



CITY of ESCONDIDO

PLANNING COMMISSION MEETING

May 14, 2024 at 7:00 PM

Council Chambers: 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR COMMISSION MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

CHAIR

Stan Weiler

VICE CHAIR

David Barber

COMMISSIONERS

Carrie Mecaro

Barry Speer

Jeff Jester

Dustin Steeve

Marc Correll

MINUTES CLERK

Melissa DiMarzo

HOW TO WATCH

The City of Escondido provides one way to watch a Commission meeting:

In Person



201 N. Broadway, Escondido, CA 92025



CITY of ESCONDIDO

PLANNING COMMISSION

TUESDAY, MAY 14, 2024

AGENDA

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) April 23, 2024

WRITTEN COMMUNICATIONS

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

ORAL COMMUNICATIONS

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

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

PUBLIC HEARINGS

Please limit your testimony to three minutes.

- [2.](#) **PL23-0319 – 2402 S. Escondido Blvd. / Canterbury Gardens**

REQUEST: A request for a Tentative Subdivision Map and Condominium Permit to convert a conditionally approved 44-unit residential apartment development (PL21-0042) into 43-air space condominium units, resulting in the removal of one-unit. The proposal also includes adoption of the environmental determination for the project.

PROPERTY SIZE AND LOCATION: The 1.58-acre site is located on the east side of S. Escondido Blvd., just north of Citracado Parkway, addressed as 2402 S. Escondido Blvd. (APN: 238-141-18-00)

APPLICANT: Kingston Canterbury Gardens, LLC



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CEQA RECOMMENDATION: The Project qualifies for an exemption under the California Environmental Quality Act (“CEQA”) Guidelines sections 15332 (“In-Fill Development”) and 15305 (“Minor Alterations to Land Use Limitations”)

STAFF RECOMMENDATION: Approval

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

3. PL23-0183 – Master Plan Modification and Precise Development Plan

REQUEST: A request for a Modification to a Master Development Plan to increase the maximum allowed square footage of building area permitted on-site and allow for changes to on-site circulation. A request for a new Precise Development Plan for the demolition of an existing 3,187 square foot auto showroom building and construction of a new 12,728 square foot, 29’-8” tall dealership building with an upper mezzanine level (8,095 square foot first floor; 3,158 square foot upper mezzanine level; 1,475 square foot service canopy). The new Precise Development Plan would also include minor site changes, including demolition and construction of an on-site trash enclosure and fencing, and new electric vehicle chargers. The subject site includes two existing detached storage buildings/open repair bays which would remain on-site (7,135 and 4,097 square feet, respectively). The proposal also includes adoption of the environmental determination for the project.

PROPERTY SIZE AND LOCATION: 1.95 acres located on the southwest corner of Auto Park Way and Andreasen Drive, addressed at 1919 Auto Park Way (APN: 232-541-03-00)

APPLICANT: Mag 1919 APW, LLC (Mossy Volkswagen)

CEQA RECOMMENDATION: The project qualifies for an exemption under the California Environmental Quality Act (“CEQA”) Guidelines sections 15301 (“Existing Facilities”), 15302 (“Replacement and Reconstruction”), and 15303 (“New Construction or Conversion of Small Structures”).

STAFF RECOMMENDATION: Approval

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

4. PL23-0272 – Tentative Subdivision Map and Density Bonus

REQUEST: A request for a Tentative Subdivision Map and Density Bonus to allow for 14 single-family residential lots with two lettered lots (private street and storm water basin) on an existing 2.87-acre site. Lot sizes range from approximately 4,191 square feet to 7,900 square feet. The Density Bonus would allow for an increase in allowable density from a base density of 3.3 dwelling units per acre to a proposed density of 4.87 dwelling units per acre. The Density Bonus would require one lot be restricted for “very low-income” and permits for certain incentives, concessions and waivers from development standards in accordance with State Density Bonus law. The proposal also includes adoption of the environmental determination for the Project.



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PROPERTY SIZE AND LOCATION: The 2.87-acre project site is located on the east side of S. Citrus Avenue, south of Bear Valley Parkway, north of Oak Hill Drive, addressed at 220 S. Citrus Avenue (APN: 231-470-03-00)

APPLICANT: Kenosha Holdings, LLC

CEQA RECOMMENDATION: The Project qualifies for an exemption under the California Environmental Quality Act ("CEQA") Guidelines section 15332, Class 32 ("Infill Development Project")

STAFF RECOMMENDATION: Approval

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

CURRENT BUSINESS

5. Planning Commission By-Laws

REQUEST: Discussion related to the Planning Commission By-Laws.

PROPERTY SIZE AND LOCATION: N/A

APPLICANT: N/A

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

STAFF RECOMMENDATION: None.

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

FUTURE AGENDA ITEMS

ORAL COMMUNICATIONS

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

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

PLANNING COMMISSIONERS REPORT

CITY PLANNER'S REPORT



CITY of ESCONDIDO

PLANNING COMMISSION

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6. Tentative Future Agenda

ADJOURNMENT

HOW TO PARTICIPATE

The City of Escondido provides two ways to communicate with the Commission during a meeting:

In Person



Fill out Speaker Slip and Submit to City Clerk

In Writing



<https://escondido-ca.municodemeetings.com>

ASSISTANCE PROVIDED

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.





CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

April 23, 2024 at 7:00 PM
Council Chambers: 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR COMMISSION MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

COMMISSIONERS

David Barber
Carrie Mecaro
Barry Speer
Stan Weiler
Dustin Steeve
Jeff Jester
Marc Correll

MINUTES CLERK

Alex Rangel

HOW TO WATCH

The City of Escondido provides one way to watch the Planning Commission meeting:

In Person



201 N. Broadway, Escondido, CA 92025



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, APRIL 23, 2024

MINUTES

CALL TO ORDER: 7:00 p.m.

FLAG SALUTE: Stan Weiler

ROLL CALL:

Commissioners Present: David Barber, Commissioner; Carrie Mecaro, Commissioner; Barry Speer, Commissioner; Stan Weiler, Commissioner; Jeff Jester, Commissioner; Dustin Steeve, Commissioner; Marc Correll, Commissioner.

Commissioner Absent: None.

City Staff Present: Veronica Morones, City Planner; Dare DeLano, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Oscar Romero, Principal Planner; Jason Christman, Principal Engineer; LaVona Koretke, Deputy Fire Marshal; Alex Rangel, Minutes Clerk.

City Planner Veronica Morones recommended to the Commission that the order of the agenda be modified to accommodate selection of Chair and Vice-Chair as the first order of business and eliminate selection of an acting Chair. The Commission concurred.

SELECTION OF CHAIR AND VICE-CHAIR:

Selection of Chair:

Commissioner Barber nominated Commissioner Weiler. Commissioner Weiler accepted the nomination.

COMMISSION ACTION:

Commissioners held a general vote for the position of Chair.

Votes for Commissioner Weiler: 7 (Barber, Mecaro, Speer, Weiler, Jester, Steeve, Correll).

Commissioner Weiler received a majority of votes cast and was selected for the position of Planning Commission Chair.

Selection of Vice-Chair:

Commissioner Weiler nominated Commissioner Speer. Commissioner Speer accepted the nomination.

Commissioner Mecaro nominated Commissioner Barber. Commissioner Barber accepted the nomination.

COMMISSION ACTION:

Commissioners held a general vote for the position of Vice-Chair.



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Votes for Commissioner Speer: 3 (Speer, Weiler, Correll).
Votes for Commissioner Barber: 4 (Barber, Mecaro, Jester, Steeve).

Commissioner Barber received a majority of votes cast and was selected for the position of Planning Commission Vice-Chair.

APPROVAL OF MINUTES: April 9, 2024.
Motion to approve from Commissioner Speer; Second: Vice-Chair Barber.
Motion carried (2-0) to approve the minutes.
Ayes: Barber and Speer.
Abstain: Mecaro, Weiler, Jester, Steeve, Correll.

WRITTEN COMMUNICATIONS:

None.

ORAL COMMUNICATIONS:

None.

PUBLIC HEARINGS:

None.

CURRENT BUSINESS:

1. **PL24-0108 – 2024/2025 Planning Division Workplan**

REQUEST: Receive and file the 2024/2025 Planning Division Workplan.

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: This effort is not considered a “project” under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines.

APPLICANT: City of Escondido, Development Services Department

STAFF RECOMMENDATION: Receive and File.

PUBLIC COMMENT:

None.

COMMISSION DISCUSSION:



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Commissioners discussed various aspects of the Planning Division Workplan, including the future implementation of the workplan.

COMMISSION ACTION:

None.

2. **PL24-0107 – Development Process Overview**

REQUEST: Private development projects undergo a review process by multiple divisions and departments prior to approval and issuance of permits. Staff will provide the Planning Commission with a high-level overview of what the process entails, including what the Planning Commission’s role is in that process.

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: This effort is not considered a “project” under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines.

APPLICANT: City of Escondido, Development Services Department

STAFF RECOMMENDATION: Receive and File.

PUBLIC COMMENT:

None.

COMMISSION DISCUSSION:

Commissioners discussed various aspects of the Development Process, including Planning Commission’s involvement, and the post-entitlement process.

COMMISSION ACTION:

None.

3. **Conditional Use Permit Revocation**

REQUEST: Discussion related to the procedures for revoking a Conditional Use Permit, under Article 61, Division 1, Section 33-1207 of the Escondido Zoning Code.

PROPERTY SIZE AND LOCATION: N/A



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ENVIRONMENTAL STATUS: This effort is not considered a “project” under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines.

APPLICANT: N/A

STAFF RECOMMENDATION: None.

PUBLIC COMMENT:

None.

COMMISSION DISCUSSION:

Commissioners discussed the Conditional Use Permit Revocation Process, including the Planning Commission’s roles, and language regarding the code.

COMMISSION ACTION:

None.

FUTURE AGENDA ITEMS:

Commissioner Jester requested a discussion on the Planning Commission By-Laws. Motion seconded by Vice-Chair Barber.

ORAL COMMUNICATIONS:

None.

PLANNING COMMISSIONERS:

None.

CITY PLANNER'S REPORT:

City Planner Morones provided information related to upcoming projects, and the tentative agenda for future Planning Commission meetings.

ADJOURNMENT

Chair Weiler adjourned the meeting at 8:05 p.m.

Veronica Morones, Secretary to the Escondido

Alex Rangel, Minutes Clerk



CITY of ESCONDIDO

PLANNING COMMISSION MINUTES

TUESDAY, APRIL 23, 2024

Planning Commission



STAFF REPORT

DATE: May 14, 2024
PL23-0319 – 2402 S. Escondido Blvd.

PROJECT NUMBER / NAME: PL23-0319 – 2402 S. Escondido Blvd. / Canterbury Gardens

REQUEST: A request for a Tentative Subdivision Map and Condominium Permit to convert a conditionally approved 44-unit residential apartment development (PL21-0042) into 43-air space condominium units, resulting in the removal of one-unit. The proposal also includes adoption of the environmental determination for the project.

PROPERTY SIZE AND LOCATION: The 1.58-acre site is located on the east side of S. Escondido Blvd., just north of Citracado Parkway, addressed as 2402 S. Escondido Blvd. (APN: 238-141-18-00)

APPLICANT: Kingston Canterbury Gardens, LLC

GENERAL PLAN / ZONING: SPA (Specific Plan Area) / S-P South Centre City Specific Plan (Southern Entry District)

PRIMARY REPRESENTATIVE: Scott Parker, Owner

DISCRETIONARY ACTIONS REQUESTED: Tentative Subdivision Map and Condominium Permit

PREVIOUS ACTIONS: Major Plot Plan (PL21-0042) approved by the Development Services Director on August 24, 2022.

CEQA RECOMMENDATION: The Project qualifies for an exemption under the California Environmental Quality Act (“CEQA”) Guidelines sections 15332 (“In-Fill Development”) and 15305 (“Minor Alterations to Land Use Limitations”)

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2024-07

CITY COUNCIL HEARING REQUIRED: ___ YES X NO

REPORT APPROVALS:
X Dare DeLano, Senior Deputy City Attorney
X Veronica Morones, City Planner



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STAFF REPORT

BACKGROUND

The subject site consists of an approximately 1.58-acre parcel (APN: 238-141-18-00). The subject site is located on the southeast side of S. Escondido Blvd (directly east of Centre City Parkway), just north of Citracado Parkway (Figure 1). The subject site is zoned Specific Plan (S-P) and is located in the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) which allows multi-family development up to 30 dwelling unit per acre (“du/ac”). The General Plan land use designation for the site is Specific Planning Area (SPA): South Centre City Specific Plan (Attachment 1). Photographs of the site are included under Attachment 2.

The City previously approved a Major Plot Plan (PL21-0042) for the subject site to develop 44 residential apartment units. The applicant received grading permits on July 7, 2023 (GP22-0049 and GP22-0060) from the City for the previously approved Major Plot Plan, resulting in earthwork currently occurring on site.

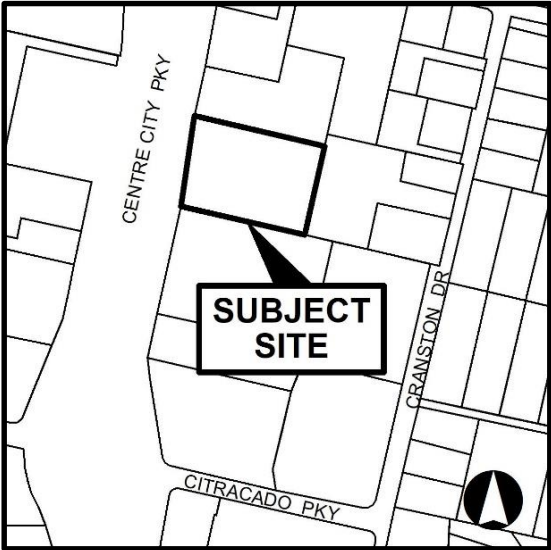
SUMMARY OF REQUEST

Kingston Canterbury Gardens, LLC (“Applicant”) submitted an application on September 26, 2023 (PL23-0319) to convert the approved development into a Residential Condominium Tentative Subdivision Map to create 43 air-space condominium units on one parcel. To convert an apartment multifamily residential development to condominiums, the Applicant requires a Tentative Subdivision Map and a Condominium Permit (collectively referred to as a “Residential Condominium Tentative Subdivision Map”), pursuant to Ch. 32, Article 2 (Tentative Maps), section 32.201.01 and Ch. 33, Article 49 (Air Space Condominium and Community Apartment Project), section 33-950, respectively. As part of the Residential Condominium Tentative Subdivision Map, the Applicant proposes to reduce the overall project by one lot to facilitate the location and construction of a community trash enclosure.

The Applicant originally entitled the apartment development through a Major Plot Plan (PL21-0042), which was approved by the Development Services Director. The original approval includes six individual three-story buildings which includes a total of 97 parking spaces (86 garage spaces and 11 open parking spaces which include one accessible parking space). On-site amenities include common seating areas, bocce ball court, barbeque counter, and dog run. Some units have small private landscaped areas associated with entrances and/or linear private backyard areas. The original approval permitted the project’s architectural design and features which would remain the same under the proposed project.

Article 49 (Air Space Condominium and Community Apartment Projects) of the Escondido Zoning Code specifies the requirements and finding to approve this condominium conversion. The proposed project entails an unoccupied apartment development converting to individual for-sale units. Several requirements of Article 49 only apply to projects where an existing occupied apartment development proposes to convert their occupied units (e.g., tenant notification). Those requirements which apply to tenant notification, etc., are not applicable to the proposed project given its current development status of under construction. For those requirements that do apply to the proposed project, the Applicant has met or exceeded the requirements of Article 49, as detailed in the Supplemental Details of Request below. An asterisk denotes portions of the project that were approved under the Major Plot Plan and are not subject to the Residential Condominium Tentative Subdivision Map decision.

Figure One





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STAFF REPORT

A. SUPPLEMENTAL DETAILS OF REQUEST:

1. Property Size	1.58-acres	
2. Number of Units:	43 air-space condominium units	
	<u>Required:</u>	<u>Project:</u>
3. Unit Sizes:	N/A	Range from 1,017 sq. ft. to 1,244 sq. ft.*
4. Buildings/Types		Six, three-story interlocking alley types* 5 two-bedroom* 38 three-bedroom/office* 43 total units
5. Density:	30 du/ac maximum (based on Approved Specific Plan for the Centre City Area land-use designation)	27.0 du/ac net acreage
6. Building Height:	Approved Specific Plan zoning allows up to 3 stories and 45 feet	3 stories, up to 37' 8" to ridgeline of tallest roof elements*
7. Vehicle Parking:	86 required	43 individual units with two-car garages per each unit (86 total) and up to 11 open guest spaces (includes ADA and EV spaces)*
8. Bicycle Parking:	Per CBC	Per CBC*
9. Setbacks	Per the Approved Specific Plan for Centre City Area	Approved Plot Plan*
a) Front Yard	15' min.	15' min.
b) Street Side	10' min.	10' min.
c) Rear Yard	20' min. Additional 5' for structures over two stories	Set-back 15' or greater from rear P/L
d) Interior Side Yard (west)	5' min. Additional 5' for structure over two stories	5' min. third-story element on select structures set back min. 10' from P/L along west
10. Useable Open Space	13,200 sq. ft. min. (300 sq. ft. per unit min)	13,259 sq. ft. total* N/A recreation areas*



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2,545 sq. ft. of private patios/decks*
10,714 sq. ft. common areas*
(Average 308 sq. ft. per unit)*

- | | | |
|---------------------------|---|---|
| 11. Trash: | No individual bins | Construction of common trash enclosure |
| 12. Washer/dryer | Hook ups for each unit | Hook ups for washer/dryers will be provided |
| 13. Storage | 80 cubic feet of area/unit | Storage will be provided w/in garage area |
| 14. Heating/ Ventilation: | Ground-mounted HVAC units with appropriate screening proposed for each unit | |

B. PROJECT ANALYSIS:

1. General Plan and Zoning Conformance:

The City’s General Plan land-use designation for the project site is Specific Planning Area (SPA). Specifically, the land-use designation denotes the site is governed by a specific plan document. The South Centre City Specific Plan Area (SCCSP) is the governing specific plan for the project site. The site is zoned Specific Plan (S-P) and is located within the Southern Gateway District – mixed use overlay of the SCCSP which allows multi-family residential development up to 30 du/acre. Therefore, the proposed project’s change in units from 44 approved units to 43 units is consistent with the allowable density for the site. The proposed project conforms to the requirements of Chapter 33, Article 49 and Chapter 32, Article 2 as depicted in the Supplemental Details of Request table shown above.

a) Housing Element and “No Net Loss”

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with Policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City’s share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction’s Regional Housing Needs Allocation (“RHNA”), especially for lower- and moderate-income households. In general, jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels “lost” as a result of the approval. The so-called “no net loss” provisions apply when a site is included in the jurisdiction’s Housing Element’s inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density than shown in the Housing Element. (Gov’t Code § 65863(b)). The project site is located on the City’s Suitable Sites Inventory, and is therefore subject to the provisions of “no net loss.” Therefore, the proposed change in density is subject to the following findings:

- i. The reduction is consistent with the City’s adopted General Plan, including the housing element, in that the proposed project aligns with Housing Element policies 1.1 and 1.5 because it provides for expanded stock of for-sale units that are compact and efficient in design.



