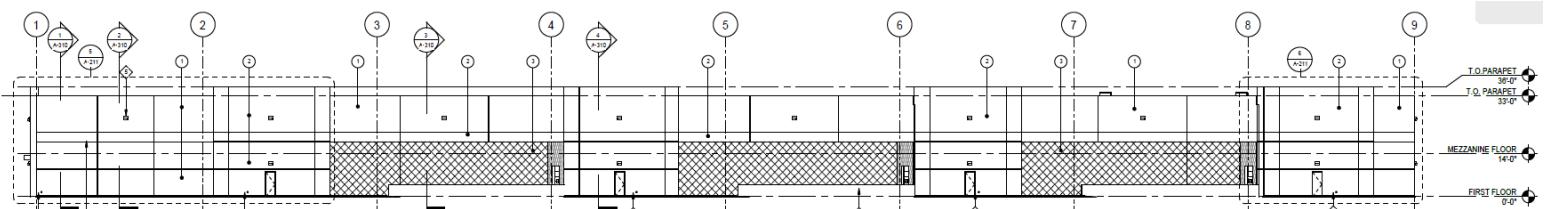




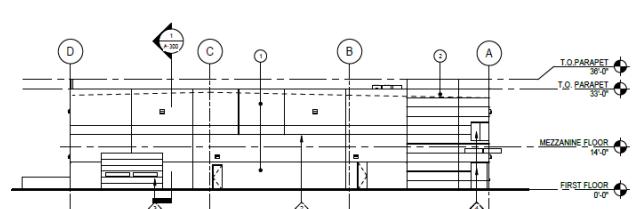
1 EAST ELEVATION  
1/16" = 1'-0"  
SCALE: 1/16" = 1'-0"



2 NORTH ELEVATION  
1/16" = 1'-0"  
SCALE: 1/16" = 1'-0"



3 WEST ELEVATION  
1/16" = 1'-0"  
SCALE: 1/16" = 1'-0"



### FINISH MATERIAL LEGEND

- 1 PAINTED WALL PER PLAN FIELD COLOR - SW 6000 SNOWFALL
- 2 PAINTED WALL PER PLAN ACCENT COLOR - SW 7068 GRIZZLE GRAY
- 3 PAINTED WALL PER PLAN ACCENT COLOR - SW 9163 TIN LIZZIE
- MTL1 METAL PANEL: COLOR BY PPG, UC106692F DURANAR SUNSTROM, GALAXY SILVER.
- 1 STOREFRONT GLAZING: 1" INSULATED VITRO PACIFICA SOLARBAR 60 (2) W/ CLEAR GLASS - IN CAPTURED PERIMETER WITH BUTT GLAZED VERTICAL INTERMEDIATES - 2"x4" FRONT SET GLAZED ALUMINUM MULLION SYSTEM. COLOR/FINISH: PPG DURANAR SUNSTORM GALAXY SILVER UC106683F. GLASS THERMAL VALUES: SC=.34, SHGC=.22

REFER TO SHEET A-601 FOR WINDOW PROFILES FOR ADDITIONAL INFORMATION

REFER TO SHEETS A-211, A-212, A-213 AND A-214 FOR ENLARGED ELEVATIONS

	<b>ELEVATION KEYNOTES</b>
1	CANOPY CLAD WITH PREFORMED ALUMINUM PANEL SYSTEM- COLOR PPG DURANAR SUNSTORM GALAXY SILVER
2	
3	GRADE LEVEL DOOR
4	STOREFRONT SYSTEM
5	WALL PACK LIGHT FIXTURES
6	42" HIGH LOADING DOCK RETAINING WALLS
7	OVERFLOW DRAIN w/DOWNSPOUT COVER DRAIN
8	ALUMINUM WINDOW FRAME SYSTEM. REFER TO EXTERIOR WINDOW SCHEDULE SHEET A-600 FOR ADDITIONAL INFORMATION
9	BUILDING ADDRESS NUMBERS. 12" HIGH MIN. COLOR-BLACK



