

PLANNING COMMISSION MEETING

October 24, 2023 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

Rick Paul

VICE CHAIR

Katharine Barba

COMMISSIONERS

David Barber Carrie Mecaro Judy Fitzgerald Barry Speer

Stan Weiler

MINUTES CLERK

Alex Rangel

How to Watch

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

In Person



201 N. Broadway, Escondido, CA 92025

HOW TO PARTICIPATE

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

In Person

In Writing





Fill out Speaker Slip and Submit to City Clerk

https://escondido-ca.municodemeetings.com



TUESDAY, OCTOBER 24, 2023

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 to city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.







TUESDAY, OCTOBER 24, 2023

AGENDA

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. September 26, 2023

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.

PL22-0603/PL22-0604/PL23-0239 – 555 N. Tulip Street / Goal Line Battery Storage

REQUEST: A request for a Zone Map Amendment to re-zone the subject property from Planned Development – Industrial (PD-I) to General Industrial (M-2). A request to amend the zoning ordinance to allow for an increase in fence height on a case-by-case basis for industrial and commercial zoned properties subject to an administrative adjustment application, unless associated with a discretionary action that requires a public hearing. A Major Plot Plan to facilitate the construction of a lithium-ion battery energy storage utility capable of delivering up to 50 megawatts ("MW") of energy storage. The Project includes associated on-site and off-site improvements including but not limited to: demolition of a portion of the existing building, construction of screening walls, and landscaping. The proposal also includes the adoption of an Initial Study/Mitigated Negative Declaration prepared for the project.



Planning Commission

TUESDAY, OCTOBER 24, 2023

PROPERTY SIZE AND LOCATION: The approximately 6.32-acre site is located on the south side of Tulip Street, between Hale Avenue and West Valley Parkway, and is addressed at 555 N. Tulip St. (Assessor's Parcel Number(s): 232-131-25-00)

APPLICANT: Goal Line BESS 1 LLC and Goal Line LP

CEQA RECOMMENDATION: Recommend Adoption of the Final Initial Study/Mitigated Negative

Declaration

STAFF RECOMMENDATION: Recommend Approval

CITY COUNCIL HEARING REQUIRED: X YES NO

CURRENT BUSINESS

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

3. Tentative Future Agenda

ADJOURNMENT



CITY of ESCONDIDO PLANNING COMMISSION MINUTES

September 26, 2023 at 7:00 PM Council Chambers: 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR COMMISSION MEETING

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CHAIR

Rick Paul

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Katharine Barba

COMMISSIONERS

David Barber Judy Fitzgerald Carrie Mecaro Barry Speer Stan Weiler

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, September 26, 2023

MINUTES

CALL TO ORDER: 7:00 p.m.

FLAG SALUTE: David Barber

ROLL CALL:

Commissioners Present: Rick Paul, Chair; David Barber, Commissioner; Judy Fitzgerald, Commissioner; Carrie Mecaro, Commissioner; Barry Speer, Commissioner; and Stan Weiler, Commissioner.

Commissioner Absent: None.

City Staff Present: Veronica Morones, City Planner; Dare DeLano, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Alex Rangel, Minutes Clerk.

APPROVAL OF MINUTES: September 12, 2023

Motion: Commissioner Weiler; Second: Commissioner Mecaro

Motion carried (6-0) to approve the minutes.

Ayes: Paul, Barber, Fitzgerald, Mecaro, Speer, and Weiler.

Abstain: Barba.

WRITTEN COMMUNICATIONS:

None.

ORAL COMMUNICATIONS:

None.

PUBLIC HEARINGS:

1. PL23-0329 – 2023 Omnibus Zoning Code Update

REQUEST: A request for a series of amendments to the Escondido Zoning Ordinance and one amendment to the Escondido Subdivision Ordinance to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Chapter 33, including Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 36 (Cargo Container Restrictions), 39 (Off-Street Parking), 55 (Grading and Erosion Control), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 79 (East Valley Parkway Overlay Zone); and to Chapter 32 Article 2 (Tentative Maps).

PROPERTY SIZE AND LOCATION: CityWide.