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- ii. The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, in that the City retains approximately 5,000 very-low and lower-income units on sites identified within the sites inventory. The site was allocated 36 residential units for the purposes of RHNA. Of those 36 units, 23 are identified for lower-income units and 13 are identified for above-moderate-income units. The proposed project would include 43 above-moderate-income units on the site, resulting in a "loss" of 23 lower-income units, and a surplus of 30 above-moderate-units. However, the City retains a "no net loss" buffer of approximately 28-percent with the approval of this project. Therefore, the City in granting approval of this project would continue to conform to the provisions of "no net loss" and housing element law.

2. Climate Action Plan Consistency:

The proposed project is screened out of additional Greenhouse Gas (GHG) Analysis based on the project type. Projects that are screened out are assumed to have a less than significant impact on GHG emissions. The screening threshold for multifamily uses is 55 dwelling units, and the project is an already approved (previously screened out) 44-unit multifamily development that proposes to reduce one unit and convert to for-sale condominiums. Therefore, the Project is found to be consistent with the Climate Action Plan.

3. Site Characteristics (approved under the Major Plot Plan)

a) Project Access, Circulation and Parking:

The original approval permitted the project's access driveway, required street improvements, landscaping, and design requirements which would remain the same under the proposed project. The project frontage and internal amenities would be maintained by the project homeowner's association (HOA); the creation of the project HOA is required as a part of the project's conditions of approval. The primary project driveway located on S. Escondido Blvd. and on-site circulation would all be privately maintained by the HOA.

The original approval permitted the project's required 86 parking spaces (two car garage per unit) and 11 open parking spaces which would remain the same under the proposed project. The project proposes a total of 97 parking spaces, compliant with City standards. No parking will be allowed along S. Escondido Blvd., or any of the internal private driveway and courts as stipulated within the project's conditions of approval.

b) Open Space and Landscaping:

The conversion of the approved apartment project to 43-condominium units requires a minimum of 300 square feet of open space per unit. The proposed project provides 308 square feet of open space per unit as proposed. The project would provide common open space areas totaling 10,714 square feet and private patio open space areas totaling 2,545 square feet for a total of 13,259 square feet. Perimeter walls and fencing would be provided and includes decorative masonry walls along the S. Escondido Blvd. frontage, and decorative open tube metal fencing along portions of the northern property edge.

4. Building Design:

a) Architectural Design, Colors/Materials and Unit Mix:



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The originally approved Major Plot Plan (PL21-0042) included project Design Review of the six separate three-story interlocking buildings with styles and themes consistent with the SCCSP's design guidelines. The project includes a range of unit sizes and bedroom counts including five two-bedroom units and 38 three-bedroom units, ranging in size from 1,017 square feet to 1,244 square feet. The project utilizes a multi-story craftsman architectural style with varying wall planes and rooflines; composition roofing; two color palettes; and exterior materials such as stucco, vertical/horizontal wood/composite siding, dark trim colors, stone patio walls on the ground floor, and decorative metal railing on the second story. The design includes ground floor enclosed private areas for seven units. The project design is included under Attachment 3 of this staff report and Exhibit "D" to the draft Planning Commission Resolution No. 2024-07 (Attachment 4).

FISCAL ANALYSIS

The Applicant will be responsible for payment of all applicable Development Impact Fees as adopted by the City Council.

ENVIRONMENTAL ANALYSIS

California Environmental Quality Act ("CEQA") Guideline's list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project qualifies for an exemption under CEQA Guidelines Section 15332 "In-fill Development" and 15305 "Minor Alterations in Land Use Limitations." Staff prepared a Notice of Exemption for the project (Attachment 5). The project qualifies for the exemption as described further in the Findings of Fact, attached as Exhibit "C" to Resolution 2024-07 (Attachment 4).

PUBLIC INPUT

The Planning Division noticed the proposed project consistent with the requirements of both the Escondido Zoning Code (Article 61, Division 6) and state law. Staff received one correspondence from the public regarding the proposed project as of the preparation of this report. The email correspondence raised a concern regarding the lack of affordable rental property for young families (Attachment 6).

CONCLUSION AND RECOMMENDATION

The proposed project is consistent with the guiding principles identified in the Land Use and Community Form Element of the Escondido General Plan. The Proposed Project is designed in conformance with the applicable development standards, design guidelines, and the project would contribute to availability of for-sale housing.

Staff recommends the Planning Commission approve the proposed Residential Condominium Tentative Subdivision Map, as described in this staff report. The draft Planning Commission Resolution No. 2024-07, including Exhibits A, B, C, and D thereto, is incorporated into this staff report.

ATTACHMENTS

1. Location Map, General Plan Map, and Zoning Map
2. Site Photos
3. Project Plans
4. Draft Planning Commission Resolution No. 2024-07 including Exhibits A, B, C, and D
5. CEQA Notice of Exemption
6. Public Comment

PLANNING CASE NO. PL23-0319

LOCATION AERIAL MAP, GENERAL PLAN, AND ZONING

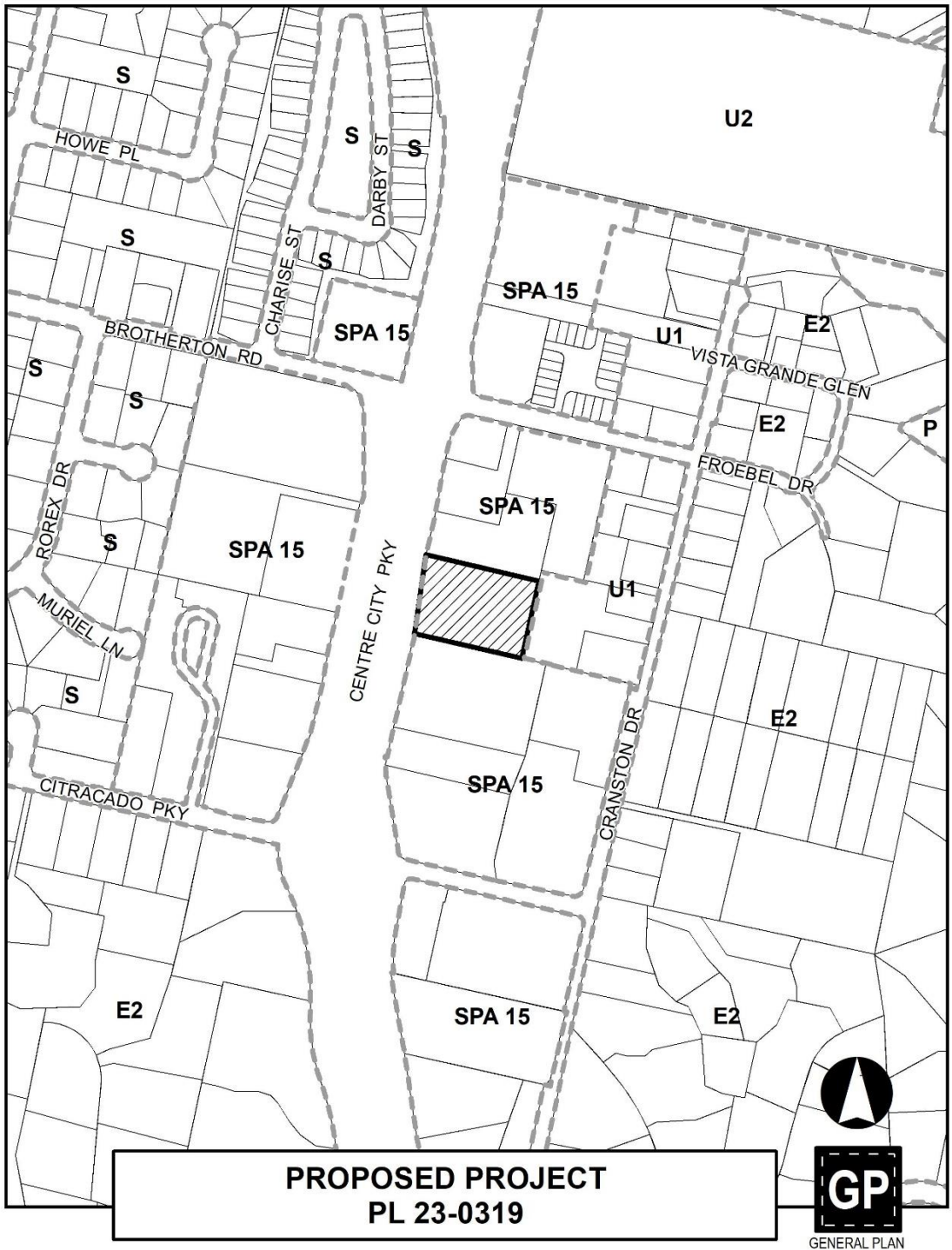


**PROPOSED PROJECT
PL 23-0319**



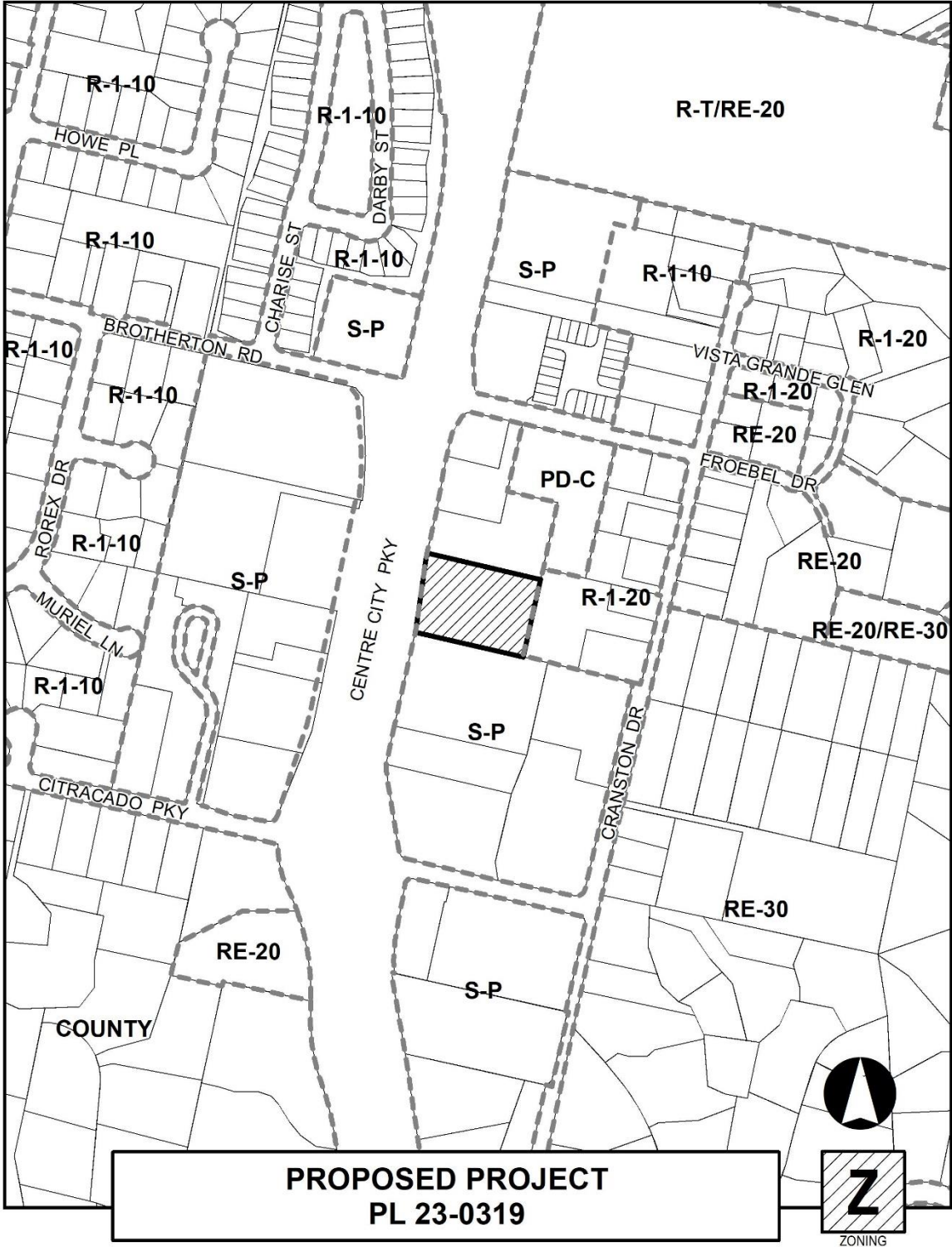
A

AERIAL



**PROPOSED PROJECT
PL 23-0319**





ATTACHMENT 2
PLANNING CASE NO. PL23-0319
EXISTING SITE PHOTOS



Looking northeast along S. Escondido Blvd.



Looking southeast along S. Escondido Blvd. at adjacent multi-family complex

ATTACHMENT 3
PLANNING CASE NO. PL23-0319
PROJECT PLANS

This Architectural Drawing is copyright-protected. If you would like view this drawing, please contact the project planner, Greg Mattson at 760-839-4544, or via email at Greg.Mattson@Escondido.gov

Planning Commission
Hearing Date: May 14, 2024
Effective Date: May 24, 2024

PLANNING COMMISSION RESOLUTION NO. 2024-07

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A TENTATIVE SUBDIVISION MAP AND
CONDOMINIUM PERMIT

APPLICANT: Kingston Canterbury Gardens, LLC

CASE NO: PL23-0319

WHEREAS, Kingston Canterbury Gardens, LLC (“Applicant”), filed a land use development application, Planning Case No. PL23-0319 (“Application”), with the City of Escondido (“City”) constituting a request to convert a 44-unit multifamily residential development previously approved under Major Plot Plan (PL21-0042) into a Tentative Subdivision Map and Condominium Permit for a 43-unit air-space “for sale” condominium residential project (“Project”). The Project requests a one-unit reduction from the approved 44-unit apartment project to a 43-unit air-space condominium residential project to accommodate a common use trash enclosure structure. If granted, the Applicant’s requested conversion into condominiums and the one-unit reduction would result in 43 air-space condominium units on a 1.58-acre site that is located on the southeast side of S. Escondido Blvd. just north of Citracado Parkway. The project site is addressed as 2402 S. Escondido Blvd. Escondido, CA 92029 (APN: 238-141-18-00) and is located in the South Centre City Specific Plan area; and

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

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Zoning Code, Escondido Subdivision Ordinance, 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, on August 24, 2022, the Planning Division conditionally approved a Major Plot Plan (PL21-0042) to allow for a construction of 44-unit apartment project and associated amenities on the site identified as 2402 S. Escondido Blvd., Escondido, CA 92029 (APN: 238-140-18-00); and

WHEREAS, on July 7, 2023, the Engineering Division approved a Grading Permit (GP22-0049) to allow for rough grading of the site for purposes of the previously approved 44-unit apartment project (PL21-0042); and

WHEREAS, a residential condominium development is a permitted use within the South Centre City Specific Plan (SPA 15), subject to the approval of a Tentative Subdivision Map, in accordance with Chapter 32 of the Escondido Municipal Code and a Condominium Permit in accordance with Chapter 33, Article 49, Air Space Condominium and Community Apartment Projects 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, City staff provided public notice of the Applications in accordance with City (Article 61, Division 2) and State public noticing requirements; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project. The proposed Project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 "In-fill" Development Project and Section 15305, Class 5 "Minor Alterations to Land Use Limitations"; and

WHEREAS, on May 14, 2024 the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all person's full opportunity to be heard and to present evidence and testimony regarding the

Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated May 14, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.
2. The Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines Section 15332 ("In-Fill Development") and Section 15305 ("Minor Alterations to Land Use Limitations"). The Project qualifies for the "In-Fill Development" and "Minor Alterations to Land Use Limitations" exemptions because the proposed Project entails the conversion of an approved 44-unit multifamily residential development currently in the process of rough grading to a 43-unit residential condominium tentative subdivision. The removal of

one unit would permit for minor changes, to allow for a solid waste enclosure, adding storage areas to comply with condominium requirements. The site is zoned for the use and is consistent with the applicable general plan policies as well as with the Specific Plan guidelines. It has been determined that the Project would not result in any significant impacts to traffic, noise, air quality, or water quality. The Project does not include the use of hazardous substances. The Project site does not contain any sensitive habitat or endangered, rare, or threatened species, and approval of the Project, as conditioned, would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is connected to City sewer and water services. The Project site does not contain slopes over 20-percent in that the site was previously disturbed and was approved previously for the improvement of 44-residential units. The proposed project would result in the loss of one conceptually approved unit, resulting in no change in density, as the prior approved Project resulted in approximately 27 dwelling units per acre where now such density proposed under the tentative subdivision is approximately 27 dwelling units per acre. Further, no exceptions to the exemptions listed under CEQA Guidelines Section 15300.2 apply to the Project.

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

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

5. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.

6. 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 Planning Commission, 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 Planning and Engineering Division of Development Services Department. 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.gov, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14th day of May, 2024, by the following vote, to wit:

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

STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

VERONICA MORONES, Secretary of the
Escondido Planning Commission

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

Melissa DiMarzo, Minutes Clerk
Escondido Planning Commission

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

Exhibit A
PLANNING CASE NO. PL23-0319
Legal Description

LEGAL DESCRIPTION

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

PARCEL 1:

LOT 1 IN BLOCK 31 OF HOMELAND ACRES ADDITION TO ESCONDIDO NO. 2, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 1241](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 11, 1910.

EXCEPTING THEREFROM THE NORTH 425 FEET THEREOF.

ALSO EXCEPTING THEREFROM ALL THAT PORTION OF LOT 1 CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MARCH 11, 1954, IN [BOOK 5167, PAGE 5](#) OF OFFICIAL RECORDS, AND AUGUST 9, 1954, IN BOOK 5326; PAGE 35 OF OFFICIAL RECORDS.

ALSO EXCEPTING THAT PORTION THEREOF WHICH LIES EASTERLY OF A LINE WHICH IS PARALLEL WITH AND 319 FEET EASTERLY FROM A LINE WHICH BEARS NORTH 12°05'05" EAST FROM A POINT IN THE SOUTHERLY LINE OF SAID LOT, DISTANT THEREON NORTH 77°53' 10" WEST 661.68 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 1. ALSO EXCEPTING INTEREST AS CONVEYED TO THE CITY OF ESCONDIDO BY DOCUMENT RECORDED AUGUST 4, 1983 AS [INSTRUMENT NO. 84-271624](#) OF OFFICIAL RECORDS.