1 EAST EXTERIOR ELEVATION

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



2 NORTH EXTERIOR ELEVATION

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

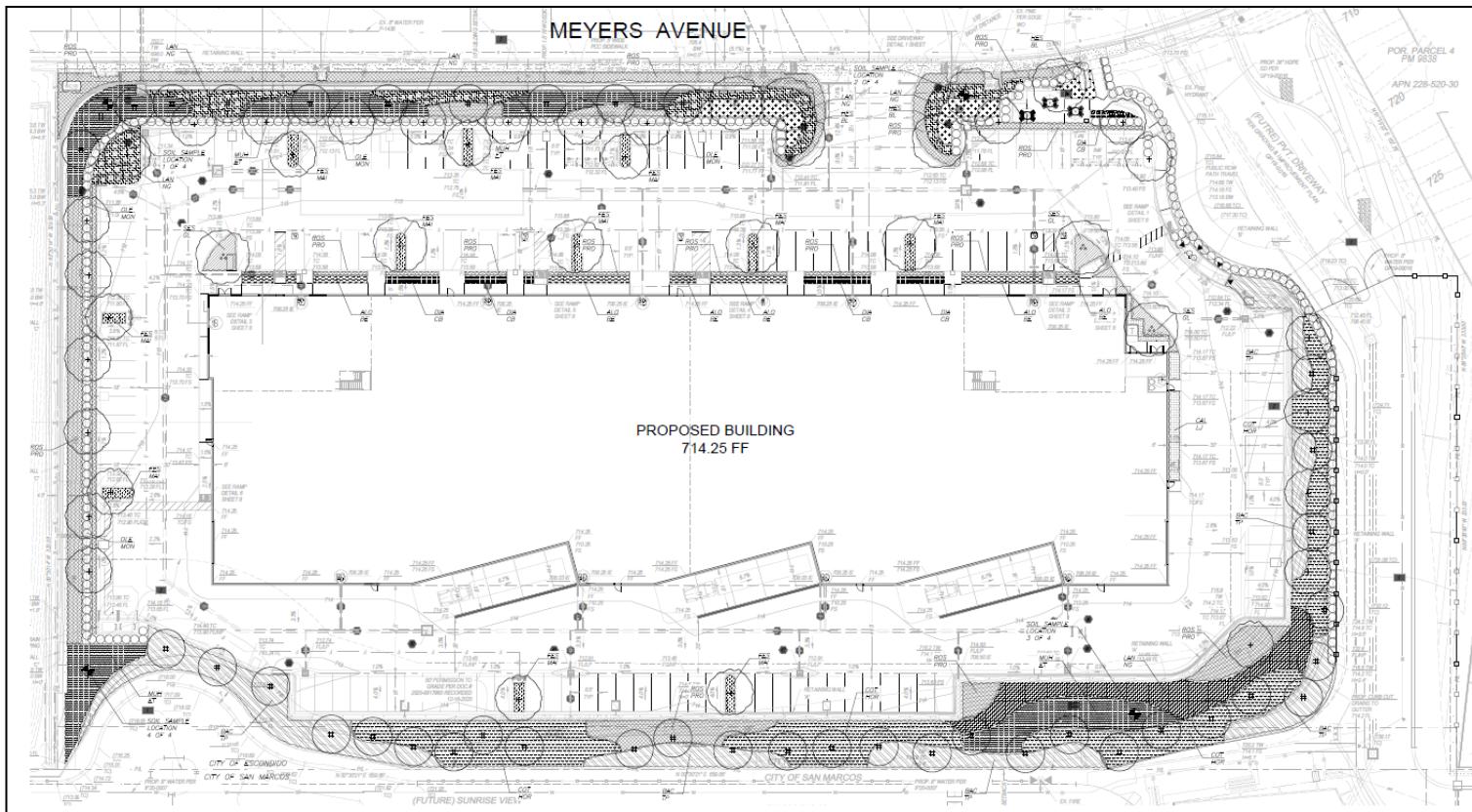
3 SOUTH EXTERIOR ELEVATION

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



4 WEST EXTERIOR ELEVATION

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



#### PLANT SCHEDULE MCJ - 08/22/2022

##### SHRUBS, GRASSES & GROUNDCOVERS

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME
[diagonal lines]	ALO BE	AOE 'BLUE ELF'	BLUE ELF ALOE
[diagonal lines]	BAC TP	BACCHARIS P. 'TWIN PEAKS'	DWARF COYOTE BRUSH
[dots]	CAL LJ	CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLEBRUSH
[horizontal lines]	COT HOR	COTONEASTER HORIZONTALIS	ROCKSPRAY COTONEASTER
[diagonal lines]	DI4 CB	DIANELLA 'CASSA BLUE'	CASSA BLUE FLAX LILY
[diagonal lines]	FES MAI	FESTUCA MAIREI	ATLAS FESCUE
[diagonal lines]	HES BL	HESPERALOE P. 'BRAKE LIGHTS'	BRAKELIGHTS RED YUCCA
[diagonal lines]	LAN NG	LANTANA 'NEW GOLD'	NEW GOLD LANTANA
[diagonal lines]	MUH ET	MUHLENBERGIA E. 'EL TORO'	BULL GRASS
(circle)	OLE MON	OLEA EUROPAEA 'MONTRA'	LITTLE OLLIE
[diagonal lines]	ROS PRO	ROSMARINUS O. 'PROSTRATUS'	PROSTRATE ROSEMARY
[diagonal lines]	SES GL	SESLERIA AUTUMNALIS 'GREENLEE'	GREENLEE AUTUMN MOOR GRASS
<b>VINES</b>			
▼	FIC REP	FICUS REPENS	CREEPING FIG

#### PLANT SCHEDULE MCJ - 08/22/2022

##### TREES

SYMBOL	BOTANICAL NAME	COMMON NAME
(circle #)	PINUS ELDERICA	AFGHAN PINE
(circle +)	OLEA EUROPAEA 'SWAN HILL'	SWAN HILL FRUITLESS OLIVE
(circle +)	RHUS LANCEA	AFRICAN SUMAC

CONCEPT LANDSCAPE PLAN

## **EXHIBIT “C”**

### **PLANNING CASE NO. PL 20-0654**

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

##### **Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) (“CEQA”), and its implementing regulations (Article 14 of the California Code of Regulations, Section 15000 et. seq.) (“CEQA Guidelines”), the City of Escondido is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. An Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA, the CEQA Guidelines, and the local environmental procedures. The decision-making body of the Lead Agency shall adopt the proposed IS/MND only if:
  - It finds on the basis of the whole record before it that there is no substantial evidence the project will have a significant effect on the environment, and
  - The IS/MND reflects the Lead Agency's independent judgment and analysis.
3. The Final IS/MND and Mitigation Monitoring and Reporting Program (“MMRP”) collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the Project, and shall be referred to herein collectively as the “CEQA Documents.”
4. The Zoning Administrator has received the material record supporting all of the CEQA Documents for the Project. The Zoning Administrator finds the following:
  - The Final IS/MND reflects the City’s independent judgment and analysis.