PLANNING COMMISSION MINUTES

Tuesday, September 26, 2023

ENVIRONMENTAL STATUS: Statutorily or categorically exempt pursuant to Public Resources Code section 21080.17 and CEQA Guidelines sections 15061(B)(3), 15282(h), 15304, and/or 15378(b) as they do not qualify as a "project" under CEQA.

qualify as a "project" under CEQA.
APPLICANT: City of Escondido.
STAFF RECOMMENDATION: Approval
PUBLIC COMMENT:
None.
COMMISSION DISCUSSION:
Commissioners discussed various aspects of the omnibus update regarding the language changes and state requirements.
COMMISSION ACTION:
Motion to approve Planning Commission Resolution 2023-18, approving the project. Motion: Commissioner Weiler; Second: Vice-Chair Barba. Motion carried (7-0) to approve. Ayes: Paul, Barba, Barber, Fitzgerald, Mecaro, Speer, and Weiler.
CURRENT BUSINESS:
None.
FUTURE AGENDA ITEMS:
None.
ORAL COMMUNICATIONS:
None.
PLANNING COMMISSIONERS:
None.

CITY PLANNER'S REPORT:

City Planner Morones provided information related to the cancellation of the October 10, 2023 Planning Commission meeting, and the upcoming October 24, 2023 Planning Commission meeting.



CITY of ESCONDIDO PLANNING COMMISSION MINUTES

Tuesday, September 26, 2023

ADJOURNMENT

hair Paul adjourned the meeting at 7:26 p.m.	
Veronica Morones, Secretary to the Escondido	Alex Rangel, Minutes Clerk
veroffica filoroffes, secretary to the Escondido	



STAFF REPORT

DATE: October 24, 2023 PL22-0603/PL22-0604/PL23-0239 – Goal Line Battery Storage

PROJECT NUMBER / NAME: PL22-0603/PL22-0604/PL23-0239 – 555 N. Tulip Street / Goal Line Battery Storage

REQUEST: A request for a Zone Map Amendment to re-zone the subject property from Planned Development – Industrial (PD-I) to General Industrial (M-2). A request to amend the zoning ordinance to allow for an increase in fence height on a case-by-case basis for industrial and commercial zoned properties subject to an administrative adjustment application, unless associated with a discretionary action that requires a public hearing. A Major Plot Plan to facilitate the construction of a lithium-ion battery energy storage utility capable of delivering up to 50 megawatts ("MW") of energy storage. The Project includes associated on-site and off-site improvements including but not limited to: demolition of a portion of the existing building, construction of screening walls, and landscaping. The proposal also includes the adoption of an Initial Study/Mitigated Negative Declaration prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 6.32-APPLICANT: Goal Line BESS 1 LLC and Goal Line LP acre site is located on the south side of Tulip Street, between Hale Avenue and West Valley Parkway, and is addressed at 555 N. Tulip St. (Assessor's Parcel Number(s): 232-131-25-00) GENERAL PLAN / ZONING: General Industrial (G-PRIMARY REPRESENTATIVE: Emiliano Pelegri (Onward I)/Planned Development – Industrial (PD-I) Energy) DISCRETIONARY ACTIONS REQUESTED: Zone Map Amendment, Zone Text Amendment, and Major Plot Plan PREVIOUS ACTIONS: N/A CEQA RECOMMENDATION: Recommend Adoption of the Final Initial Study/Mitigated Negative Declaration STAFF RECOMMENDATION: Recommend Approval REQUESTED ACTION: Approve Planning Commission Resolution No. 2023-19 CITY COUNCIL HEARING REQUIRED: X YES NO REPORT APPROVALS: Christopher McKinney, Interim Director of Development Services

X Veronica Morones, City Planner



STAFF REPORT

BACKGROUND

The Project site is approximately 6.32 acres, and is located on the east side of North Tulip Street and is addressed at 555 N Tulip St (see Attachment 1). The general area consists of primarily industrial uses, and is adjacent to a flood control channel. The site is located within the General Industrial (GI) General Plan land use designation, and is zoned Planned Development – Industrial (PD-I) (see Attachment 2). The site was developed under 92-43-PD/CZ which facilitated the development of the existing natural gas facility, and the vacant ice-oplex facility.