PARCEL 2:

AN EASEMENT FOR WATER PIPE LINES AND PURPOSES INCIDENTAL THERETO OVER, UNDER AND ACROSS A STRIP OF LAND 4 FEET IN WIDTH OVER THAT PORTION OF LOT 1 IN BLOCK 31 OF HOMELAND ACRES ADDITION TO ESCONDIDO NO. 2, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 1241](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 11, 1910, LYING SOUTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE NORTHERLY 400 FEET OF SAID LOT 1; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID NORTHERLY 400 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF THE WESTERLY 349 FEET OF SAID LOT; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 25 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF THE NORTHERLY 425 FEET OF SAID LOT; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO AN INTERSECTION WITH THE EASTERLY LINE OF THE WESTERLY 180 FEET OF SAID LOT 1.

[APN 238-141-18-00](#)

Exhibit B

PLANNING CASE NO. PL23-0319

PROJECT DESIGN PLANS

This Architectural Drawing is copyright-protected. If you would like view this drawing, please contact the project planner, Greg Mattson at 760-839-4544, or via email at Greg.Mattson@Escondido.gov

Exhibit C

PLANNING CASE NO. PL23-0319

FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 “In-fill Development” Project and Section 15305, Class 5 “Minor Alterations in Land Use Limitations”.
 - a. For the purposes of the Class 32 exemption, the Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects) because such categorical exemption applies to proposed developments within city limits on sites of no more than five acres substantially surrounded by urban uses, where the site has no habitat value for special status species, can be adequately served by all required utilities and public services, and the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (CEQA Guidelines § 15332(b)-(e)).
 - b. For the purposes of the Class 5 exemption, the Project includes a minor alteration the to previously approved 44-unit multifamily residential development project to allow for the air space subdivision of such units, with the removal of one unit for the purposes of a trash enclosure. The Project site is a previously developed site that has been disturbed and contains slopes of less than 20-percent.
3. The City Planner, or their designee, has independently considered the full administrative record before it, which includes but is not limited to materials and evidence submitted by the applicant and other interested parties, review of previous approvals, and input provided by other City departments and public agencies. No substantial evidence has been submitted that would support a finding that any above-described categorical exemptions is not applicable to the Project. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Tentative Subdivision Map Findings (Ch. 32, Article 2, section 32.209.01):

1. *The map meets all of the requirements or conditions imposed by the Map Act and Chapter 32 (Subdivisions). No map shall be approved if it is not consistent with the required findings, the Escondido General Plan and Chapter 32.*

The proposed Project has been reviewed in accordance with the City's 2012 General Plan, and the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) and is consistent with the Specific Plan guidelines and designations, which allows for residential uses on the Project site. The proposed Project is new development on an underutilized site and the original approval permitted the project required street improvements to S. Escondido Blvd. along frontage enhancements with landscaping, lighting, and sidewalks consistent with adjacent properties. The Applicant obtained project approval of a 44-unit apartment development on August 24, 2022 and was conditionally approved (PL21-0042), under a Major Plot Plan.

2. *All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of this code have been obtained.*

All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of the Municipal Code have been obtained, or conditions of approval have been proposed to ensure they will be obtained. Approval of the Tentative Map will allow the applicant to implement the design of the subdivision as shown on the map. The Project has been conditioned to require permits necessary to construct the Project as proposed, including grading, landscape, building, and encroachment permits from the City of Escondido.

3. *All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating or otherwise relating to the conversion of existing buildings into condominiums or stock cooperatives have been satisfied.*

The proposed Project is a Tentative Subdivision Map and Condominium Permit for the subdivision of an existing 1.58-acre site. The Project does not include conversion of existing buildings into condominiums or stock cooperative. All applicable requirements of the Map Act and any ordinance of the City of Escondido have been satisfied.

4. *The proposed Tentative Map shall be in conformity with the zone in which it is located. To the extent that the property, which is the subject of the proposed Tentative Map, is an existing legal nonconforming multi-family residential use, this requirement shall not apply, in accordance with Chapter 33 of this code.*

The proposed Tentative Subdivision Map is a partially graded new development site that is in conformity with the Specific Plan (S-P) zone, and is located in the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) which allows multi-family development up to 30 dwelling unit per acre ("du/ac"). The General Plan land use designation for the site is Specific

Planning Area (SPA): South Centre City Specific Plan. The conditions of approvals applied under PL21-0042 and PL23-0319 would ensure consistency with all standard requirements.

5. *All requirements of CEQA have been met.*

The City Planner, or their designee, has independently considered the full administrative record before it, which includes but is not limited to materials and evidence submitted by the applicant and other interested parties, and input provided by other City departments and public agencies. No substantial evidence has been submitted that would support a finding that any above-described exemption is not applicable to the Project. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Condominium Permit Findings (Ch. 33, Article 49, section 33-953):

1. *Except as specifically addressed in section 33-955 of this article, the project meets current zoning, design review, drainage, engineering, fire protection, seismic and building code requirements as if the project were newly constructed. However, the conversion of existing legal nonconforming multifamily residential developments to condominium units is exempt from current density requirements providing no increased density is proposed. Conversion requests may also utilize the same administrative adjustment procedures available to new construction as specified in the underlying zone;*

The proposed Project has been reviewed in accordance with the City's 2012 General Plan, and the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) and is consistent with the Specific Plan guidelines and designations, which allows for residential uses on the Project site. The proposed Project is new development on an underutilized site and the original approval permitted the project required street improvements to S. Escondido Blvd. along frontage enhancements with landscaping, lighting, and sidewalks consistent with adjacent properties. The Applicant obtained project approval of a 44-unit apartment development on August 24, 2022 and was conditionally approved (PL21-0042), under a Major Plot Plan.

2. *Required upgrades or modifications correcting a nonconforming condition may be permitted notwithstanding the provisions of section 33-1243 of this code, if the project otherwise conforms to applicable criteria;*

The proposed Project is a request to convert a yet to be constructed multifamily residential development, approved originally through the Plot Plan process (PL21-0042). The residential development was entitled in conformance with the requirements and standards of the Escondido Zoning Code in August 2022 and does not have nonconforming conditions.

3. *Residential projects will contain architectural and site-planning features commonly found in projects that maintain a majority of owner-occupied units;*

The proposed Project conforms to the requirements of Article 49 as they pertain to condominium conversions. Such requirements are those that are associated with owner-occupied units, such as private storage area, private open space, and washer and dryer hook ups in each individual unit. Further, the Project site is suitable for the residential type of development proposed since the Project is located on property that is adjacent to an existing multi-family complex at relatively similar size and scale. The location, access, density, size, and type of use proposed in the Tentative Subdivision Map and Condominium Permit are compatible with the existing and future land uses in the surrounding neighborhood as a large portion of the surrounding neighborhoods share the same Specific Plan designation. The Project site is approximately 1.58 acres, has been partially graded to accommodate the proposed development.

4. The project provides sufficient parking commensurate with its location and design;

The proposed Project provides for 43-residential units with two-car garages, 11 open guest parking spaces, which include ADA and EV parking spaces, all in conformance with the requirements of the Escondido Zoning Code. To accommodate alternative modes of transportation the Project also provides bicycling parking spaces and is served by an adjacent transit route: Bus Route 350 servicing the Escondido Blvd. corridor.

5. The project's open space is well-designed, properly distributed, and does not unreasonably restrict disabled access;

The proposed Project includes 13,259 square feet of useable open space, which includes approximately 2, 545 square feet for private decks or patios, and 10,714 square feet for common use areas. This equates to approximately 308 square feet per unit of open space, exceeding the City's standards. Further, the Project site is designed to provide adequate paths of travel, path widths, and slopes associated with the requirements of the Escondido Municipal Code for the purposes of accessibility.

6. The project conforms to the general plan and applicable zoning provisions. However, a conversion to residential condominiums may occur notwithstanding the fact that existing densities exceed currently permitted general plan densities provided no additional units are proposed;

The proposed Project has been reviewed in accordance with the City's 2012 General Plan, and the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) and is consistent with the Specific Plan guidelines and designations, which allows for residential uses on the Project site. The proposed Project is new development on an underutilized site and the original approval permitted the project required street improvements to S. Escondido Blvd. along frontage enhancements with landscaping, lighting, and sidewalks consistent with adjacent properties. The Applicant obtained project approval of a 44-unit apartment development on August 24, 2022 and was conditionally approved (PL21-0042), under a Major Plot Plan.

The City's General Plan land-use designation for the project site is Specific Planning Area (SPA). Specifically, the land-use designation denotes the site is governed by a specific plan document. The South Centre City Specific Plan Area (SCCSP) is the governing specific plan for the project site. The site is zoned Specific Plan (S-P) and is located within the Southern Gateway District – mixed use overlay of the SCCSP which allows multi-family residential development up to 30 du/acre. Therefore, the proposed Project's change in units from 44 approved units to 43 units is consistent with the allowable density for the site. The proposed Project conforms to the requirements of Chapter 33, Article 49 and Chapter 32, Article 2 as depicted in the Supplemental Details of Request table shown in the associated Staff Report dated May 14, 2024.

Further, the City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City's share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction's Regional Housing Needs Allocation ("RHNA"), especially for lower- and moderate-income households. In general, jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels "lost" as a result of the approval. The so-called "no net loss" provisions apply when a site is included in the jurisdiction's Housing Element's inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density than shown in the Housing Element. (Gov't Code § 65863(b)).

The project site is located on the City's Suitable Sites Inventory, and is therefore subject to the provisions of "no net loss." Therefore, the proposed change in density is subject to the following findings:

a. The reduction is consistent with the City's adopted General Plan, including the housing element, in that the proposed project aligns with Housing Element policies 1.1 and 1.5 because it provides for expanded stock of for-sale units that are compact and efficient in design.

b. The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, in that the City retains approximately 5,000 very-low and lower-income units on sites identified within the sites inventory. The site was allocated 36 residential units for the purposes of RHNA. Of those 36 units, 23 are identified for lower-income units and 13 are identified for above-moderate-income units. The proposed project would include 43 above-moderate-income units on the site, resulting in a "loss" of 23 lower-income units, and a surplus of 30 above-moderate-units. However, the City retains a "no net loss" buffer of approximately 28-percent with the approval of this project. Therefore, the City in granting approval of this project would continue to conform to the provisions of "no net loss" and housing element law.

7. *The project's maintenance and replacement program adequately address required improvements and appears to be sustainable;*

The proposed Project has been conditioned to establish a Homeowners Association (HOA) to be managed by a professional management company for all of the required improvements. The proposed Project is a request to convert a yet to be constructed multifamily residential development, approved originally through the Plot Plan process (PL21-0042). The residential development was entitled in conformance with the requirements and standards of the Escondido Zoning Code in August 2022 which includes requirements for maintenance and replacement of the development through covenants, codes, and restrictions.

8. *That all tenant notification and information, as required by the California Subdivision Map Act, this chapter, and the City of Escondido subdivision ordinance has been, or will be provided; and*

The proposed Project is a new residential development and not subject to this requirement.

9. *That provisions have been made for the timely release of security deposits and provision of rental payment history reports if requested by existing residential tenants.*

The proposed Project is a new residential development and not subject to this requirement.

Exhibit D

PLANNING CASE NO. PL23-0319

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on September 26, 2023, and the Project drawings consisting of Site Plan, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans, and Colored Elevations; all recommended for approval on May 14, 2024, and shall not be altered without express authorization by the Development Service Department.

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

A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall expire 36 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code.

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

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

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

4. Conformance to Approved Plans.

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

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

6. Certificate of Occupancy.

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

7. Availability of Permit Conditions.

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

- b. The Applicant shall make a copy of the term's 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 increases 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. Prior to issuance of a building permit, if the City in its sole and reasonable discretion deems it necessary based on design plans, the developer shall sign a binding indemnity agreement with the City, subject to the City Attorney's approval as to form. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Indemnity Agreement.
- d. 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.

17. Phasing. A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

B. Construction, Maintenance, and Operation Obligations:

18. 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.

19. 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.

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

21. 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.

- 22. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 23. Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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.
- 30. 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.
- 31. 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.

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

C. Parking and Loading/Unloading.

1. A minimum of 97 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. In accordance with the California Green Building Standard Code, at least eight (8%) 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 owners' association assumes all responsibility for maintaining all on-site landscaping; any common areas, any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.

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

superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

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

E. Specific Planning Division Conditions:

1. The applicant shall be responsible for ensuring that all Conditions of Approvals identified included as Exhibit "D" to this resolution, are implemented.
2. The Project shall be managed by a professional management company. A self-managed Home Owners Association ("HOA") shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project's Covenants, Conditions, and Restrictions ("CC&Rs").
3. Proposed Private Driveways shall be marked in red with "Fire Lane NO Parking" stenciled and/or appropriate signage to be approved by the Fire Marshall or representative.
4. The Applicant shall be required to file with the City a declaration of covenants, conditions and restrictions, pursuant to sections 33-1108 and 33-959 Covenants, conditions and restrictions of the Escondido Zoning Code.

5. The Applicant shall provide options for in-garage storage shelves along the side walls and/or provide options for a ceiling-storage area above the cars on building plan set at the time of building permit plan check, satisfying the 80 square foot storage requirement.
6. The original for-rent Project was conditionally approved under Major Plot Plan (PL21-0042) and those conditions remain in effect. The proposed Project under (PL23-0319) if adopted is conditionally approving the conversion to a condominium subdivision development. Should there be any discrepancies or inconsistency between the conditions of approvals (PL21-0042 or PL23-0319) the Director of Development Services, or their designee shall determine which condition shall prevail.

F. Specific Fire Department Conditions:

1. Fire underground lines, fire sprinkler, and fire alarm plan shall be deferred submittals.
2. Approved access and adequate water supply shall be provided prior to the start of construction.

G. Specific Engineering Division Conditions

GENERAL

1. The Developer shall provide the City Engineer with a Subdivision Guarantee and 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. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit and Surety Grading Bond for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance

of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

5. As surety for the construction of required off-site and on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to the approval of any building permit.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer shall submit to the Planning Department a copy of the tentative map as presented to the Planning Commission. The tentative map will be certified by the Planning Department that it is an accurate reproduction of the approved tentative map and must be uploaded with the first final engineering submittal to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. The project entrance off Escondido Blvd. shall be constructed as an alley-type driveway apron in accordance with Escondido Standard Drawing No. G-5-E, with a throat width of 30 feet.
2. The developer shall construct a 6" concrete curb along the west side of Escondido Boulevard at a curb-to-curb street width of 36' to complete the improvements to Frontage Road Standards and both sides of Escondido Blvd. shall be designated and signed as "No Parking". A min. of 2' wide of new full structural section asphalt concrete over aggregate base shall be constructed adjacent this required 6" curb. Additional grind and overlay may be required for adequate street cross fall drainage to the east side curb and gutter.
3. The Developer shall install a South Bound Left Turn pocket into the project with required transitions and storage per current City and MUTCD Standards. Parking along Escondido Boulevard shall be restricted to accommodate lane widths and this left turn pocket into the project. The Developer shall install "No Parking" signage per an approved Signing and Striping plan.
4. The developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
5. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
6. All unused driveways and sidewalk under drains shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.

7. A new LED street light shall be installed per Escondido Standard Drawing E-1-E on the north side of the project entrance off S. Escondido Blvd.
8. 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.
9. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
10. The Developer may be responsible for an overlay of portions of S. Escondido Blvd. due to utility and storm drain trenching necessary to serve this project. The determination of the extent of any required overlay shall be to the satisfaction of the City Engineer.
11. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
12. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities within the Escondido Blvd. right-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. 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. Increased cut slope setbacks may be required along the project boundary to avoid disrupting any existing septic systems in the adjoining residential areas and may be required to avoid encountering ground water problems. Actual setbacks to be used will be based on recommendations of the soils engineer. The requirements of the San Diego County Health Department should be consulted in this regard. In lieu of these requirements, or if the County Health Department requirements cannot be met, the developer must arrange to connect adjoining existing dwelling units, now on private septic systems, to the public sewer system. In this regard, the developer will be required to make necessary arrangements for all main extensions, easements and payment of all connection and permit fees.
5. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
6. All retaining walls and screen walls, stairs and raised landings shall be constructed completely within the Project property and shall not encroach into the public R/W.
7. The entrances to the private alleyways off the private roadway serving garages for the units within the Project shall be designed and constructed with 15' minimum radius curb returns except for private alleyway "D" which shall have 28' minimum radius curb returns and be designed as the Fire vehicle turn-around to the satisfaction of the City Engineer and Fire Marshal.
8. The private alleyways shall be 24" minimum in width to the bottom of the 2nd story level and the "clear to the sky" minimum separation between any part of the apartment buildings opposite each other shall be 20'.
9. The private alleyways shall have continuous 8" deep PCC zero-height or rolled curb or banding over approved base along both sides.
10. The Developer shall design and construct any permeable paver surfaces proposed for the project to the specifications of the version of the County of San Diego Green Streets manual approved by the County at the time the grading permits are issued. All permeable paver surfaces within the project footprint that are subject to vehicular traffic shall be designed for H2O loading.
11. The address of each dwelling unit shall either be painted on the curb or posted in such a manner that the address is clearly visible from private drive "A". The address shall be placed in a manner and location approved by the City Engineer, City Planner, and Fire Marshal.
12. Street lighting shall be required on all on-site private streets and alleyways. It shall be the responsibility of the Property Owner to adequately maintain the street lighting.
13. 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.
14. 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.

15. 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.
16. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
17. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
18. All existing foundations, structures, trees not otherwise designated "to remain" on the Plot plan, shall be removed or demolished from the site.
19. 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 are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association.
3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for any underground 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, diversion, treatment, and UG 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. The Home Owner's Association (HOA) shall perpetually maintain any permeable paver surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall

have the right to require qualified third-party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The Property owner will be required to repair or reinstall the permeable paver surface for all failing surfaces to County of San Diego Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the Property Owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment and/or attenuation.

8. All onsite and offsite storm water treatment and retention facilities and their drains including modular wetlands, and underground storage, 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 Home Owner's Association.

WATER SUPPLY

1. The Developer is required at their sole expense to design and construct an 8-inch diameter public water main. The 8-inch water main shall connect to the existing 12-inch diameter water main in South Escondido Blvd. and continue through the site to the end of proposed Private Drive "A". The 8-inch water main shall be designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal. Fire hydrants shall connect to a minimum 8-inch diameter water main.
3. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities, the Utilities Engineer, and Fire Marshal.
4. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
5. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines shall be shown for reference and review on the various final engineering plan sets.
6. All on-site domestic water lines and backflow prevention devices beyond the City water meter shall be considered a private water system and shall be designed and constructed per current Building and Plumbing Code Standards, and per the requirements of the City Building Official and shall be approved by a separate submittal to the Building Department.
7. This private domestic water and/or fire suppression and sprinkler systems shall be limited to perpendicular crossings of the City's required public utility mains and public utility easements. The Home Owner's Association shall be responsible for all maintenance of these private water and fire suppression lines and appurtenances.

8. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or within private drive areas.
9. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains or services.
10. There shall be no permanent structures located within the City's Public Utility Easements.
11. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
12. Any water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
13. Any fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.
14. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.