  - There is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts that cannot be fully mitigated. All identified impacts have been mitigated to a less-than-significant level.
  - The Zoning Administrator also finds that the mitigation measures listed in the MMRP will not cause any potentially significant impacts.
  - The Final IS/MND has been completed in compliance with CEQA and it constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA.
5. Mitigation measures are recommended to be incorporated as part of the adoption of the Mitigated Negative Declaration. The recommended approval of the Project also includes the adoption of the MMRP, attached as Exhibit E to the Zoning Administrator Resolution 2023-02.

6. Pursuant to Public Resources Code section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials that constitute the record of proceedings are located at the Development Services Department, Planning Division, City of Escondido. Such documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

### **Entitlement Findings**

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

1. The site is zoned P-D – Planned Development – Industrial Zones, with a previous zoning designation of Light Industrial (M-1). Although the site is within the Planned Development-Industrial zone, the previously approved Planned Development for the site never was implemented and the project subsequently expired. In accordance with Article 19, section 33-401(3)(1), the zoning standards in effect immediately prior to the planned development zoning, if consistent with the underlying General Plan designation, shall apply regarding specified properties within a planned development zone that are not associated with a master development plan. Pursuant to section 33-560 of the Escondido Zoning Code, the Light Industrial (M-1) zone is intended “to provide for a variety of light industrial firms engaged in processing, assembling, manufacturing, storage warehousing and distribution, research and development, and other light industrial uses not typically suited to commercial zones by virtue of operational characteristics and space needs.” Therefore, development of the site for industrial uses as requested in Plot Plan Case No. PL20-0654 is permitted in the zone in which it is located.
2. The Plot Plan approval (PL20-0654) is granted subject to such conditions (attached as Exhibit "F" to Resolution No. 2023-02) as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards. Appropriate access, parking, utilities and landscaping would be provided.
3. The Plot Plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety, and general welfare. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot configuration; traffic and emergency vehicle access; and grading; were all reviewed for compliance with relevant City policies and codes. Appropriate noise attenuation measures would be provided for the project. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.