SUMMARY OF REQUEST

Goal Line Bess 1, LLC and Goal Line LP ("Applicant") submitted requests for a Zone Map Amendment to change the zone of the subject property from Planned Development Industrial (PD-I) to General Industrial (M-2); a Zone Text Amendment to amend Division 2 (Variances and Administrative Adjustments) in Article 61 (Administration and Enforcement) to allow for an increase in fence height on a case-by-case basis subject to an Administrative Adjustment Permit, unless associated with a discretionary action that requires a public hearing; and a Major Plot Plan to construct a lithium-ion battery energy storage utility capable of delivering up to 50 MW of energy storage ("Project"). No changes are proposed to the existing natural gas facility or operations on the project site.

The Project also includes the demolition of a portion of the existing vacant ice-rink building; construction of a decorative screen wall up to 12-feet around the property boundary for screening and security purposes; and various on- and off-site improvements related to landscaping, stormwater management, and driveway removal. The Applicant intends to utilize the remaining portion of the existing building for office space.

SUPPLEMENTAL DETAILS OF REQUEST

For the Major Plot Plan, the following details the minimum required development standards and the Project's provided compliance. For the Zone Text Amendment, Attachment 3 details the proposed text changes shown in underlined/bolded text.

1. Property Size: 6.5 acres

		Minimum Required*	<u>Provided</u>
2.	Lot Coverage/Floor Are Ratio:	None	.02
3.	Building Height	Uniform Building Code	N/A**
4.	Motor Vehicle Parking:	N/A***	11
5.	Setbacks:		
	a. Front Yard:	10'-0"	20'-0"
	b. Rear Yard:	0'-0"	20'-0"
	c. Side Yard:	0'-0"	20'-0"
6.	Open Space / Landscaping:	Subject to Article 62	Complies with Article 62
7.	Signage:	Subject to Article 66	N/A



CITY of ESCONDIDO

STAFF REPORT

- *As required by the newly adopted M-2 zoning district
- **No building is proposed as a part of the Project
- ***As determined by the Planning Commission for utilities (Section 33-767 of Article 39)

PROJECT ANALYSIS

1. General Plan Conformance:

a. Land Use and Community Form:

For the Zone Map Amendment, the subject property is located within the General Industrial (GI) land use designation of the City's 2012 General Plan. The intent of this land use designation is to support a range of industrial uses, including utilities. The rezone to General Industrial (M-2) would be consistent with the underlying land use designation in that Figure II-6 of the Land Use and Community Form chapter identified the M-2 zoning as the appropriate zoning designation for the GI land use designation. Further, the properties surrounding the project include sites with land use and zoning designations consistent with the proposed M-2 zone change. Specifically, properties to the northwest, northeast, and east of the site consist of M-1 and M-2 zones with GI land use designations. The flood control channel abuts the southern portion of the project site. The nearest residential uses are located approximately 900-feet to the south of the project site, south of West Valley Parkway.

For the Zone Text Amendment, the amendment would allow for a maximum 25 percent and 50 percent increase in fence height for commercial and industrial zoned properties, respectively, through the administrative adjustments process. The proposed amendment would align with Land Use Policy 10.9, which seeks to "allow more flexible requirements affecting...screening of outside storage...depending on location and visibility from off-site areas on properties designated General Industrial."

b. Economic Prosperity

Twenty-First Century Industries Policy 4.1: Maintain sufficient land for the long-term development of technology industries and corporate headquarter facilities

For the Major Plot Plan, the Applicant intends to demolish an underutilized building and construct a battery energy storage facility—a newer technology --to support the long-term development of the site. The construction of a lithium-ion battery storage utility would ensure electrical reliability and stability within the local area. Based on the Project's compliance with required development standards for the M-2 zone, the site is suitable for the type of development that is proposed.