SEWER

1. The Developer is required at their sole expense to design and construct an 8-inch diameter public sewer main. The 8-inch sewer main shall connect to the existing manhole located in S. Escondido Blvd south of the project site. This sewer main shall be extended northerly up S. Escondido Blvd and easterly into the site within Private Drive "A".
2. The Developer shall also design and construct a minimum 6-inch private sewer main in each of private drives B, C, D and E. These private sewer mains shall connect to the public 8-inch sewer main in Private Street A with a WYE and shall end with a clean out. Standard 4-inch sewer laterals shall be designed and constructed to serve each individual unit from these private sewer mains.
3. The Developer at their sole expense shall connect the adjacent property (APN 238-141-16) to the east of the project to City sewer and their existing septic system formally abandoned with San Diego County Health Dept. oversight. This sewer lateral connection to this property shall either be designed and installed from the proposed new onsite public sewer main in Private Drive "A" or be designed and installed from the existing public sewer main in Cranston Drive. This sewer lateral design shall be shown on the improvement plans. It shall be the responsibility of the Developer to pay all plan check, connection, and inspection fees required by the City of Escondido and the San Diego County Health Department.
4. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vactor trucks for maintenance.

5. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
6. 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.
7. All sewer laterals and the 6" private sewer mains in Private Drives B, C, D, and E shall be considered a private sewer system. The Home Owner's Association shall be responsible for all maintenance of sewer laterals and private 6" sewer mains to the public sewer main in Private Drive "A".
8. 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 Engineer.
9. The location of all sewer laterals shall be shown on the grading and improvement plans.

LANDSCAPING

1. 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.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The Developer shall dedicate on the Final Map an additional 1 foot of right-of-way across the project's entire Escondido Blvd. frontage.
2. All private and public easements affecting subject property both proposed and existing to remain shall be shown, delineated, dimensioned, and clearly labeled on all final engineering plan sets.
3. The Developer shall grant to the City of Escondido on the Final Map, a minimum 24' wide public utility easement over all of Private Drive "A" (curb to curb). Additional areas not less than 5' wide of public utility easement shall be granted to the City as needed to cover all onsite fire hydrants, water meters, DDCAs, and other utility appurtenances.
4. The Developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed project prior to recordation of the Final Map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the 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.

CC&R's

1. Copies of the CC&R's with all exhibits shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map. These City approved CC&Rs with all exhibits shall be executed and recorded with and immediately subsequent to the Final Map recordation.
2. The Developer shall make provisions in the CC&R's for maintenance and services by the Home Owners' Association of all private drive aisles, parking areas, private utilities (including sewer and water), utility access, trash enclosures and trash service, all storm water treatment facilities, drainage swales, private street lighting, private storm drains, any common open spaces, graffiti removal, and all the landscaping, irrigation, walls, and fences identified in the Landscape Section of these Engineering Conditions of Approval. These provisions must be included, reviewed and approved by the Engineering and Planning Departments prior to approval of the Final Map.
3. The CC&R's must state that the Home Owners' Association assumes liability for damage and repair of City utilities in the event that damage is caused by an individual owner or the Home Owners' Association when repair or replacement of private utilities is done.
4. The CC&R's must state that (if stamped concrete or pavers are used in the private street) the homeowners' association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

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 the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, retaining walls, walls, drainage facilities, landscaping and irrigation, and best management practices items of work up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. Waterline repayment per File #113 in the amount of \$3,130.60 is due to the City of Escondido for the existing 12" waterline improvements in Escondido Blvd. that will serve this development.
3. 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. Any existing overhead utilities within the project boundary or along fronting streets shall be relocated underground as required by the City's Undergrounding Ordinance.
2. The Developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

ATTACHMENT 5

Notice of Exemption

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

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

Project Title/Case No.: PL23-0319

Project Location - Specific:
2402 South Escondido Blvd (APN 238-140-18-00)

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

Description of Project: Conversion of a conditionally approved 44-unit residential apartment development (PL23-0319) into 43-air space condominium units, resulting in removal of one-unit. The subject site is currently in the process of grading in order to accommodate the conditionally approved apartment development. The request would allow for the residential apartment development under construction to convert to for-sale units.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Scott Parker, Kensington Canterbury Gardens, LLC

Address: 761 Garden View Court, Ste 201, Encinitas, CA 92024

Telephone: 801-550-4043

[X] Private entity [] School district [] Local public Agency [] State agency [] Other special district

Exempt Status:

The Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-fill Development) and Section 15305 (Minor Alterations in Land Use Limitations) staff prepared a Notice of Exemption for the project.

Reasons why project is exempt:

The project is consistent with the applicable general plan designation, zoning designation, and applicable policies. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species. The project will not create significant effects relating to traffic, noise, air quality, or water quality. The site is adequately services with all applicable utilities and public services. There are no unusual circumstances that occur on-site.

Lead Agency Contact Person: Greg Mattson, AICP

Area Code/Telephone/Extension: 760-839-4544

Signature: [Handwritten Signature]
Greg Mattson, AICP
Contract Planner

April 26, 2024
Date

[X] Signed by Lead Agency

Date received for filing at OPR: []

[] Signed by Applicant

From: [MunicodeEmails](#)
To: [Annie Ward](#); [Dare DeLano](#); [Veronica Morones](#)
Subject: FW: [EXT] Form submission from: Public Comment
Date: Monday, May 6, 2024 3:07:19 PM

From: Escondido Meetings Portal via Municode Portal
Sent: Monday, May 6, 2024 3:07:04 PM (UTC-08:00) Pacific Time (US & Canada)
To: MunicodeEmails
Subject: [EXT] Form submission from: Public Comment

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Submitted on Monday, May 6, 2024 - 3:07pm

Submitted by user: Visitor

Submitted values are:

Board or Commission for Public Comment Planning Commission

Email jeanine3boys@yahoo.com

Council Meeting Date 5/14/24

Item # PL23-0319

Subject permit change

Position In Opposition

First and Last Name Jeanine Smith

Are you an Escondido Resident? Yes

Comments

I am a homeowner in the neighborhood of this project. This project was approved for apartments and now they want to build condos instead. We have a lack of rental properties in Escondido and really need more. Many townhomes and condos are already being built. Young families are struggling to keep a roof over their heads. Please consider making the builders go back to their original plan of having apartments. Thank you. Jeanine



STAFF REPORT

DATE: 05/14/2024

PL23-0183 – 1919 Auto Park Way

PROJECT NUMBER / NAME: PL23-0183 – Master Plan Modification and Precise Development Plan

REQUEST: A request for a Modification to a Master Development Plan to increase the maximum allowed square footage of building area permitted on-site and allow for changes to on-site circulation. A request for a new Precise Development Plan for the demolition of an existing 3,187 square foot auto showroom building and construction of a new 12,728 square foot, 29'-8" tall dealership building with an upper mezzanine level (8,095 square foot first floor; 3,158 square foot upper mezzanine level; 1,475 square foot service canopy). The new Precise Development Plan would also include minor site changes, including demolition and construction of an on-site trash enclosure and fencing, and new electric vehicle chargers. The subject site includes two existing detached storage buildings/open repair bays which would remain on-site (7,135 and 4,097 square feet, respectively). The proposal also includes adoption of the environmental determination for the project.

PROPERTY SIZE AND LOCATION: 1.95 acres located on the southwest corner of Auto Park Way and Andreasen Drive, addressed at 1919 Auto Park Way (APN: 232-541-03-00)

APPLICANT: Mag 1919 APW, LLC (Mossy Volkswagen)

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

PRIMARY REPRESENTATIVE: Darrold Davis (CCBG Architects)

DISCRETIONARY ACTIONS REQUESTED: Master Plan Modification and Precise Development Plan

PREVIOUS ACTIONS: 80-173-PD - Master Development Plan that established the Escondido Auto Park.
86-04-PD - Master Plan revisions to construct the Heller Suzuki dealership.
88-24-PD - Precise Development Plan modification to add parts and service area to existing Heller Suzuki dealership.
PHG14-0032 - Master Plan Modification and Precise Plan for Hyundai of Escondido to demolish the showroom building and construct new, 6,687 square foot Hyundai showroom building.

CEQA RECOMMENDATION: The project qualifies for an exemption under the California Environmental Quality Act ("CEQA") Guidelines sections 15301 ("Existing Facilities"), 15302 ("Replacement and Reconstruction"), and 15303 ("New Construction or Conversion of Small Structures").

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2024-09

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Dare DeLano, Senior Deputy City Attorney
 Veronica Morones, City Planner



CITY of ESCONDIDO

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BACKGROUND

The project site is a 1.95-acre parcel within the Escondido Auto Park Master Plan established in the early 1980s (Case No. 80-173-PD), in the Planned Development-Commercial Zone (PD-C) and maintains a Planned Commercial (PC) land use designation (Attachment 1). The City approved a Precise Development Plan in 1986 (Case No 86-04-PD) for the development of the subject site with an auto dealership building. The site is developed with an automotive dealership consisting of a 3,187 square foot showroom building, two accessory repair/storage buildings with open service bays, and on-site parking for vehicle sales. The property fronts onto Auto Parkway Way on the east, and Andreasen Drive to the north. Automotive dealerships are located to the north, south and east, and an industrial development to the west. A modification to the Master Plan is necessary to allow for the proposed increase in building square footage from the previous Master Plan approval and allow for on-site circulation modifications. A Precise Development Plan is required for the design of the new showroom building and associated site improvements.

SUMMARY OF REQUEST

Mossy Volkswagen (VW) (“Applicant”) submitted a request to demolish the existing 3,187 square foot, single-story dealership building and construct a new 12,728 square foot, 29’-8” tall dealership building with an upper mezzanine level (8,095 square foot ground floor, 3,158 square foot upper level (i.e., mezzanine), 1,475 square foot service canopy and entry gate). The two existing detached storage buildings/open repair bays would remain (7,135 square feet and 4,097 square feet). Minor site changes proposed include modifications to site circulation due to the new building, demolition and construction of a new trash enclosure, and new electric vehicle chargers. Existing parking areas, display spaces, and landscape features would remain, except for certain parking and display spaces that would be removed to accommodate a required emergency vehicle turnaround area (i.e., modified hammerhead) included under Attachment 2. Project plans for the Precise Development Plan are included under Attachment 3.

Chapter 33 (Zoning), Article 19 (Planned Development P-D Zone) allows for modifications to Master Plans through decision by the Planning Commission (instead of City Council) when consistent with the purpose of the Master Plan and the proposed modification does not affect the boundaries of the subject zone. Further, such modification may not change land uses, or the location/amounts of land devoted to specific land uses. Article 19 also permits for the Planning Commission to take action on new Precise Development Plans when consistent with the Master Plan (Art. 19, section 33-410). The proposed project would permit for an existing and permitted land use of auto sales and ancillary auto servicing to continue on a site within the Auto Park Master Plan. The proposed project does not entail any changes to the boundaries of the subject zone, nor does it seek to change any land uses or locations/amounts of such land devoted to such uses.

A. SUPPLEMENTAL DETAILS OF REQUEST:

- 1. Property Size: 1.95 acres (1 parcel)

- 2. Existing Buildings: 3,187 SF single-story dealership building (to be replaced)
7,135 SF repair/storage building (to remain)
4,097 SF repair building (to remain)
14,419 SF total

- 3. Proposed New Buildings: 11,253 SF dealership building
(8,095 SF first floor, 3,185 SF 2nd floor area)



CITY of ESCONDIDO

STAFF REPORT

1,475 attached open service canopy
12,728 SF total new structures (net increase in building area 9,541 SF)

4. Building Height: 29'-8"

	<u>Required</u>	<u>Proposed</u>
5. Parking:	41 spaces	42 spaces

6. Inventory/Display Spaces: 7 designated circular concrete pads along Auto Park Way frontage
22 striped dedicated inventory spaces
29 total display/inventory spaces

7. Landscaping: The site is currently landscaped. The proposed on-site landscaping will be modified along the new entry gate/screen wall located along Andreasen Drive to include a new planter area. All other existing landscaping would remain.

8. Signage: Signage indicated on the plans is conceptual only. All wall signage to be consistent with the Auto Park sign program and City's Sign Ordinance. The existing corner freestanding monument sign to be modified to include the VW identification. One new directional sign at driveway consistent with Auto Park design theme and sign program.

B. PROJECT ANALYSIS:

1. General Plan and Zoning Conformance:

The General Plan land-use designation for the site is Planned Commercial (PC), which allows for a variety of commercial activities within a self-contained, comprehensively planned commercial center. The Auto Park Master Plan is a comprehensively planned regional commercial land use specializing in the sale, lease and maintenance of automobiles with established permitted uses and development standards. The proposed use and modifications to the site are in conformance with the Auto Park Master Plan and principles and objectives of the General Plan.

Article 19 (Planned Development P-D Zone) authorizes the Master and Precise Development Plan process, which is intended for encouraging comprehensive site planning and design while providing for more flexibility in the regulatory process for specific parcels. The Planned Development process allows for creative approaches to the use of land through appropriate mixing of land uses and facility designs, which includes site-specific standards adopted as part of the zone. The proposed project requests to modify the Master Plan that sets such site-specific standards, specifically to allow for an increase in total building area allowed for the specific site and for circulation changes. The Precise Plan captures the detailed plan proposed that would conform to the Master Plan should the modification be approved. The general intent of the P-D zone is exemplified by the proposed project as it seeks to enhance this individual parcel in conformance with the overall Auto Park Master Plan's land use and overall purpose.



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2. Climate Action Plan Consistency:

The project is screened out of additional Greenhouse Gas Analysis based on the project type and size, and also due to the project qualifying for a CEQA Categorical Exemption. Projects screened out by the CAP Checklist are assumed to have a less than significant impact on GHG emissions. The project proposes the development of 12,728 square feet of new building/structures for a net increase of 9,541 SF of commercial building area. As such, the project has been determined to be consistent with the Climate Action Plan.

3. Site Characteristics and Building Design

The proposed new showroom building incorporates a modern/contemporary theme similar to the other dealerships throughout the auto park. Exterior building elements include large glass curtain walls with two, white aluminum-clad wall pop-out features along the front elevation, and a white block entry ramp. A light gray roof parapet is stepped back along the front elevation, providing for visual interest in the front facade. The northern elevation and attached service bay would include a white stucco finish with metal-clad column features. The rear elevation would utilize the white decorative block (ground face block), and the southern elevation would include a combination of window elements, decorative white block, and aluminum cladding. Accent colors include white and light/medium gray. The existing repair buildings located to the rear of the site would be painted white to match the new dealership building, as conditioned. Access to the repair areas would be through the new covered canopy and/or a gated entry adjacent to the service canopy. The new building, along with a short wall extension, would block most public views from the street (Auto Park Way) into the rear repair bay areas. The Escondido Auto Park Association has reviewed the proposal and recommended approval of the project design and architecture.

The existing auto dealership and new repair buildings would require a minimum of 41 parking spaces for employees and customers, whereas up to 42 parking spaces (consisting of employee, customer and in-service spaces) would be available on site. Of such spaces, 22 striped spaces would be used for inventory-auto display, in addition to 7 circular vehicle pad display areas along the Auto Park Way frontage. Existing freestanding project signage would be modified to include the new VW dealership information in conformance with the Auto Park sign theme.

FISCAL ANALYSIS

The Applicant will be responsible for payment of all applicable Development Impact Fees as adopted by the City Council.

ENVIRONMENTAL ANALYSIS

California Environmental Quality Act (“CEQA”) Guideline’s list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project qualifies for an exemption under the CEQA Guidelines sections 15301 (“Existing Facilities”), 15302 (“Replacement and Reconstruction”), and 15303 (“New Construction or Conversion of Small Structure”). Staff prepared a Notice of Exemption for the project (Attachment 4). The project qualifies for the exemption as described further in the Findings of Fact, attached as Exhibit “C” to Resolution 2024-07 (Attachment 5).



CITY of ESCONDIDO

STAFF REPORT

Item 3.

PUBLIC INPUT

The Planning Division noticed the proposed project consistent with the requirements of both the Escondido Zoning Code (Article 61, Division 6) and state law. Staff has not received any comments from the public regarding the project as of the preparation of this report.

CONCLUSION AND RECOMMENDATION

The Project complies with the requirements of CEQA, it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemptions 15301 (Existing Facilities), 15302 (Replacement and Reconstruction), and 15303 (New Construction or Conversion of Small Structure) prepared in conformance with CEQA Guidelines.

The location and design of the proposed development is consistent with the goals and policies of the Escondido General Plan relating to Planned Developments, which states the Auto Park area is to be developed with comprehensively planned automobile dealerships, automotive/commercial related uses, and a variety of commercial and office facilities. The new auto dealership building incorporates a high quality of design and materials, and would be in conformance with the contemporary design of the other auto dealerships throughout the Escondido Auto Park. Sufficient on-site parking for customer, employees and service will be provided to serve the auto dealership. Appropriate frontage landscaping would be provided and maintained.

Staff recommends that the Planning Commission adopt Resolution 2024-09 to approve the proposed modification to the Master Plan and new Precise Development Plan, as described in this staff report and as detailed in Exhibits "A" through "D" to Draft Planning Commission Resolution No. 2024-09.