## **EXHIBIT “D”**

### **Final Initial Study/Mitigated Negative Declaration PL20-065**

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



## MITIGATION MONITORING & REPORTING PROGRAM (MMRP) FOR THE 2351 MEYERS AVENUE PROJECT

1. **Project Case Number(s):** PL20-0654

2. **Project Title:** 2351 Meyers Avenue

3. **Lead Agency:**  
City of Escondido  
Jay Paul, Project Planner  
Planning Division  
201 North Broadway  
Escondido, CA 92025-2798  
(760) 839-4671  
[jpaul@escondido.org](mailto:jpaul@escondido.org)

4. **Project Sponsor:**

Applicant/Developer	Property Owner
Rodney Boden Via West Group 2390 E. Camelback Road, Ste 305 Phoenix, AZ 85016 808.840.3985 <a href="mailto:rboden@viawestgroup.com">rboden@viawestgroup.com</a>	Steven Schwarz VWP Escondido, LLC 2390 E. Camelback Road, Ste 305 Phoenix, AZ 85016 808.840.3985 <a href="mailto:rboden@viawestgroup.com">rboden@viawestgroup.com</a>

5. **Project Location:**

The 4.26-acre vacant property is located on the west side of Meyers Avenue between E. Barham Drive to the north and Corporate Drive to the South, within the City of Escondido, County of San Diego, addressed at 2351 Meyers Avenue. The project site comprises Assessor parcel numbers – APNs 228-312-05-00 and 228-312-06-00.

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
				Initials	Date
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
MM HAZ-1:	The Permittee/Owner shall have a noise and vibration monitoring plan (NVMP) prepared by a qualified noise and vibration expert prior to grading permit issuance. The NVMP shall provide locations where monitoring would occur over the duration of the blasting and/or removal of rock debris. The plan will outline noise and vibration monitoring methodology, equipment, duration, notification process, reporting process, vibration limits, exceedance protocol, and complaint resolution process.	Permittee/Owner	Prior to grading permit issuance	Planning and Building shall review and accept the plan	
<b>REMARKS:</b>					
MM HAZ-2:	The qualified noise and vibration expert shall monitor all blasting events. The blasting operator shall design the charge such that the overpressure noise level does not exceed 136 dB before mitigation or 130 dB when unmitigated, and the vibration level does not exceed 0.5 PPV in/sec at the nearest sensitive receptor. Blasts shall not occur closer than 50 feet from a sensitive receptor.	Blasting Operator	During Blasting	Qualified Noise and Vibration Expert	
<b>REMARKS:</b>					
MM HAZ-3:	Sound barriers shall be used if the unmitigated max charge weights are exceeded. The sound barriers shall be at least 8-feet tall and shall block any line of sight between the blasting area and adjacent buildings. The qualified noise and vibration expert shall ensure the sound barriers are appropriately installed.	Blasting Operator	During Blasting	Qualified Noise and Vibration Expert	
<b>REMARKS:</b>					

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures		Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
					Initials	Date
MM HAZ-4:	In locations where removal of rock is required when closer than 100 feet to an existing building, the project should use a nonexplosive option such as an excavator or nonexplosive agent for the removal of the large rock. The following links provide options for a nonexplosive agent. The blasting operator and the qualified noise and vibration expert shall determine the best option at the time of monitoring plan preparation (NVMP).  <a href="http://www.ecobust.com/">http://www.ecobust.com/</a>  <a href="http://www.dexpan.com/dexpan-non-explosive-controlled-demolition-agent-silent-cracking-breaking.aspx">http://www.dexpan.com/dexpan-non-explosive-controlled-demolition-agent-silent-cracking-breaking.aspx</a>	Blasting Operator	During Blasting	Qualified Noise and Vibration Expert		
<b>REMARKS:</b>						
MM HAZ-5:	Prior to finalizing plans and specifications, a construction management plan (CMP) shall be prepared for the City of Escondido's approval by the Permittee/Owner and/or their construction contractor for any construction activities encroaching into the public right-of-way. The CMP shall include measures designed to reduce the impact of temporary construction traffic and any necessary lane closures. In addition, all truck traffic shall use the City's truck routes. Such measures may include, but are not limited to, providing early notification of closures to the Escondido/San Marcos Fire Departments and Escondido/San Marcos Police Departments, residents, and nearby businesses; the use of signage before and during construction activities that clearly delineates detour routes around lane closures; and flaggers to direct traffic in the vicinity of the closure.	Permittee/Owner	Prior to finalizing plans and specifications	City Engineer to Construction Management Plan		
<b>REMARKS:</b>						
<b>NOISE</b>						