2. Zoning Conformance:

a. Zone Map Amendment



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The Project involves a re-zone of the property from Planned Development – Industrial (PD-I) to General Industrial (M-2). The M-2 zoning designation is consistent with the General Plan Designation of General Industrial (GI) as indicated in Figure II-6 of the City's Land Use and Community Form chapter of the 2012 General Plan and Section 33-563 (General plan compatibility) of the Escondido Zoning Code. The intent of the M-2 zoning district is to permit the widest range of manufacturing, warehousing, and other heavy industrial uses that require the least restrictive design standards. The proposed use is permitted by-right within the M-2 zoning district and is categorized as "utilities" as shown on the permitted and conditionally permitted principal uses in Section 33-564 of Article 26 (Industrial Zones). Therefore, the proposed M-2 zoning designation would be consistent with the existing land use designation of GI, and the proposed use of the subject property would be consistent with the M-2 zoning district.

b. Zone Text Amendment

The Project includes a request to amend Chapter 33 (Zoning) of the Escondido Municipal Code. The request would amend Section 33-1221 (Administrative adjustment defined) and Sections 33-1223 (Application and Procedure) within Division 2 (Variances and Administrative Adjustments) of Article 61 (Administration and Enforcement) of Chapter 33. The proposed amendment would allow for a 25 percent and 50 percent increase in fence height for commercial and industrial zoned properties, respectively, through the administrative adjustment process, where currently such an option does not exist. Under existing regulations, commercial and industrial zones are subject to a maximum fence height of 8-feet when located outside the required front and street side yards. Therefore, the proposed amendment would allow for an overall increase in fence heights within the commercial and industrial zones (10and 12-feet, respectively) subject to an Administrative Adjustment Permit. The proposed amendment includes language intended to streamline the review for such requests when associated with a discretionary action that requires a public hearing. This would maintain the public notification process that is typically done for an Administrative Adjustment Permit without requiring a separate application or Notice of Intended Decision, as staff would package the Administrative Adjustment Permit with the public hearing entitlements.

Specifically for the Project, the Zone Text Amendment would allow for the Applicant to construct 12-foot screen walls to shield the battery equipment from view, and secure the site. The Applicant proposes screen walls outside of the required 10-foot front yard setback, constructed of decorative material. Furthermore, the heavy landscaping proposed in front of the screen walls will serve as a natural screen is conditioned as a part of Exhibit F (Condition of approval no. E.3). In order for the Applicant to utilize the newly amended administrative adjustment process, the Applicant shall be conditioned to apply for an Administrative Adjustment Permit subject to review and approval by the Development Services Director (Condition of approval no. E.5). Failure to obtain an Administrative Adjustment Permit, will result in the Applicant constructing 8'-0" screen walls as permitted by the Escondido Zoning Code.



STAFF REPORT

3. Site Design

a. Grading, topography, retaining wall, and fencing:

The project site is relatively flat and no major grading is proposed for the site. The Project includes a request to construct 12-foot screen walls along the project boundary and would complement the existing 20-foot screen wall that currently surrounds the existing natural gas facility. The screen wall would be constructed of decorative material and coated with antigraffiti coating to mitigate any issues with graffiti, as conditioned under Exhibit F (Condition of approval nos. E.2 and D.6.d, respectively).

b. Project Access and Circulation:

The project site is currently accessed from N. Tulip St. The Applicant proposes to remove two existing driveways while maintaining the two existing driveways on the northerly and southernly areas of the property as part of the Project. Circulation throughout the site would occur via a 20-foot-wide driveway for Fire Department access, located primarily around the perimeter of the site.

c. Open Space and Landscaping

The project site contains existing landscaping adjacent to N. Tulip St. which consists primarily of *Washingtonia Robusta* ("Mexican Fan Palm") and a mix of shrubs. The Applicant would introduce additional trees such as a *Vachellia Farnesiana* ("Sweet Acaia"), *Lagerstromemia Indica x Fuariei* ("Comanche Crape Myrtle"), *Laurus Nobilis* ("Sweet Bay"), and *Trachycarpus fortunei* ("Windmill Palm"). Additionally, the Applicant would introduce groundcover, such as lava rock, to deter individuals who may seek to graffiti the screen wall. The Project includes a total of 104 trees in an effort to further screen the site, and the 12-foot screen wall would be covered by deciduous vines such as *Parthenocissus tricuspidate* ("Boston Ivy"). The Project would comply with Article 62 (Water Efficient Landscape Regulations) of the Escondido Zoning Code, and would not exceed the Maximum Allowable Water Allowance.