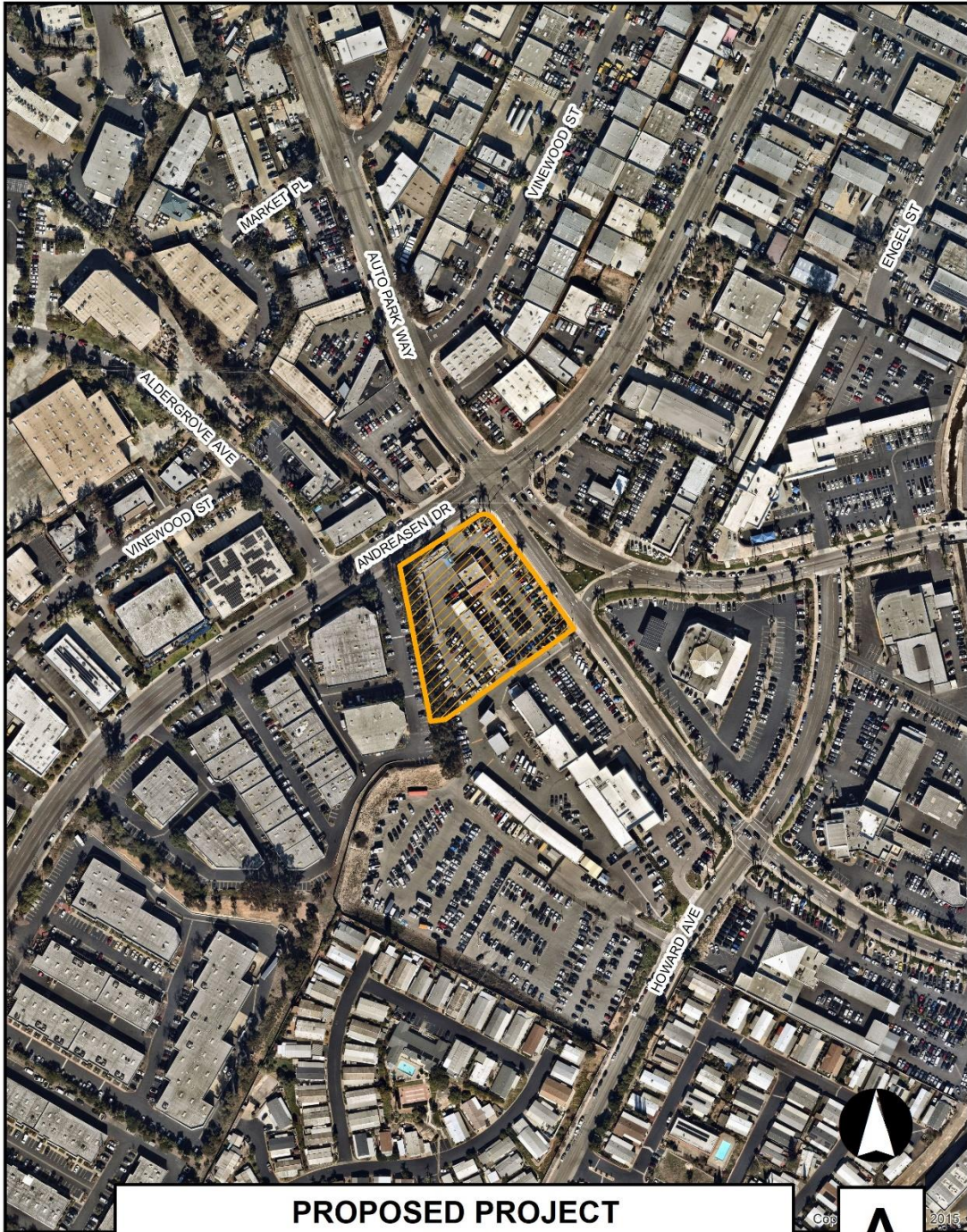
ATTACHMENTS

1. Location Map, General Plan Map, and Zoning Map
2. Fire Turnaround Exhibit
3. Project Plans
4. CEQA Notice of Exemption
5. Draft Planning Commission Resolution No. 2024- 09 including Exhibits A, B, C and D

ATTACHMENT 1

PLANNING CASE NO. PL21-0183

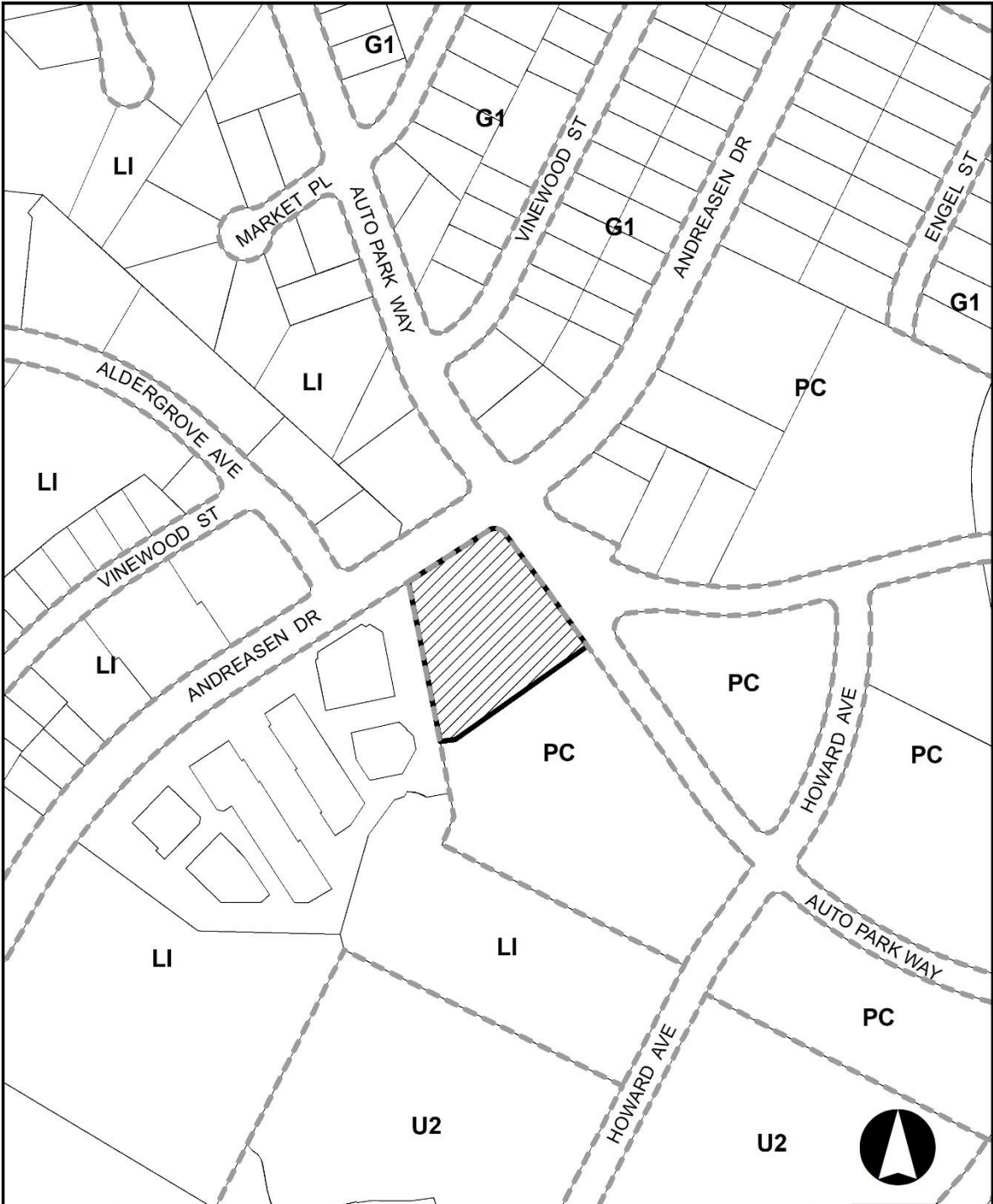
LOCATION AERIAL MAP, GENERAL PLAN, AND ZONING



**PROPOSED PROJECT
PL23-0183**

A

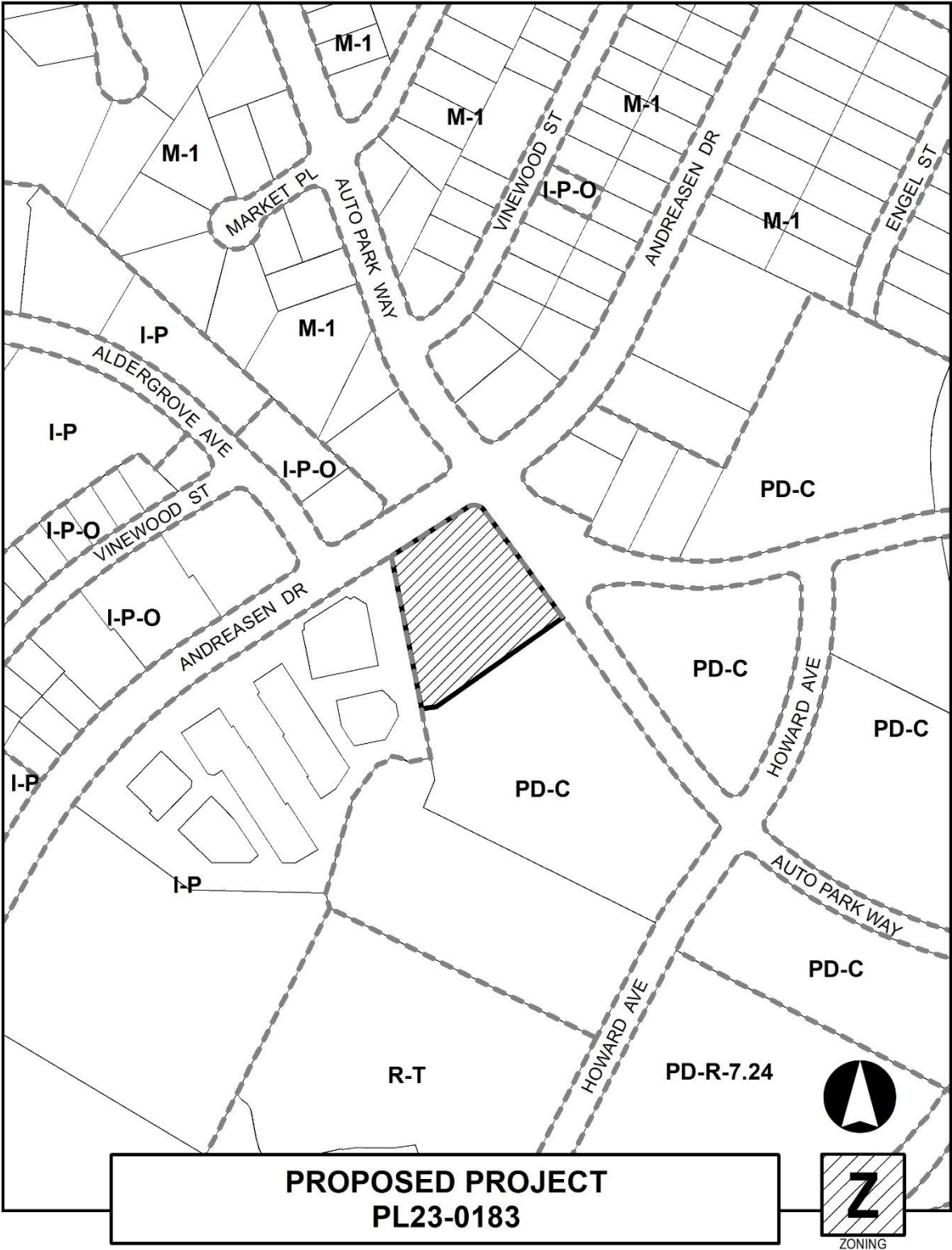
AERIAL



**PROPOSED PROJECT
PL23-0183**



GENERAL PLAN



**PROPOSED PROJECT
PL23-0183**

ATTACHMENT 2

PLANNING CASE NO. PL21-0183

FIRE TURNAROUND EXHIBIT



ATTACHMENT 3
PLANNING CASE NO. PL21-0183
PROJECT PLANS

This Architectural Drawing is copyright-protected. If you would like to view this drawing, please contact the project planner, Alex Rangel at 760-839-4537, or via email at Alex.Rangel@Escondido.gov



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

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Deputy County Clerk
 P.O. Box 121750
 San Diego, CA 92112-1750

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

Project Title/Case No.: PL23-0183 (Mossy VW)

Project Location - Specific: On the southwest corner of Auto Park Way and Andreasen Drive, addressed at 1919 Auto Park Way (APNs 232-541-03-00)

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

Description of Project:

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Mossy VW (MAG 1919 APW, LLC) Darrold Davis Architect Telephone (619) 234-2212

Address: 3677 Voltaire Street, San Diego, CA 92106

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

Exempt Status: Categorical Exemption. The Project qualifies for an exemption under the California Environmental Quality Act ("CEQA") Guidelines sections 15301 (Existing Facilities), 15302 (Replacement and Reconstruction), and 15303 (New Construction or Conversion of Small Structure).

Reasons why project is exempt:

1. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines sections 15301 (Existing Facilities), 15302 (Replacement and Reconstruction), and 15303 (New Construction or Conversion of Small Structures). The 1.95-acre site is located on a developed commercial site and is surrounded by a variety of industrial and auto related land uses. The Project will demolish an existing 3,187 square-foot commercial building and replace it with an additional 11,253 square-foot commercial building and 1,475 open service canopy for the same auto-related purpose. The new building area would not result in an intensification of the existing automotive uses on site, and will have substantially the same purpose and capacity. The net building increase is less than 10,000 square feet when considering the existing 3,185 square-feet are being replaced by an additional 9,541 square-feet. Because the property is developed and surrounded by commercial/industrial development, the project site has no value for special status species. The property can be adequately served by all required utilities and public services, and the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.

2. The property can be adequately served by all required utilities and public services, and the project would result in any significant effects relating to traffic, noise, air quality, or water quality. Appropriate parking is provided on the site to accommodate all uses. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas. The site also does not contain any sensitive or protected habitat.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature: *J Paul* May 8, 2024

Jay Paul, Associate Planner

Date

Signed by Lead Agency

Date received for filing at OPR: N/A

Planning Commission

Hearing Date: May 14, 2024

Effective Date: May 24, 2024

RESOLUTION NO. 2024-09

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO A MASTER
DEVELOPMENT PLAN AND A NEW PRECISE
DEVELOPMENT PLAN FOR A PROJECT AT 1919
AUTO PARK WAY

APPLICANT: Mag 1919 APW, LLC (Mossy Volkswagen)

CASE NO: PL23-0183

WHEREAS, Mag 1919 APW, LLC ("Applicant"), filed a land use development application, Planning Case No. PL 23-0183 ("Application"), constituting a request for a Modification to a Master Development Plan and new Precise Development Plan to increase the maximum allowed square from 3,187 square-feet for the dealership building to 12,728 square-feet and allow for changes to on-site circulation ("Project"). The 1.95-acre site is located on the southwest corner of Auto Park Way and Andreasen Drive, addressed at 1919 Auto Park Way (APN 232-541-03-00) in the PD-C (Planned Development-Commercial) zone; and

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

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, automotive uses such as, auto-sales and repair are permitted uses within the PD-C zone and Escondido Auto Park, subject to the approval of a Master and Precise Development Plan, in accordance with Article 19 of the Escondido Zoning Code; and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the 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, City staff provided public notice of the application in accordance with City (Chapter 33, Article 61, Division 6 Public Hearings) and State public noticing requirements; and

WHEREAS, on May 14, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons the opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

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

- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated May 14, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. That the above recitations are true and correct.
2. The Planning Commission, in its independent judgment, has determined the Project to be exempt from environmental review pursuant and in conformance with CEQA Guidelines sections 15301 (Existing Facilities), 15302 (Replacement and Reconstruction), 15303 (New Construction or Conversion of Small Structure) and 15332 (In-fill Development Projects). All of the requirements of CEQA have been met.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the substantive findings and determinations attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a decision on the matter as hereinafter set forth.
4. The Application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "D," is hereby approved by the Planning Commission. The Planning Commission expressly declares that it would not have

approved this Application except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

5. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.

6. 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 Planning Commission, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

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

intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14th day of May, 2024, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

VERONICA MORONES, Secretary of the
Escondido Planning Commission

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

Melissa DiMarzo, Minutes Clerk
Escondido Planning Commission

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

Exhibit A

PLANNING CASE NO. PL23-0183

LEGAL DESCRIPTION

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

Lot 3 of Escondido Tract No. 477, in the City of Escondido, County of San Diego, State of California, according to Map Thereof No. 10083, filed in the office of the County Recorder of San Diego County on May 4, 1981.

EXHIBIT B
PLANNING CASE NO. PL21-0183
PROJECT PLANS

This Architectural Drawing is copyright-protected. If you would like to view this drawing, please contact the project planner, Alex Rangel at 760-839-4537, or via email at Alex.Rangel@Escondido.gov

EXHIBIT C

PLANNING CASE NO. PL23-0183

FINDINGS OF FACT

Resolution No. 2024-08

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act, ("CEQA"), Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines sections 15301 (Existing Facilities), 15302 (Replacement and Reconstruction), and 15303 (New Construction or Conversion of Small Structures). The 1.95-acre site is located on a developed commercial site and is surrounded by a variety of industrial and auto related land uses. The Project will demolish an existing 3,187 square-foot commercial building and replace it with a 11,253 square-foot commercial building (yielding a net increase of 9,541 square feet) and a 1,475 open service canopy for the same auto-related purpose. The new building area would not result in an intensification of the existing automotive uses on site, and will have substantially the same purpose and capacity. The net building increase is less than 10,000 square feet when considering the existing 3,185 square-feet are being replaced by an additional 9,541 square-feet. Because the property is developed and surrounded by commercial/industrial development, the project site has no value for special status species. The property can be adequately served by all required utilities and public services, and the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.
3. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the May 14, 2024 staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.
4. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the CEQA Exemption prepared for the Project.

Master Plan Modification and Precise Plan

1. The location and design of the proposed development is consistent with the goals and policies of the Escondido General Plan relating to Planned Developments, which states the Auto Park area is to be developed with comprehensively planned automobile dealerships, automotive/commercial related uses and a variety of commercial and office facilities. The new contemporary design of the building would be compatible with the contemporary designs of the other dealership buildings located throughout the Auto Park and adjacent industrial developments. Appropriate on-site parking and frontage landscaping would be maintained.
2. The Project will be well integrated with the surrounding area as it has been developed in adherence to the General Plan and Auto Park Master Plan for auto related uses. The project site is currently developed with an existing 3,187 square-foot showroom, with existing repair buildings, site infrastructure and frontage landscaping. The scope of work will include a new dealership building and other site improvements would compatible with the other auto dealerships located throughout the Escondido Auto Park. The site is suitable for the proposed uses because the project would not require any extensive grading or result in any adverse impacts to surrounding uses or environmental resources. The project will not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. The existing auto dealership buildings are located adjacent to existing auto dealerships and/or industrial uses on the north, east, west, and south.
3. All vehicular traffic generated by the development would be accommodated safely and without causing undue congestion upon the adjoining streets. Appropriate access and emergency vehicle circulation will be provided. No off-site street improvements are required for this project, as determined by the Engineering Division.
4. The proposed location and design allow the project site to continue to be adequately serviced by existing public facilities. City sewer and water service currently is provided to the site and will not be adversely affected by this project.
5. The overall design of the proposed addition produces an attractive and efficient and stable business environment that utilizes quality building materials and design, appropriate access and attractive landscaping in accordance with the Escondido Auto Park landscape theme. Adequate on-site parking and circulation also would be provided.
6. The proposed Precise Plan modification shall have a beneficial effect by providing automotive sales and services needed/requested by city residents and the business community. No deviations from any ordinance requirements are requested.

PLANNING CASE NO. PL23-0183

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on April 26, 2023, and the Project drawings consisting of Site Plans, Floor Plans, Architectural Elevations, Civil Sheets/Grading, and Elevations; all designated as approved on May 14, 2024, and shall not be altered without express authorization by the Development Service Department.

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

A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.

2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall expire 36 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map or Planned Development application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if a good faith intent to proceed has been demonstrated, 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 approval. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

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

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

6. Certificate of Occupancy.

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

7. Availability of Permit Conditions.

- a. Prior to grading permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.
- b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall

be printed on any construction plans that are submitted to the Building Division for plan check processing. Item 3.

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

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

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

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

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

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

12. Clerk Recording.

- a. Exemption.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption.

In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

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

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

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

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

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

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

16. Indemnification, Hold Harmless, Duty to Defend.

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

against any Claims in the manner the City deems to be in the best interests of the City and the Project).