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance				
				Initials	Date			
<b>See MM HAZ-1 through MM HAZ-5</b>								
<b>REMARKS:</b>								
<b>TRANSPORTATION</b>								
<b>See MM HAZ-5</b>								
<b>REMARKS:</b>								
<b>TRIBAL CULTURAL RESOURCES</b>								
MM TCR-1:	Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures <b>MM-TCR-1</b> through <b>MM-TCR-10</b> and the following information: <ul style="list-style-type: none"> <li>• Parties entering into the agreement and contact information.</li> <li>• Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.</li> </ul>	Applicant Permittee/Owner	Prior to issuance of grading permit	Provide proof of agreement to City Planning and Building				

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
				Initials	Date
<ul style="list-style-type: none"> <li>Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.</li> <li>Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements, including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.</li> <li>Treatment of identified Native American cultural materials.</li> <li>Treatment of Native American human remains and associated grave goods.</li> <li>Confidentiality of cultural information, including location and data.</li> <li>Negotiation of disagreements should they arise.</li> <li>Regulations that apply to cultural resources that have been identified or may be identified during project construction.</li> </ul>					
<b>REMARKS:</b>					
MM TCR-2:	Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction	Applicant Permittee/Owner	Prior to issuance of grading permit	Provide written verification to the City	

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures		Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
					Initials	Date
	meeting, shall approve all persons involved in the monitoring program.					
<b>REMARKS:</b>						
MM TCR-3:	The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.	Qualified archaeologist and a Native American Monitor	Pre-construction meetings	General Contractor shall require		
<b>REMARKS:</b>						
MM TCR-4:	During the initial grubbing, site grading, excavation, or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the excavation rate, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. In consultation with the Native American monitor, the qualified archaeologist shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the	Qualified archaeologist and a Native American Monitor	During the initial grubbing, site grading, excavation, or disturbance of the ground surface	General Contractor shall require		

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures		Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
					Initials	Date
	potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).					
<b>REMARKS:</b>						
MM TCR-5:	In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the find's significance and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074 and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field, and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.	Qualified archaeologist and a Native American Monitor	In the event that previously unidentified tribal cultural resources are discovered	Qualified archaeologist and a Native American Monitor		
<b>REMARKS:</b>						
MM TCR-6:	If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA	Qualified archaeologist and a Native American Monitor	Immediately notify the City	The qualified archaeologist, the consulting TCA Tribe(s), and the Native American		

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
				Initials	Date
Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. In consultation with the City, the qualified archaeologist, the consulting TCA Tribe(s), and the Native American monitor shall determine the significance of the discovered resource. The qualified archaeologist shall make a recommendation for the tribal cultural resource's treatment and disposition in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. Appropriate treatment measures will be implemented if the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) (c). Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.			monitor shall determine the significance		
<b>REMARKS:</b>					
MM TCR-7:	All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified	City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s),	Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.	Takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation	

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
				Initials	Date
archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.			measures for the Project)		
<b>REMARKS:</b>					
MM TCR-8:	As specified by California Health and Safety Code section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where a forensic anthropologist discovered them unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the	Contractor or his or her authorized representative	If human remains are found on the project site during construction or during archaeological work	Notify the San Diego County Coroner's office	

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
				Initials	Date
necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning the treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on-site in the presence of the MLD unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.					

**REMARKS:**

MM TCR-9:	If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the	Qualified archaeologist	Collection of any tribal cultural resources	The Native American monitor must be present during any		
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## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
				Initials	Date
ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources shall be curated at the San Diego Archaeological Center.			cataloging of those resources		
<b>REMARKS:</b>					
MM TCR-10:	Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include the California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.	Qualified archaeologist	Prior to the release of the grading bond,	A monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the project site shall be submitted	
<b>REMARKS:</b>					
<b>WILDFIRE</b>					
See MM HAZ-5					
<b>REMARKS:</b>					

## 2351 MEYERS AVENUE PROJECT

Mitigation Measures	Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
				Initials	Date

## **EXHIBIT “F”**

### **CONDITIONS OF APPROVAL**

Planning Case No. PL20-0654

This Project is conditionally approved as set forth on the application received by the City of Escondido on November 5, 2020, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Concept Landscape Plans and Colored Elevations; all designated as approved on February 23, 2023, and shall not be altered without express authorization by the Development Service Department.

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

#### **A. General:**

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

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

- 3. Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be certified by the Planning Division prior to submittal of any post-

entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

**4. Conformance to Approved Plans.**

- a. The operation and use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
  - b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
  - c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.
- 5. Limitations on Use.** Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.