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

B. Construction, Maintenance, and Operation Obligations:

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

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

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

issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

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

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

- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.

- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

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

C. Parking and Loading/Unloading.

- 1. The Applicant shall maintain a minimum of 41 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.

2. The applicant, property owner will provide on-site disabled parking (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. The applicant, and/or property owner will maintain the total number of required parking spaces designated for clean air vehicles (CAV) in accordance with the California Green Building Standard Code.
4. The applicant, property owner will not permit a contractor or employee to 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 (if rehabilitation/modification of existing landscape area is greater than 2,500 SF) shall be submitted to the Engineering Services Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal.

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

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

E. Specific Planning Division Conditions:

1. The Applicant shall paint the exterior of the existing repair buildings to match the new dealership building's color.
2. The property owner will be responsible for the landscaping along the Andreasen Road frontage shall be repaired/rehabilitated as necessary, to include trimming of existing trees (as may be required), and repair of groundcover/turf areas and irrigation along the parkway.
3. The applicant and/or property owner will provide a 20-foot-wide rolling gate and shall utilize a decorative tubular metal style. This shall be shown on the final building plans.

F. Specific Fire Conditions:

1. The Applicant, and/or property owner shall provide fire department turnaround on-site as per the previously approved diagram included as Attachment 4 to the Planning Commission staff report and as shown on the site plan.
2. The Applicant, and/or property owner shall provide all underground fire lines, fire sprinkler, and fire alarm plans shall be a deferred submittal to Escondido Fire Department.
3. The Applicant, and/or property owner shall provide all signage shall be in accordance with the Auto Park sign program, as shown on the site plans.

G. Specific Engineering Division Conditions:

GENERAL

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans, issuance of Grading Permit and issuance of the Building Permits. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. All improvements 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 public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. The project's access drive shall be re-constructed per the current alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the R/W line to the satisfaction of the City Engineer.
2. The Developer may be responsible for an overlay of Auto Park Way and Andreasen Drive due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
3. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
4. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
5. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
6. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
7. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. 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 and SITE IMPROVEMENTS

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 driveways and parking areas shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of asphalt Base (AB) or 7" Portland Concrete Cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.

4. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
6. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
2. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
3. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
4. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
5. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

WATER SUPPLY

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

2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal. Fire hydrants shall connect to a minimum 8-inch water main.

SEWER

1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utility Easement or ROW is required for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye or Inserta-Tee.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.
5. Any sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
6. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vector trucks for maintenance.
7. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.
8. The location of all sewer laterals shall be shown on the grading and improvement plans.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Division with the second submittal of the grading plan for review and approval by Engineering and Planning Divisions. The initial submittal of the landscape plans shall include the required plan check fees.

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.

FEES

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

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

2. The developer shall be required to pay all development fees of the City 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 he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

SURVEYING AND MONUMENTATION

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



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BACKGROUND

The 2.87-acre project site is developed with a single-family residence, detached garage and an accessory shed-type structure. The surrounding area consists of existing suburban residential neighborhoods, with some larger estate-type lots. A residential care facility is located to the northwest across Citrus Avenue. A medium density duplex residential development is located to the north. The site is located within the Suburban (S) General Plan land use designation, and is zoned R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) (Attachment 1). The property fronts onto, and takes access from, Citrus Avenue which is classified as a Local Collector Road on the City’s Mobility Element. Full-width-street improvements (including curb, gutter and sidewalk) are intermittent along the street segment.

The Planning Commission previously approved a Tentative Subdivision Map (Case No. SUB17-0013) in 2017 for eight single-family residential lots on the site. Lot sizes ranged from 10,000 square feet to 14,205 square feet. This Tentative Subdivision Map entitlement is still valid.

SUMMARY OF REQUEST

Kenosha Holdings, LLC (“Applicant”) submitted an application for a Tentative Subdivision Map to subdivide the Property into 14 single-family residential lots (“Project”). The lots would accommodate up to 14 new single-family residences. Lot sizes range from approximately 4,191 square feet to 7,900 square feet (net lot area). The Project includes a private cul-de-sac street (Lot A) and a storm water basin (Lot B). The existing single-family residential structure, detached garage and accessory/storage structure would be demolished.

Underlying zoning and the General Plan land use designation for the project site allows up to 9.47 dwelling units (3.3 dwelling units per acre[“DU/AC”]). Article 67 of the Escondido Zoning Code (EZC), and State Density Bonus law, allow an increase in residential density for projects that restrict a percentage of those base units as affordable housing units, and all density calculations are rounded up resulting in a total of 10 base units/lots. The Applicant proposes to restrict one lot (Lot 10) for affordable housing to very low-income households (those making less than 50% of the area median income [AMI]) which would permit up to four additional density bonus units, bringing the total of number of allowed units/lots to 14 (1 very-low income and 13 market rate). As part of local and State Density Bonus regulations, the Project is also allowed up to two incentives/concessions, and may request additional waivers to development standards that are necessary to accommodate the construction of the Project. The Applicant’s use of such incentives/concessions, along with the allowable waivers would allow the Applicant to develop the Project as designed.

The Supplemental Details of Request located below show the proposed Project in comparison to the required standards for the R-1-10 zone. A double asterisk (“**”) identifies those standards the Applicant requests a modification to through their use of incentives/concessions, and development standard waivers.

A. SUPPLEMENTAL DETAILS OF REQUEST:

- 1. Property Size: 2.87 acres (1 parcel)
- 2. Number of Lots: 14 single-family residential**
- 3. Allowed Density: Up to 3.3 DU/AC
- 4. Proposed Density: Up to 4.87 DU/AC per Density Bonus**



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	<u>Required per R-1-10 Zone</u>	<u>Proposed</u>
5. Unit Size	n/a	n/a*
6. Minimum Lot Area	10,000 SF (net lot area)	4,191 (net lot area)**
7. Lot Coverage	40%	40%
8. Floor Area Ratio	50%	50%
9. Building Height	2-Stories, up to 35 feet	2 stories and 35 feet
10. Setbacks:		
a. Front Yard:	20' from P/L or road easement to garage; 15' to residence	20' to P/L, 15' to residence Lot 1 requires min. 20' from back of sidewalk design
b. Rear Yard:	20'	20'
c. Interior Side Yard:	5' and 10'	5'***
d. Street Side:	10'	5' to structure and 0' for retaining wall and fencing**
11. Fencing Height:	6'	Up to 7' vinyl fence along the west side of Lot 1 on top of and/or adjacent to retaining wall (approx. 4.62' in height) on west side of Lot 1 (totaling approx. 11.62'). Up to 6' in height on top of or adjacent to retaining wall up to approximately 6.2' in height along rear of the project lots (totaling approx. 12.2')**
12. Parking:	Min. 2 covered spaces unit	Min. 2 covered spaces per unit

*Unit size and design to be determined during Design Review pursuant to Article 64 (Design Review) and conditions of approval

**Deviations/waivers proposed as part of Density Bonus request

B. PROJECT ANALYSIS:

1. General Plan Conformance:

a) Land Use and Density Consistency

The City's General Plan land-use designation for the Project site is Suburban (S), allowing single-family residential development up to 3.3 dwelling units per acre. Based on the size of the Project site (2.87 acres), the underlying land use designation would allow up to 9.47 lots, which is rounded up to 10 per Density Bonus regulations. The request to subdivide the Project site into 14 single-family lots with a



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resulting net density of 4.87 dwelling units per acre would be compatible with single-family development within the surrounding area as permitted pursuant to Density Bonus Law and the City Density Bonus Ordinance (Article 67).

State Density Bonus law is codified in Government Code Section 65915 – 65918, and specifically states, “granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, zone change, or other discretionary approval.” As such, regardless of density, the Project is consistent with the provisions of the General Plan as long as it complies with density bonus law and Article 67 of the Escondido Zoning Code.

Density Bonus law further requires a developer to replace certain existing housing units on sites proposed for redevelopment through the Density Bonus process. The Project includes the removal of one single-family unit and the development of 14 single-family residential units (including one very-low-income unit). Therefore, the Project would result in no loss of affordable units on site and the existing residence would be replaced with one lot designed as very-low income.

b) Housing Element and “No Net Loss”

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City’s share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction’s Regional Housing Needs Allocation (“RHNA”), especially for lower- and moderate-income households. In general, jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels “lost” as a result of the approval. The so-called “no net loss” provisions apply when a site is included in the jurisdiction’s Housing Element’s inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density than shown in the Housing Element. (Gov’t Code § 65863(b)). The Project site is not identified in the City’s General Plan Housing Element Suitable Sites Inventory for the 6th RHNA Planning Cycle. Because the provision of “no net loss” applies to housing located on any site listed in the City’s Housing Element, the City does not need to determine if this Project or a decision related to this Project would be subject to No Net Loss Law and its remedies.

2. Zoning or Specific Plan Conformance:

The Project consists of the proposed development of 14 single-family residential lots, street improvements, walls and fencing, and a stormwater basin. A zone change is not proposed. The Applicant requests modifications to development standards and zoning code requirements necessary to make the provision of affordable housing units feasible, as described below. Pursuant to Government Code section 65915(e)(1), a city may not “apply any development standards that will have the effect of physically precluding the construction of a development...at the densities or with the concessions or incentives permitted” by Density Bonus Law. Attachment 2 of this report outlines those requested waivers from development standards pursuant to Density Bonus law. Outside of those requested waivers, the proposed Project complies with the provisions of the R-1 zone, as shown in the Supplemental Details of Request table shown above. The proposed Project does not include architectural design of future units and as such, is conditioned to require



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future Design Review for such units (Condition of Approval No. E.4). However, those future units would be required to comply with the setbacks, lot coverage, parking, and building height shown within the Supplemental Details of Request. Only those items expressly identified as a part of Attachment 2 would be applicable to the future units.

3. Density Bonus and Residential Incentives

Article 67 of the Escondido Zoning Code is intended to encourage and incentivize the production of housing affordable to all segments of the population, consistent with State Density Bonus law. At a high level, a density bonus project is permitted to build more units than would otherwise be permitted on a particular property in exchange for restricting a percentage of those units for moderate, low, or very-low-income households. The increase in density is based on the percentage of units restricted and the income level at which they are restricted. A density bonus project is also entitled to a certain number of **incentives or concessions**, which are defined in Government Code section 65915(k), in part, to include “[a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements... that results in identifiable and actual cost reductions...” Depending on the percentage of affordable units provided, a density bonus project is allowed a maximum increase in density of 50 percent. Density bonus projects are also entitled to additional **waivers** from development standards which would have the effect of physically precluding the construction of a density bonus project. The number of incentives/concessions, waivers, and allowed density bonus is determined by a set of sliding scales (identified in Article 67) and ultimately dependent on what a proposed development project entails. For reference, Article 67 of the Escondido Zoning Code can be found at the following link:

[Article 67 Density Bonus and Residential Incentives.](#)

The Project includes a *Density Bonus Project Proposal* (“Proposal”) which outlines the Applicant’s density bonus request. It has been modified over the course of the Project’s review to address any issues identified through the entitlement process (Attachment 2). The Proposal includes a density bonus calculation which identifies the density that could be achieved on the parcel based on the General Plan land use designation and Density Bonus provisions; how many density bonus units can be achieved; as well as the number of affordable housing units that would be required. As shown in the Proposal, the property could accommodate 10 dwelling units (base units), and by reserving one unit/lot (10%) as affordable to very low-income households (those making less than 50% of the AMI, adjusted for household size), the Project is allowed up to four additional bonus units (32.5% increase in density) that would allow up to 14 total units.

Based on the number of affordable units (10% very-low income), the Project is allowed up to two incentives/concessions and additional waivers of development standards. The Applicant is not requesting any incentives/concessions but is requesting additional waivers of development standards to allow the following:

1. Reduction in required lot size from a minimum of 10,000 square feet for the R-1-10 zone. Proposed lots sizes range from 4,191 square feet (net lot area) to 7,900 square feet.
2. A reduction in the required average lot width of 80 feet. Average lot widths range from 42 feet to 86 feet.
3. Reduction in the required minimum street frontage of 35 feet. Lot 12 proposes a 31-foot street frontage.
4. Reduction in the required setbacks for the future units to allow minimum 5-foot interior setback on each side, whereas a 5-foot and 10-foot setback is required. A minimum 5-foot setback along th



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street side for the future unit of Lot 1 and no setback for the street side fence proposed on Lot 1, whereas a 10-foot setback is required.

5. Increase in fencing height up to seven feet in height on top of, or adjacent to, retaining walls up to 6.2 feet in height, and to allow the additional height within the street side setback. Fences are limited to 42 inches in height within the 10-foot street side setback.
6. Reduction in the amount of required street trees of 1 per 30 linear feet due to limited available frontage area.
7. Waive determination that a grading exemption is required for the proposed perimeter retaining walls of approximately 6.2 feet in height. The Director of Development Services maintains approval discretion for fill slopes and walls between 5 feet and 10 feet in height.

4. Climate Action Plan Consistency:

The Applicant prepared and submitted a Climate Action Plan Checklist, and is screened out of additional Greenhouse Gas (GHG) Analysis based on the project type. Projects that are screened out are assumed to have a less than significant impact on GHG emissions. The screening threshold for single family uses is 36 dwelling units, and the Project proposes 14 dwelling units. Therefore, the Project is found to be consistent with the Climate Action Plan.

5. Site Characteristics

a) Subdivision Design, Access, Street Design and Parking:

The Applicant proposes to subdivide the property into 14 single-family residential lots ranging in size from 4,191 square feet 7,900 square feet (net lot area). Citrus Avenue across the project frontage would be improved to include curb, gutter and sidewalk with appropriate transition to existing roadway improvements. A new private cul-de-sac street intersecting Citrus Avenue on the east would provide access to the Project and would be maintained by the Project homeowners' association (HOA). The new private cul-de-sac street (Lot "A") would utilize the Suburban design standard of a 28-foot curb-to-curb width that would allow for parking along one side of the street. A 24-foot-wide private easement would provide access to four of the lots (Lots 8, 9, 10, and 11). The proposed tentative map and site design is depicted under Attachment 3.

Density Bonus law establishes the minimum amount of parking that can be required based on the number of bedrooms. Further, Density Bonus law stipulates that if the developer does not request parking ratios specified by Density Bonus law, the parking standards of the applicable zone shall apply. The proposed unit designs are not part of the Tentative Subdivision Map and would be reviewed separately through the Staff Design Review process. Even though Density Bonus Law would allow for a reduction in the number of required on-site parking spaces, the proposed Project would provide two-covered parking spaces for each unit in accordance with Article 39 (Off-Street Parking) of the Escondido Zoning Code for single-family units. Additional tandem spaces would be available in the driveways for each lot/unit as the structures would maintain a minimum 20-foot setback for the garages. Although not required per Density Bonus parking requirements, on-street parking within the Project site would be provided in conformance with the Suburban design standard that requires 1.5 spaces per lot. The proposed Project would include up to 21 on-street spaces as part of their design even though not required by Density Bonus law. The final



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engineering/street design will determine the final number of on-street spaces that could be accommodated.

b) Grading:

The Project site generally slopes and drains towards the adjacent properties to the north and eventually drains to the concrete channel further to the north. The grading design involves raising the northern portion of the site to create flat pad areas. Raising the northern portion would provide appropriate drainage of the lots to the proposed street, storm water basin, and ultimately to the existing concrete channel situated to the east. Under current conditions, the channel is situated at a higher elevation than the adjacent grade, and requires the pad elevation changes to facilitate adequate drainage. Raising the site would entail use of retaining walls up to 6.2 feet in height along the northern perimeter of the lots. This design would eliminate most of the drainage that typically flows onto the adjacent northern properties, and the final grading/drainage design would be required to incorporate features to direct any on- and off-site drainage to the eastern drainage channel eliminating potential issues for the neighboring properties. A lower retaining wall, ranging from one foot to approximately 3.62 feet in height would be located along the southern property boundary to support the new internal street. The grading of the site is required to conform and be designed in accordance with Article 55 (Grading and Erosion Control) of the Escondido Zoning Code.

c) Concept Landscape Design and Fencing:

The Project would provide a combination of street trees along the new cul-de-sac street ("Lot A"), along with parkway landscaping along the Citrus Avenue frontage. The south side of the proposed street would also contain a small landscaped area. The street, common landscaping associated with Lot A, perimeter brow ditch, storm water basin, and parkway landscaping along Citrus Avenue would be maintained by the Project HOA. White vinyl fencing up to seven feet in height would be located along the Citrus Avenue frontage to provide sound attenuation for Lot 1 in conformance with General Plan standards. Parkway landscaping would be planted in front of the wall along the back of sidewalk. A six-foot-high vinyl fence would be placed along the rear of the lots adjacent to the top of the retaining walls, with an overall combined height of approximately 12.2 feet. The design does not allow sufficient area for landscaping to be placed between the wall and fence. New vinyl fencing would also be installed along the southern boundary of the site, along the private cul-de-sac. The proposed Project would be required to submit for a final Landscape Plan Check through the Engineering Division as part of the post-entitlement process as conditioned in Exhibit "D" of Attachment 5.

FISCAL ANALYSIS

The Applicant will be responsible for payment of all applicable Development Impact Fees as adopted by the City Council.

ENVIRONMENTAL ANALYSIS

California Environmental Quality Act ("CEQA") Guideline's list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under



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CEQA. The Project qualifies for an exemption under the CEQA Guidelines section 15332, Class 32 (“Infill Development Project”). A Notice of Exemption has been included with the staff report as Attachment 4. The project qualifies for the exemption as described further in the Findings of Fact, attached as Exhibit “C” to Resolution 2024-07 (Attachment 5).

PUBLIC INPUT

Staff has not received any comments from the public regarding the Project as of the preparation of this report.

CONCLUSION AND RECOMMENDATION

The Project proposes a residential subdivision that is compatible with the surrounding residential uses in that it is of similar unit type (e.g., single-family residences) and makes efficient use of the Property. Additionally, the Project would include much-needed affordable housing and provide affordable opportunities for home-ownership in a suburban setting where such housing is not typically available. The Project would further the Land Use and Community Form goals in Chapter II of the Escondido General Plan, including those related to community character and smart growth, as well as the Housing goals in Chapter IV of the General Plan, which include planning for sustainable growth and providing housing opportunities for all income groups and household types. Further, the Project is consistent with the provisions of Article 67 of the Escondido Zoning Code and State Density Bonus law.

Staff recommends that the Planning Commission adopt Resolution 2024-08, approving the Tentative Subdivision Map and Density Bonus and requested waivers based on the findings of fact and conditions of approval included as Exhibits “C” and “D,” respectively, to said Resolution, and adoption of the Environmental Determination prepared for the Project included as Attachment 4.

ATTACHMENTS

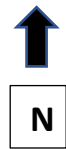
1. Location Map, General Plan Map, and Zoning Map
2. Density Bonus Project Proposal
3. Project Plans
4. CEQA Notice of Exemption
5. Draft Planning Commission Resolution No. 2024-08, including Exhibits A, B, C and D

PLANNING CASE NO. PL23-0272

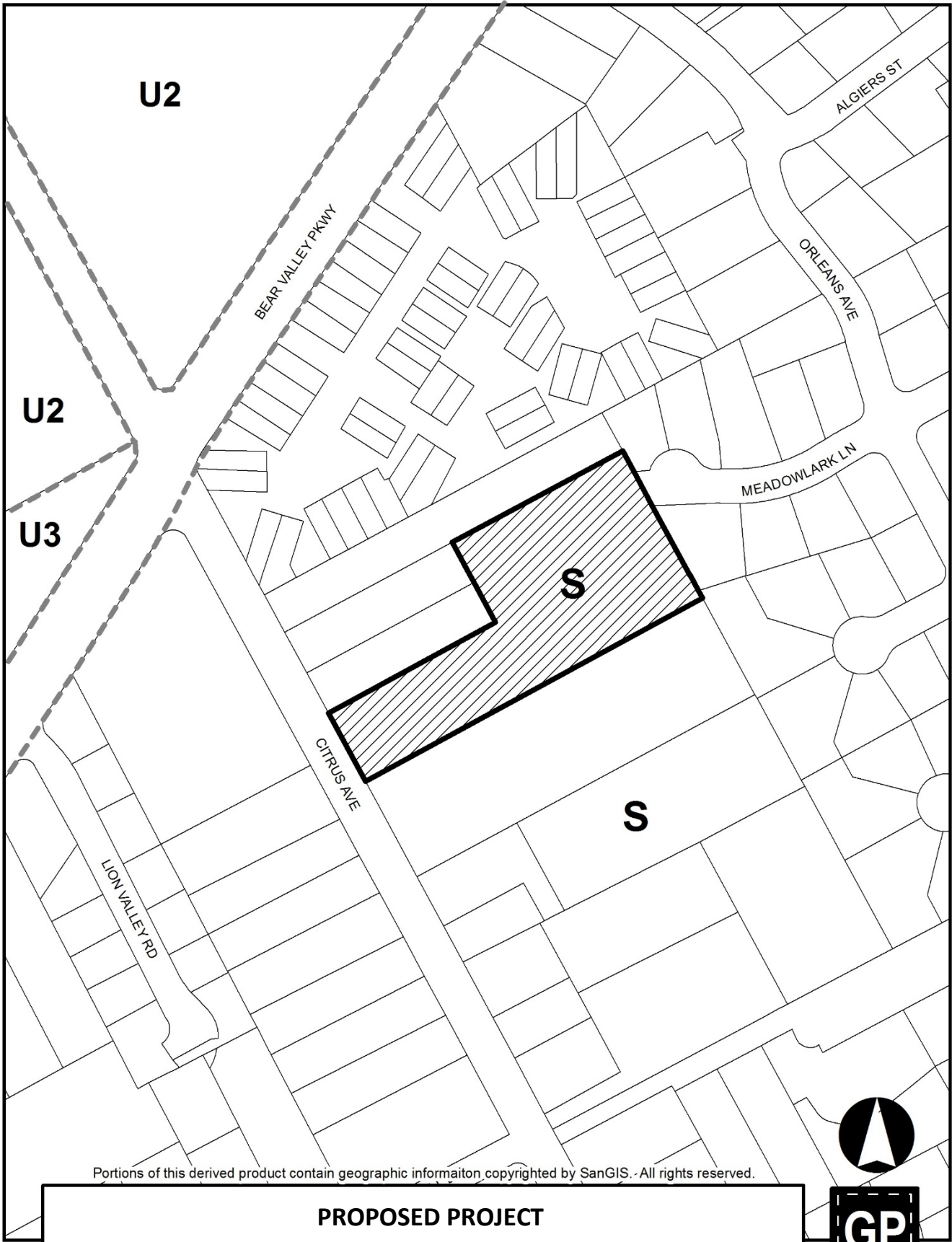
LOCATION AERIAL MAP, GENERAL PLAN, AND ZONING



220 S. CITRUS



PROPOSED PROJECT
PL23-0272

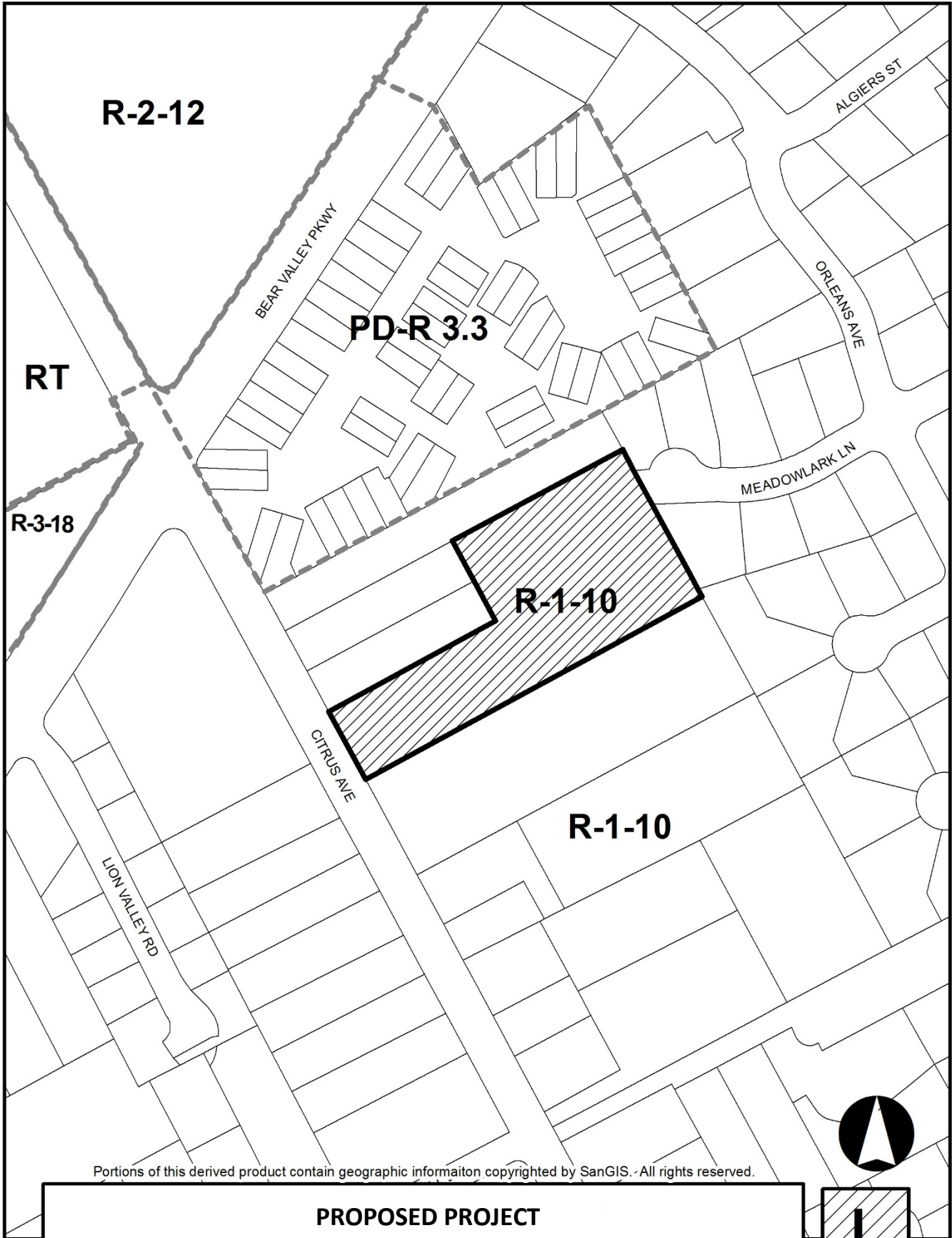


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PROPOSED PROJECT
PL23-0272

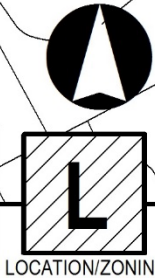


GENERAL PLAN



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PROPOSED PROJECT
PL23-0272



ATTACHMENT 2
PLANNING CASE NO. PL23-0272
DENSITY BONUS PROJECT PROPOSAL

Kenosha Holdings, LLC is proposing the development of a density bonus project consisting of 14 new residential lots/units on acres within the R-1-10 zone. Thirteen of the new housing units are to be market-rate single-family homes and one to be an affordable unit (Lot 10) which will be restricted to “very low-income” households.

Pursuant to Escondido Municipal Code Sections 33-1412 and 33-1413, the applicant for a density bonus project shall submit a written proposal for the project including the information provided below. This document is intended to satisfy the requirements therein. Housing costs and market pricing depend on market conditions, including mortgage rates. As such, pricing for the market-rate units would be determined at the time they come to market. By law, pricing for restricted units is based on the area median income and depends on the size of the household. For “very low-income” units, housing costs cannot exceed 30% x 50% of the area median income for a family of a given size. The restricted pricing would be set accordingly, depending on those factors at the time they are available on the market.

The Developer would be responsible would manage and control the construction and sale or rent of the affordable units, and would be responsible for identifying and qualifying the buyers.

Density Bonus Calculations:

General Plan Designation:	Suburban
Base Density Calculation/Yield:	10 lots/units
	3.3 dwelling units per acre x 2.87 acres = 9.47 units rounded up to 10 units/lots.
	<i>Note: All density bonus calculation resulting in fractions are rounded up to the next whole number (Art. 67,§ 33-1412).</i>
No. Affordable Units:	1 – very low income
Percentage of Affordable Units:	10%
Density Increase Permitted:	32.5%
Density Bonus Units Allowed:	4
Number of Concessions/Incentives allowed:	2
Number of Concessions/Incentives requested:	0
Number of Waivers requested:	6
Existing Units to Remove:	1 (existing SFR, detached garage, outbuilding)

Below are the proposed incentives, concessions and waivers requested by the applicant. These incentives, concessions and waivers will help to provide much-needed housing, and in particular, affordable housing, to the City of Escondido. Pursuant to Government Code section 65915(d)(2), a project that provides at least 10% of the units for very-low income shall receive up to two concessions/incentives. Per EMC 33-1414(d) –an incentive/concession is an item(s) that would result in identifiable, financially sufficient, and actual costs reductions that contribute to the economic feasibility of the project. The project applicant is not requesting any incentives/waivers.

A development qualifying for a density bonus also receives additional forms of assistance to include waivers or reduction of development standards. The table below lists the requested waivers to development standards that, if not granted, would physically preclude the construction of the project as designed. All identified development standards below fall under the definition of “development standards” in Government Code section 65915(o)(1) which includes “a site or construction condition... that applies to a residential development pursuant to any... [city] policy....”

Table 1 – Density Bonus Request

Incentives/Concessions			
Incentive / Concession	Development Standard	Proposed	Justification
None requested	--	--	--
Waivers			
Waiver	Development Standard	Proposed	Justification
Lot Size and Width	Min. lot size 10,000 SF (Fig. II-6, Ch. II, General Plan); 80' average lot width (Art. 6, § 33-98)	4,191 SF ¹ – 7,900 SF net lot size; 42' to 86' average lot width	The existing standards would preclude the project at the density requested and as designed in that it would inhibit the ability to achieve the number of lots proposed. The project makes efficient use of the site which results in limited physical area to meet the standard. The lot area and width would need to be reduced in order for the project to be developed as designed.
Increase in fence height within the street-side setback	Max. of 42" fence height within 10' street-side setback (Art. 56, § 33-1080(a)); Max. 6' height for walls and fences in interior and rear setbacks (Art. 56, § 33-1080(a)).	7' high noise attenuation fence/wall on top of, or adjacent to, retaining walls up to approximately 4.62' in height within street-side setback; 6' high fence/wall on top of or adjacent to retaining walls up to 6.2' in height along the rear/side of lots 2 – 10.	The existing standards would preclude construction of the project's noise attenuation feature and lot screening which enable compliance with the City's General Plan and Quality of Life Standards. The project makes efficient use of the site which results in limited physical area to meet the standard and construct the future units. It would need to be reduced in order for the project to be developed at the density designed.
Setbacks	Interior side: 10' on one side and 5' on the other (Art. 6, § 33-100); Street side: 10' street-side setback (Art. 6, § 33-100)	5' min. interior side and street-side setback 0' setback for street side fence along Lot 1	The existing standards would preclude the project at the density requested and as designed in that it would inhibit the ability to achieve the number of lots proposed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order

			for the project to be developed at the density designed.
Street Frontage	Min. 35' or 20' for panhandle lots (Art. 6, § 33-98)	Min. 31 feet for Lot 12	The existing standards would preclude at the density requested and the project as designed in that it would inhibit the ability to achieve the number of lots proposed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed.
Street Trees	1 per 30 linear feet (Art. 62, § 33-1339(f)(2))	Reduced number of trees of 1 per street frontage for Lots 2-5, 7, 11, 12 and 13. Lots 8, 9 and 10 to have front -yards include landscaping appropriate for the limited available landscape area due to required driveways/pavement area.	The necessary spacing of trees would preclude construction of the project at the density requested and as designed due to the limited lot frontage on certain lots; driveway width/paved area; conflicts with utilities. The project makes efficient use of the site in that trees are clustered where feasible and still spaced in a way to encourage canopy coverage.
Grading Exemption	Fill slopes/retaining walls between 5' and 10' in height ² (Art. 55, §33-1066(b))	Waive determination that a grading exemption is required for the proposed perimeter retaining walls of approx. 6.2 feet in height.	The retaining walls up to 6.2 feet in height are required to accommodate proper drainage to the street and storm water facility for the project at the density requested and as designed. The waiver of the determination results in the project not being subject to a grading exemption and the associated findings for approval
<p>¹ SF = Square feet</p> <p>² Fill slopes/retaining walls that are between 5-feet and 10-feet in height are subject to a Grading Exemption per the Director of Development Services discretion.</p>			

ATTACHMENT 3
PLANNING CASE NO. PL23-0272
PROJECT PLANS

This Architectural Drawing is copyright-protected. If you would like to view this drawing, please contact the project planner, Veronica Morones at 760-839-4548, or via email at Veronica.Morones@Escondido.gov



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

Notice of Exemption

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

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

Project Title/Case No.: Citrus Avenue Subdivision-Density Bonus / PL23-0272

Project Location - Specific: The approximately 2.87-acre project site is located on the east side of Citrus Avenue, south of Bear Valley Parkway, north of Oak Hill Drive addressed as 220 S. Citrus Avenue (APN 231-470-03).

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

Description of Project: The Project includes a Tentative Subdivision Map and Density Bonus for 14 single-family residential lots, with two lettered lots ("lot A" and "Lot B") for purposes of a private street and storm water basin. Lot sizes range from approximately 4,191 square feet to 7,900 square feet (net lot area). The Density Bonus would allow for an increase in allowable density from a base density of 3.3 dwelling units per acre to a proposed density of 4.87 dwelling units per acre. The Density Bonus requires one lot be restricted for "very low-income", and permits for certain incentives, concessions and waivers from development standards in accordance with State Density Bonus law. The existing residence and accessory structures on the site would be demolished.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Stephen Gaspar, Kire Builders, Inc. Telephone: (858) 755-3259

Address: 10625 Scripps Ranch Blvd., Suite F, San Diego, CA 92131

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

Exempt Status: The project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15332, Class 32 (In-Fill Development Projects).

Reasons why project is exempt:

The 2.87-acre project site is within City limits and is surrounded by urban/suburban uses. The design of the project is consistent with the applicable Suburban (S) General Plan land-use designation (and all applicable general plan policies), as well as applicable R-1-10 zoning designation and regulations, with allowed density increase, incentives, concessions and waivers per State Density Bonus Law and the City's Density Bonus Ordinance (Zoning Code Article 67). It has been determined the project would not result in any significant impacts to traffic, noise, air quality, or water quality. The project site has no value as habitat for endangered, rare or threaten species as it has been previously developed with a residential development and is identified as developed/disturbed land. All required utilities and public services can be provided to the site with existing facilities located within adjacent streets or easements, and does not require significant upgrades or extensions of existing facilities or development of new facilities.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature J Paul 4-30-2024

Jay Paul, Senior Planner

Date

Signed by Lead Agency Date received for filing at OPR: N/A

Planning Commission
Hearing Date: May 14, 2024
Effective Date: May 24, 2024

PLANNING COMMISSION RESOLUTION NO. 2024-08

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A 14-LOT TENTATIVE SUBDIVISION
MAP AND DENSITY BONUS

APPLICANT: Kenosha Holdings, LLC

CASE NO: PL 23-0272

WHEREAS, Kenosha Holdings, LLC (“Applicant”), filed a land use development application, Planning Case No. PL 23-0272 (“Application”), constituting a request for a Tentative Subdivision Map consisting of 14 single-family residential lots and two lettered lots (lot “A” and lot “B”). The request includes a Density Bonus and would provide one affordable housing unit/lot reserved for very-low-income households. The existing structures on the site would be removed (“Project”). The 2.87-acre Project site is located on the east side of S. Citrus Avenue, south of Bear Valley Parkway, north of Oak Hill Drive, addressed at 220 S. Citrus Avenue (APN 231-470-03-00), in the R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) zone and Suburban (S) land use designation; 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, Escondido Subdivision Ordinance, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”); and

WHEREAS, single-family residential development with density bonus is a permitted use within the R-1-10 zone, subject to the approval of a Tentative Subdivision Map, in accordance with Chapter 32 of the Escondido Municipal Code and Articles 6 and 67 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, City staff provided public notice of the application in accordance with City (Article 61, Division 6) and State public noticing requirements; and

WHEREAS, on May 14, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and

considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated May 14, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.
2. The Planning Commission, in its independent judgment, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines section 15332 (In-fill Development Projects). All of the requirements of CEQA have been met.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning

Commission makes the substantive findings and determinations attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a decision on the matter as hereinafter set forth.

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

5. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.

6. 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 Planning Commission, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be

reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

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

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14th day of May, 2024, by the following vote, to wit:

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

STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

VERONICA MORONES, Secretary of the
Escondido Planning Commission

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

Melissa DiMarzo, Minutes Clerk
Escondido Planning Commission

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

EXHIBIT A

PLANNING CASE NO. PL23-0272

LEGAL DESCRIPTION

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

THAT PORTION OF LOT 6 IN BLOCK 244 OF THE SUBDIVISION OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP NO. 723](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOW:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 6, DISTANT THEREON SOUTH 28°45' EAST 219.60 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT; THENCE ALONG SAID SOUTHWESTERLY LINE, SOUTH 28°45' EAST 347.37 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE, NORTH 61°15' EAST 627 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID NORTHEASTERLY LINE, NORTH 28°45' WEST 347.37 FEET TO A POINT IN A LINE WHICH BEARS NORTH 61°15' EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 61°15' WEST 627 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO RICHARD L. COSBY ET UX. BY DEED RECORDED JUNE 20, 1969 AS [INSTRUMENT NO. 111362 OF OFFICIAL RECORDS](#).