**6. Certificate of Occupancy.**

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

**7. Availability of Permit Conditions.**

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

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

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

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

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

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

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

**12. Clerk Recording.**

- a. State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is

published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.

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

**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. The plan indicates that 151 parking spaces are proposed to be provided on the site. Based on the anticipated use of the site (as noted on the plans) a minimum of 134 parking spaces shall be provided at all times. The amount of parking spaces may vary based on use of the site, in accordance with the City's Parking Ordinance (Article 39), and as determined by the Director of Development Services. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. In accordance with the California Green Building Standard Code, at least eight percent of the total number of required spaces shall be designated for clean air vehicles (CAV), and shall be shown on the revised site plan to the satisfaction of the Planning and Building divisions.

4. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
  - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal if the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

- b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
- c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.
- e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

#### **E. Specific Planning Division Conditions:**

1. Bio Compliance Measure (CM-1): To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act (16 USC 703 et seq.) and Fish and Game Code (3503 and 3503.5), removal of habitat shall occur outside of the nesting season for these species (i.e., outside of February 15 through August 31, annually). If habitat removal must occur during the nesting period, the project applicant or designee shall retain a biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds in the area of disturbance. The pre-construction survey must be conducted within 72 hours prior to construction and shall be re-peated if construction activities discontinue for more than three (3) consecutive days.

Impacts to active nests are typically avoided as follows. Clearing and construction shall be postponed or halted within the following buffers established by the biologist: (1) no work within 50 feet of a non-listed and non-raptor avifauna nest; and (2) no work within 500 feet of a raptor nest. Raptor nests are not anticipated due to a lack of suitable nesting habitat. The construction avoidance area shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. To the extent possible, the no-construction buffer zones shall be avoided until the nesting cycle is complete. However, it may be reasonable for the City to reduce these buffer widths depending on site conditions. If construction-related activities must take place within an active nest buffer area, the proposed project applicant or its designee shall present a plan to the City with measures to monitor and minimize impacts on nesting birds. No ground-disturbance activities shall occur within the avoidance buffer zone until the qualified biologist has determined that the nest is no longer active, and the young are not dependent on the nest.

2. Mitigation Measure HAZ-1: The Permittee/Owner shall have a noise and vibration monitoring plan (NVMP) prepared by a qualified noise and vibration expert prior to grading permit issuance. The NVMP shall provide locations where monitoring would occur over the duration of the blasting and/or removal of rock de-bris. The plan will outline noise and vibration monitoring methodology, equipment, duration, notification process, reporting process, vibration limits, exceedance protocol, and complaint resolution process.
3. Mitigation Measure HAZ-2: The qualified noise and vibration expert shall monitor all blasting events. The blasting operator shall design the charge such that the overpressure noise level does not exceed 136 dB before mitigation or 130 dB when unmitigated, and the vibration level does not exceed 0.5 PPV in/sec at the nearest sensitive receptor. Blasts shall not occur closer than 50 feet from a sensitive receptor.
4. Mitigation Measure HAZ-3: Sound barriers shall be used if the unmitigated max charge weights are exceeded. The sound barriers shall be at least 8 feet tall and shall block any line of sight between the blasting area and adjacent buildings. The qualified noise and vibration expert shall ensure the sound barriers are appropriately installed.
5. Mitigation Measure HAZ-4: In locations where removal of rock is required when closer than 100 feet to an existing building, the project should use a nonexplosive option such as an excavator or nonexplosive agent for the removal of the large rock. The following links provide options for a nonexplosive agent. The blasting operator and the qualified noise and vibration expert shall determine the best option at the time of monitoring plan preparation (NVMP).  
<http://www.ecobust.com/>  
<http://www.dexpan.com/dexpan-non-explosive-controlled-demolition-agent-silent-cracking-breaking.aspx>
6. Mitigation Measure HAZ-5: Prior to finalizing plans and specifications, a construction management plan (CMP) shall be prepared for the City of Escondido's approval by the Permittee/Owner and/or their construction contractor for any construction activities encroaching into the public right-of-way. The CMP shall include measures designed to reduce the impact of temporary construction traffic and any necessary lane closures. In addition, all truck traffic shall use the City's truck routes. Such measures may include, but are not limited to, providing early notification of closures to the Escondido/San Marcos Fire Departments and Escondido/San Marcos Police Departments, residents, and nearby businesses; the use of signage before and during construction activities that clearly delineates detour routes around lane closures; and flaggers to direct traffic in the vicinity of the closure
7. All roof-top exterior equipment shall be shielded from view with solid parapets that are taller than the equipment constructed with material with a density of at least 4 lb/ft<sub>2</sub>.
8. The project shall implement the following noise reduction measures during construction:
  - Per Municipal Code Section 17.324, construction will only occur during the permissible hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Federal, state, or City holidays.