ALSO EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO LARRY P. COSBY ET UX. BY DEED RECORDED OCTOBER 05, 1959 IN [BOOK 7917, PAGE 252](#) OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO JAMES M. COSBY ET UX. BY DEED RECORDED MARCH 05, 1959 IN [BOOK 7530, PAGE 589](#) OF OFFICIAL RECORDS.

[APN: 231-470-03-00](#)

EXHIBIT B
PLANNING CASE NO. PL23-0272
PROJECT PLANS

This Architectural Drawing is copyright-protected. If you would like to view this drawing, please contact the project planner, Veronica Morones at 760-839-4548, or via email at Veronica.Morones@Escondido.gov

EXHIBIT C

PLANNING CASE NO. PL 23-0272

FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project is categorically exempt pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects) because:
 - a. The Project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations in that the proposed Project entails a residential subdivision consistent with the R-1-10 ordinances, which is a permitted use within the Suburban land use designation except for all those incentives/concessions, and waivers requested and granted as a part of the Density Bonus request;
 - b. The Project occurs within City limits on no more than five acres substantially surrounded by urban uses in that the Project site is approximately 2.87 acres in size and located within an urbanized area, and is surrounded by residential uses to the north, south, east, and west;
 - c. The Project has no value as habitat for endangered, rare or threatened species in that the Project site was previously developed with a single-family residential development and previously disturbed;
 - d. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that the Project would be required to comply with the City’s noise ordinance, which includes construction and operational noise limits. The Project is considered a “small residential project” as it generates fewer than 200 daily trips and therefore is under the City’s threshold for Vehicle Miles Traveled (VMT) analyses. The Project is designed to comply with required storm water regulations for the purposes of containing drainage and ensuring water quality. Project construction would be required to comply with the Air Quality Resource Board’s standards on construction emission. The Project is consistent with the City’s General Plan and Zoning regulations except for all those incentives/concessions, and waivers requested and granted as a part of the Density Bonus request and would therefore would not result in adverse impacts related to traffic, noise, air quality, or water quality; and
 - e. The Project site can be adequately served by all required utilities and public services in that the Project site is a previously developed site with existing utilities located adjacent to the site. The Project would be required to build to those standards that allow for the Project to connect to those existing services, including storm water and water connections.

- 3. The Project does not trigger any exceptions to the categorical exemption listed in CEQA Guidelines section 15300.2. The Project included a Historic Resource Evaluation and concluded no significant impacts to Historic Resources would occur. Further, no cumulative impacts would occur as the site is located within an area of developed residential uses.
- 4. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the May 14, 2024 Planning Commission Agenda Report; testimony by City staff and the public; and other materials and evidence submitted or provided to it regarding the Project. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that the above-described exemption requirements have not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Tentative Subdivision Map Determinations:

- 1. The location, design, and residential density of the proposed 14-lot single-family residential development are consistent with the goals and policies of the Escondido General Plan because single-family residential development is permitted and encouraged in the within the Suburban land-use designation. As a result of the Density Bonus request, the increase in density otherwise allowed in the Suburban land-use designation does not necessitate an amendment to the General Plan. The proposed infill residential Project is in conformance with General Plan Housing Goals and Policies to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs. The provision of one lot for very-low-income households assists the City in meeting its affordable housing goals established by the Regional Housing Needs Assessment.
- 2. The Project site is physically suitable for the proposed density of development because the Project site is within an urban/suburban area that is developed with a mixture of similar single-family residential uses. The Suburban land-use designation allows up to 3.3 dwelling units per acre. While the Project would be developed with a density of approximately 4.87 dwelling units per acre, it is consistent with State Density Bonus Law and applicable provisions of the Escondido Zoning Code, Article 67. Additionally, the subdivision has been designed to provide residential uses in a suburban setting, consistent with the surrounding uses. Any deviations from zoning (incentives, concessions and waivers) are consistent with State Density Bonus Law and the Escondido Zoning Code, Article 67 and are required to accommodate the affordable housing development.
- 3. The approval of the proposed Project would be based on sound principles of land use and is well-integrated with its surroundings near similar residentially developed properties because adequate access, parking, utilities and landscaping would be provided (as detailed in the staff report). The residential Project also would not be out of character for the area which contains other single-family residential development. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
- 4. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The proposed map has been designed to minimize impacts from grading and slopes/walls have been designed to provide the

necessary pad elevations to support development of residential structures on each lot and to provide the necessary drainage to on- and off-site facilities. Item 4.

5. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the Tentative Subdivision Map for the Project would not violate the requirements, goals, policies, or spirit of the General Plan. The Project site is suitable for the proposed residential type of development and density as detail in the Planning Commission staff report dated May 14, 2024 and also noted in the above sections.
6. The Project would be compatible with the surrounding uses because the Project site is within an urban/suburban residential area developed with a variety of residential developments of varying density, lot sizes and design. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. Appropriate noise attenuation would be provided for the new lots to ensure General Plan compliance with the interior noise limits stipulated for single-family residential uses. The proposed Project also would not result in a significant impact to biological or natural resources.
7. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot configuration; traffic and emergency access; and grading; were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage and would avoid injury to fish or wildlife, or their habitat because the Project site is located within an infill urban setting and does not contain any sensitive or protected biological or natural resources.
8. The design of the Tentative Subdivision Map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the Project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
9. The design of the Tentative Subdivision Map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provide opportunities for passive/solar heating.
10. All permits and approvals applicable to the proposed Tentative Subdivision Map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) will have been obtained prior to the recordation of the map.
11. The proposed Tentative Subdivision Map will not conflict with regional or local housing goals because the proposed infill residential Project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The proposed Project would not diminish the Quality-of-Life Standards of the General Plan as the Project would not materially degrade the level of service on

adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site.

Item 4.

12. In consideration of the above, the proposed Project meets all of the requirements of section 66474 of the California Government Code and the proposed Tentative Subdivision Map meets all of the requirements or conditions imposed by the Subdivision Map Act and the Escondido Zoning Code, as detailed in the staff reports, the Escondido General Plan and above findings.

No Net Loss:

1. The purpose of Government Code section 65863 (“No Net Loss Law”), is to ensure development opportunities remain available throughout the planning period to accommodate a jurisdiction’s regional housing need allocation (“RHNA”), especially for lower- and moderate- income households. Jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels “lost” as a result of the approval.
2. The Project site, consisting of APN 231-470-03-00 is not identified in the City’s General Plan Housing Element Residential Sites Inventory; therefore, no net loss does not apply to the Project.
3. The Project would assist the City in meeting its RHNA by providing 13 new market rate units and one unit for very-low income.

Density Bonus Determinations:

1. The requested incentive, concessions and/or waivers would not create an adverse impact upon the health, safety or the physical environment.
2. The Project consists of the development of 14 single-family residential lots/units. Although the Project would demolish one existing one single-family residence, it would be replaced with 14 new single-family units and one of the lots/units will be designated for very-low income. Therefore, the Project would result in no net loss pursuant to the Government Code and would comply with this provision of Density Bonus Law.

EXHIBIT D

PLANNING CASE NO. PL 23-0272

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **July 19, 2023**, and the Project drawings consisting of Site Plans, Civil Sheets/Grading, and Landscape Plans; all designated as recommended for approval on **May 14, 2024**, and shall not be altered without express authorization by the Community Development Department.

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

A. General:

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

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

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

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

4. Conformance to Approved Plans.

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

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

6. Certificate of Occupancy.

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

7. Availability of Permit Conditions.

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

- b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.
- 8. Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
- 9. Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

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

- 10. Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Development Services. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Development Services Department.
- 11. Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
- 12. Clerk Recording.**
- a. **Exemption.** The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with

California Environmental Quality Act (“CEQA”) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the “County Clerk” in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency’s decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

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

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

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

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

16. Indemnification, Hold Harmless, Duty to Defend.

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, “Indemnified Parties”) from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney’s fees and other related litigation costs and expenses (collectively, “Claims”), of every nature caused by, arising out of, or in connection with (i) any

business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine

the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

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

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

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.

5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
12. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
13. **Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
14. **Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division

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

C. Parking and Loading/Unloading.

1. Parking within the cul-de-sac will be restricted due to the short length of the cul-de-sac and requirements to maintain appropriate turning radius within the bulb of the cul-de-sac for emergency vehicles.
2. A minimum of two covered parking spaces per lot/unit shall be provided, as described in the Planning Commission staff report, and garage setbacks of minimum 20 feet from the property line. For Lot 1, the garage shall be setback from the back of sidewalk, as determine by the Engineering Divison for ADA access and driveway design.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.

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

E. Specific Planning Division Conditions:

1. The Project shall be managed by a professional management company. A self-managed Home Owners Association (“HOA”) shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project Covenants, Conditions, and Restrictions (“CC&Rs”).
2. The parkway landscaping within the public right-of-way along the Citrus Avenue frontage adjacent to Lot 1 shall be maintained by the Project HOA.
3. The storm water basin and any fencing associated with the basin shall be maintained by the Project HOA. The basin and landscaping shall be with an appropriate mix of shrubs, ground cover and grasses.
4. The Applicant shall submit for Staff Design Review, which will be required prior to issuance of Building Permits, for the residential units. The income-restricted unit shall conform with the required of the Affordable Housing Agreement and all such requirements will be reflected in the design of such unit. This includes the design and appearance of the target unit, which shall be consistent or compatible with the design of the total housing development in terms of appearance, materials, and finish quality.
5. The Applicant shall obtain a demolition permit for the existing structures, and shall comply with construction waste management requirements, including any testing and removal of lead-based paint and asbestos.
6. The Applicant shall be responsible for ensuring the Project’s post-entitlement plans are consistent with the development waivers included in Attachment 2 to the Planning Commission staff report, dated May 14, 2024.
7. The Applicant shall submit a final noise report with the initial submittal of building plan check to demonstrate conformance with interior noise requirements for the units of 45 dB and the construction measures necessary to comply with the interior noise standard. Building permits shall not be issued until such noise report is provided and substantiates the final designs are in conformance with the General Plan’s Quality of Life standard pertaining to interior noise levels.

F. Housing and Neighborhood Services Conditions:

1. The Project shall provide a minimum of one dwelling unit for very-low-income households (those earning less than 50 percent of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to issuance of a building permit, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements (Within the affordable housing agreement, the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits). The agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for

all target units as described in Government Code section 65915(c)). Income qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.

2. All future units associated with the subject affordable lot shall be restricted to very-low-income households.
3. All affordability agreements shall run with the land and be binding on the applicant and its heirs, transferees, assigns, successors, administrators, executors, and other representatives, and recorded on the applicable property for the requisite period of time.

F. Specific Building Division Conditions:

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

G. Specific Engineering Conditions

GENERAL

1. The Applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and public storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map and Grading Plan. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private

improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warranty (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

5. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
8. The location and elevation of all existing improvements and utilities within the area of work shall be confirmed by field measurement prior to construction of new work. The Developer's contractor will make exploratory excavations and locate existing underground facilities sufficiently ahead of construction to allow for the submittal and approval of revisions to the plans by the City Engineer if revisions are necessary due to actual location of existing facilities. The Developer will be responsible for all costs associated with any necessary changes to the plans and scope of work.
9. The Developer's engineer shall submit to the Planning Department a copy of the Tentative Map as presented to the Planning Commission and/or the City Council. The Tentative Map will be signed by the Planning Division verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street and drainage improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer prior to first occupancy. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
2. Prior to first occupancy the developer shall construct street improvements, including but not limited to, up to 32' of full structural section paving and base, concrete curb, gutter, sidewalk, street lights, street trees, on the following streets within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
Citrus Avenue	Local Collector (42' CL to curb face)
Private Street	Suburban Standard (28' to curb face)

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

3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
4. The project entrances shall be designed as a street intersection with curb returns, cross gutters and spandrels, sidewalk ramps, or as an alley-type driveway apron per Escondido Standard Drawing E-5-E modified to provide sidewalk connectivity into the project, with a minimum throat width of 28 feet.
5. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
6. All on-site roads, driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks (one side only), street lights, paving and base.
7. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
8. All cul-de-sacs shall conform to the current Escondido Design Standards.
9. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
10. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
11. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
12. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.

13. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
14. The developer shall be required to construct a LED street light in accordance with Escondido Standard Drawing No. E-1-E on Citrus Avenue at the curb return on the northeasterly corner.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. Retaining wall setbacks shall be of sufficient width to allow for construction of all necessary concrete ditches necessary to convey offsite drainage.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
6. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary ditches and drain pipes and inlets.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
9. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
10. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.
11. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on

the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.

12. All existing foundations and structures, other than those designated “to remain” on the Tentative Subdivision Map, shall be removed or demolished from the site. These removals shall be completed prior to Final Map recordation.
13. Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The offsite drainage from the existing property to the south (APN 231-470-06) will need to be either bypassed via brow ditch or private drain pipe to the channel along the project’s easterly boundary or intercepted by the projects surface drainage improvements and treated in the basin(s) sized to do so
3. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner’s Association. Provisions stating this shall be included in the CC&Rs.
4. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted and approved as part of the grading plan check.
5. A Storm Water Quality Management Plan (SWQMP) in compliance with the City’s latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
6. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The proposed bio-retention basin within HOA Lot B shall be designed and constructed so that the bottom of 18” soil media filter layer is at or above the calculated Q2 HGL of the existing concrete channel

that this basin will out into. The project landscape plans will need to include planting and irrigation within this HOA Lot B bio-retention basin.

7. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
8. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
9. All perimeter concrete drainage ditches and drain pipes shall be sized for all tributary drainage and shall include adequate clean-out structures with backflow valves to prevent peak high flows in the existing concrete channel from flowing into the neighboring properties. Details and calculations for the ditches and inlets shall be submitted in the Drainage Study and approved as part of the Grading Plan check.

WATER SUPPLY

1. All water main locations and sizing shall be to the satisfaction of the City Engineer and Director of Utilities. Required water main improvements shall include the extension of a minimum 8-inch water main in the private road from the existing 18" water main in Citrus Ave. into the project's proposed cul-de-sac, to the satisfaction of the City Engineer and Director of Utilities. All proposed water mains shall be sized to provide the required fire flow while still meeting City Standards.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
3. Fire sprinklers are required by the Fire Department. A 1-inch minimum water meter, 1-inch minimum water service, and back flow prevention device shall be required for each lot. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.
4. Trees or deep-rooted plants shall not be planted within 10 feet of any water service.
5. All water services shall be installed per current City of Escondido Design Standards and Standard Drawings.

SEWER

1. All sewer main design, locations, and sizing of mains shall be to the satisfaction of the City Engineer and Deputy Director of Utilities. Required sewer main improvements include extension of the 8-inch sewer main into the cul-de-sac of the project from the existing manhole in Citrus Avenue north of the project (at an elevation low enough to serve the lowest lot within the project. A section of the existing sewer main in Citrus Avenue will likely need to be removed and reconstructed at a lower grade and any existing sewer laterals must be reconnected to the lowered sewer main extension per City Standards. Due to the depth of this sewer main it will need to be constructed with C-900 PVC.

2. An 8-inch sewer main shall be stubbed out to the southerly project boundary near the westerly corner of Lot 14 for future sewer main extension and service to the properties to the south.
3. The septic tank and leach field serving the existing house shall be removed with the demolition of this house.
4. Private 4" minimum PVC sewer laterals with standard clean-outs within 18" of the Public Utilities Easement/right-of-way shall be constructed for each Lot and shown on the Improvement and Grading plans. A few of the Lots will require the installation of sewer backwater valves due to the finish floor of the homes being below the next upstream sewer manhole. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.
5. All sewer mains, laterals and appurtenances shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
6. Trees or deep-rooted bushes shall not be planted within 10-feet of any sewer lateral, or within 15-feet of any sewer main.
7. All sewer laterals will be considered a private sewer system. The property owners will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal. The landscape plans shall include required fencing and screen wall installation and the wall finish details for the retaining walls.
2. Permanent landscaping shall be installed along the project frontage, along the private street (HOA Lot A) parkways, and the bioretention basin (HOA Lot B). The landscaping, including storm water treatment basin, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown, delineated, dimensioned, and clearly labeled on the Final Map.
2. Private drainage easements shall be shown on the Final Map and granted to the Homeowners Association upon transfer of title for all private drainage facilities including any brow ditches (5' min. wide) and drain pipes (10' min. wide) needed to convey storm water within the project.

3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. A public utility easement shall be dedicated over the private street (Lot A) and where sidewalks are required, the public utility easement shall extend a minimum of four (4) feet behind the back of sidewalk.
5. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the Final Map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the Home Owners' Association of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, private street lighting, storm drains, basins, storm water treatment BMPs (onsite and in the right-of-way), and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The developer shall make provisions in the CC&Rs for Home Owner's Association maintenance, repair and access to all brow ditches which pass from one lot through an adjacent lot. Copies of an approved wording and format for this section of the CC&Rs may be obtained from the Engineering Department.

4. The CC&Rs must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association when repair or replacement of private utilities is done.
5. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the Home Owners' Association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.
6. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.
7. The CC&Rs must state that sewer laterals are a private sewer system and that each home owner will be responsible for all maintenance of their individual sewer laterals to the sewer main.

UTILITY UNDERGROUNDING AND RELOCATION

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



STAFF REPORT

DATE: May 14, 2024
Planning Commission By-Laws

PROJECT NUMBER / NAME: Planning Commission By-Laws

REQUEST: Discussion related to the Planning Commission By-Laws.

PROPERTY SIZE AND LOCATION: N/A

APPLICANT: N/A

GENERAL PLAN / ZONING: N/A

PRIMARY REPRESENTATIVE: N/A

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: On April 23, 2024, Commissioner Jester motioned, and Vice-Chair Barber concurred, that the Commission discuss the Planning Commission By-Laws.

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

STAFF RECOMMENDATION: None.

REQUESTED ACTION: None.

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS:
 Christopher W. McKinney, Deputy City Manager, Acting Director of Development Services
 Veronica Morones, City Planner



CITY of ESCONDIDO

STAFF REPORT

Agenda Item No. 6

May 14, 2024

Tentative Future Agenda Items

DATE: May 14, 2024
TO: Planning Commissioners
FROM: Veronica Morones, City Planner
SUBJECT: Tentative Future Agenda Items

The items listed below are anticipated to be brought to the Planning Commission for consideration, discussion, and/or recommendation to the City Council over the next several months. Because there are factors out of City staff's control, this list is subject to change. The intent is to provide visibility regarding projects that the Commission should expect to see in the near future. (Items are listed in no particular order.)

Additionally, these items shall not be considered to be agenda items for this meeting so no discussion is permitted other than clarification of what the item is.

Private Development Projects:

- Single-Room Occupancy Motel Conversion
- Hazardous Waste Transfer Facility
- Conway/Ash Subdivision Unit Design Review

Policy Work:

- General Plan Amendment – EVSP Follow-Up
- Annual Progress Reporting
- Pre-Approved Accessory Dwelling Unit Program

Informational Presentations:

- California Environmental Quality Act
- Historic Preservation
- North County Mall Permit History