- The contractors shall ensure all equipment will have the appropriate noise attenuating devices.
  - The contractors shall locate the equipment staging areas to create the greatest distance between the construction-related noise/vibration sources and the residential (sensitive receptors) nearest the project site.
  - Idling equipment will be turned off when not in use.
  - Equipment shall be maintained to secure vehicles and their loads from rattling and banging.
9. Mitigation Measure TCR-1: Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-TCR-1 through MM-TCR-10 and the following information:
- Parties entering into the agreement and contact information.
  - Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
  - Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
  - Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements, including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
  - Treatment of identified Native American cultural materials.
  - Treatment of Native American human remains and associated grave goods.
  - Confidentiality of cultural information, including location and data.
  - Negotiation of disagreements should they arise.
  - Regulations that apply to cultural resources that have been identified or may be identified during project construction.
10. Mitigation Measure TCR-2: Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

11. Mitigation Measure TCR-3: The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.
12. Mitigation Measure TCR-4: During the initial grubbing, site grading, excavation, or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the excavation rate, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. In consultation with the Native American monitor, the qualified archaeologist shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).
13. Mitigation Measure TCR-5: In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the find's significance and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074 and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field, and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.
14. Mitigation Measure TCR-6: If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. In consultation with the City, the qualified archaeologist, the consulting TCA Tribe(s), and the Native American monitor shall determine the significance of the discovered resource. The qualified archaeologist shall make a recommendation for the tribal cultural resource's treatment and disposition in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. Appropriate treatment measures will be implemented if the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) (c). Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1)

the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.

15. Mitigation Measure TCR-7: All sacred sites, significant tribal cultural resources, and unique archaeo-logical resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preserva-tion of the significant tribal cultural resource or unique archaeological re-source must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural re-source or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally ap-propriate treatment of those resources, including but not limited to fund-ing an ethnographic or ethnohistoric study of the resource(s), and/or de-veloping a research design and data recovery program to mitigate im-pacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Na-tive American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
16. Mitigation Measure TCR-8: As specified by California Health and Safety Code section 7050.5, if hu-man remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are hu-man shall be conducted on-site and in situ where a forensic anthropolo-gist discovered them unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations con-cerning the treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (Cali-fornia Public Resources Code § 5097.98). Work may not resume within the no-work radius until the lead agency, through consultation as appro-priate, determines that the treatment

measures have been completed to their satisfaction. The analysis of the remains shall only occur on-site in the presence of the MLD unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.

17. Mitigation Measure TCR-9: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources shall be curated at the San Diego Archaeological Center.
18. Mitigation Measure TCR-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include the California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.
19. In compliance with Article 26 "Industrial Zones" and the Light Industrial (M-1) zone, all permitted uses within the M-1 zones shall be conducted entirely within completely enclosed buildings. No outdoor storage is permitted with this Project. Any proposed outdoor storage is subject to the provisions of Article 26, section 33-571 "Accessory Outdoor Storage Requirements."

#### **F. Specific Building Division Conditions:**

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

#### **G. Specific Engineering Division Conditions:**

##### **GENERAL**

1. The Developer shall provide the City Engineer with a current Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, these utilities shall be relocated subject to approval of the owner of the utility/facility prior to approval of Grading plans and issuance of Building Permits.

3. Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer is required to provide a Cash Clean Up deposit for all grading, public sidewalk, driveway apron, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project grading, sidewalk, driveway apron, private improvements, drainage and landscaping. All these items shall be completed prior to issuance of a Certificate of Occupancy.
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 improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.
7. The Developer's engineer shall submit to the Planning Department 3 copies of the Plot Plan as conditionally approved. These copies shall be signed by the Planning Department verifying that they are an accurate reproduction of the approved Plot Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. All driveway aprons shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of 24'.
2. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
3. The Developer shall furnish and install "No Parking" signage restricting on-street parking across the street and to the south of the project as needed to provide adequate sight distance southward from the project driveway. The design of this new signing and striping shall be per current CA MUTCD standards and to the satisfaction of the City Engineer and shall be shown on a separate sheet of the Grading plans.
4. The Developer shall replace any lane striping and pavement markings adjacent to the project that have been damaged and/or prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
5. Any unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
6. The existing street light near the project's southern boundary shall be relocated to the north side of the project's proposed new driveway location and it shall be retrofitted with an LED light head in accordance with Escondido Standard Drawing No. E-1-E.
7. The Developer shall construct 5' wide contiguous PCC sidewalk along the project's entire frontage.

8. The Developer shall remove and replace all damaged PCC curb and gutter, along the project frontage to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
9. The Developer may be responsible for an overlay of a portion of Meyers Avenue due to utility trenches necessary to serve this project. The determination of the extent of any required overlay shall be to the satisfaction of the City Engineer.
10. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
11. Any proposed gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
12. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities within the Meyers Avenue right-of-way to the satisfaction of the City Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

## **GRADING**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by a copy of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. All private access drives and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" Portland cement concrete over 6" aggregate base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with Portland cement concrete.
3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. The Developer will be required to pay for all required third party structural engineering review of these structural calculations and details. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Department plan review and Building Permit process.
4. All retaining walls and screen walls, stairs and raised landings including footings shall be constructed completely within the Project property and shall not encroach into the public R/W or public utility easement.
5. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or other work necessary to construct the project and/or the required improvements, or the Developer shall modify the project design so the construction in question is contained within the project's property lines.
6. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.

7. 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.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
9. All existing foundations, structures, trees not otherwise designated "to remain" on the Plot plan, shall be removed or demolished from the site.
10. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

### **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Final Drainage Study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains and storm drain laterals out to the public storm drain in Meyers Avenue are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for any detention vaults shall be submitted and approved as part of the grading plan check.
4. A Final Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include calculations for treatment, hydromodification, and storage volumes. The SWQMP shall include detailed maintenance requirements and responsibilities for all onsite conveyance, treatment, and detention facilities. The SWQMP shall demonstrate how any proposed proprietary best management practices like modular wetlands meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
5. Trash enclosures shall be covered and be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
7. All onsite and offsite storm water treatment and retention facilities and their drains including modular wetlands, underground storage, and any permeable paver areas shall be considered private. The responsibility for maintenance and repair of all project constructed/installed post construction storm water treatment facilities both onsite and in the adjacent public right-of-way shall be that of the Property Owner.

### **WATER SUPPLY**

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main.
2. The 2 existing fire hydrants in the right-of-way along the project's Meyers Avenue frontage shall be relocated to behind the new contiguous PCC sidewalk. As these belong to Rincon del

Diablo Municipal Water District, this relocation work shall be per their requirements and standards and coordinated with them.

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

## **SEWER**

1. All sewer laterals in the public right-of-way shall be constructed per current City of Escondido Design Standards and Standard Drawings.
2. All onsite sewer laterals and private lines shall be per the current Uniform Plumbing Code and these shall be reviewed, approved, and inspected as part of the Building Plans/Permits.
3. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.
5. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.
6. The location of all sewer laterals shall be shown on the grading and improvement plans.

## **LANDSCAPING**

1. A site landscaping and irrigation plan for the project and for all right-of-way areas along the project frontages shall be prepared by a Licensed Landscape Architect and submitted to the Engineering Department with the second submittal of the grading plans for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees. These landscape plans shall include the architectural and structural design and details for all required fencing and screen walls.

## **EASEMENTS AND DEDICATIONS**

1. The developer shall dedicate to the public an additional one (1) foot of public right-of-way along the project's entire Meyers Avenue frontage. to accommodate the new required 5' wide PCC sidewalk.
2. The Developer shall grant to the public four (4) feet of public utility easement beyond the new public right-of-way line along the project's entire Meyers Avenue frontage.
3. All private and public easements affecting subject property both proposed and existing to remain shall be shown, delineated, dimensioned, and clearly labeled on all plan sets.
4. The Developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed project prior to issuance of Building Permits. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer

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

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

## **SURVEYING AND MONUMENTATION**

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

## **REPAYMENTS AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install Best Management Practices devices and materials, 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 all grading, improvements, and landscaping and a Notice of Completion has been issued for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, retaining walls, sidewalk, driveway apron, walls, drainage and storm water facilities, landscaping and irrigation, and best management practices items of work up to a maximum of \$60,000, unless a higher amount is deemed necessary by the City Engineer.
2. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when Building Permits are issued.

## **UTILITY UNDERGROUNDING AND RELOCATION**

1. The Developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.