d. Parking:

Pursuant to Section 33-766 (Parking requirements for land uses not specified) of the Escondido Zoning Code, parking rates for land uses which are not specified are determined by the Planning Commission. Private utility facilities are not listed within the City's parking ordinance (Article 39); therefore, the Planning Commission retains authority in determining such rates. Additionally, Section 33-767 (Parking provisions may be waived by commission) stipulates the Planning Commission may waive or modify off-street parking requirements for utilities based on the anticipated usage of the site. The Applicant proposes to maintain 11 of the existing off-street parking spaces as a part of the Project. A majority of the proposed operations would be managed remotely, and a maximum of four employees would be on-site during the week.



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Based on these operational characteristics of the use, staff recommend the Planning Commission determine a minimum of 11 off-street parking spaces on site as adequate for the Project. Condition of approval no. C.1 ensures the project site would retain the 11 off-street parking spaces at all times.

4. Battery Energy Storage System (BESS) Enclosures

The Project involves the construction and operation of lithium-ion battery storage units that are capable of delivering up to 50 MW of energy storage with an 8-hour capacity. The energy stored within the battery enclosures would be discharged into the existing electrical grid when the energy is needed, providing important reliability services to the area. The dimensions of an enclosure vary between manufactures; however, they would be arranged in "blocks" across the site, as shown on the site plan. Enclosures would range in height based on the ultimate chosen battery manufacturer, with a low-end height of 10-feet, up to 20-feet in height for larger enclosures. Stacking of the enclosures is not anticipated; the analysis for the Project relative to the environmental document and the Project itself, assumed a worst-case scenario. In the event the battery manufacturer chosen allows for larger enclosures to stack, condition of approval no. E.4 would require the Applicant to step back battery stacking to the extent feasible, and to the satisfaction of the Development Service Director.

At this time, the Applicant has not selected the ultimate make, model, and manufacturer of the batteries as they will need to evaluate models that are available at the time of Project construction. Regardless, the selected model would be designed, constructed, and operated pursuant to the California Fire Code (CFC). Furthermore, as required by the City General Plan 2012 Update Final EIR, the applicant will be need to obtain a Hazardous Material Business Plan ("HMBP") from the County of San Diego's Department of Environmental Health which will address three areas: 1) an inventory of the hazardous material, including a site map; 2) an emergency response plan; and 3) an employee training program. The Department of Environmental Health requires an applicant recertify their HMPB every year, which will apply to the project applicant. The Applicant provided a product and site review analysis of the potential battery storage units that may be selected as a part of their application (see Attachment 4). The purpose of the analysis is to evaluate the potential models that may be procured, and the applicable National Fire Protection Association 855 (2023) and Chapter 12 of the California Fire Code (2022) edition regulations that would apply to the Project. If the Applicant selects a make/model/manufacturer not identified on the product and site review analysis, they will still be responsible for selecting a product that complies with the aforementioned code sections, per Fire Department condition of approval no. G.3. Based on the review of the products detailed, all products would meet the minimum code requirements. Additionally, the City's Staff Development Committee provided condition of approval for the Project to ensure no impacts to the public health, safety, and welfare.

FISCAL ANALYSIS



CITY of ESCONDIDO

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

ENVIRONMENTIAL ANALYSIS

The California Environmental Quality Act ("CEQA") applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. CEQA Guidelines Section 15367 states that a lead agency, in this case, the City of Escondido, is the agency that has the principal responsibility for carrying out or approving a project and is responsible for compliance with CEQA. As lead agency, the City must complete an environmental review to determine if implementation of the Project would result in significant adverse environmental impacts. In compliance with CEQA, an Initial Study ("IS") was prepared to assist in making that determination. Based on the nature and scope of the Project and the evaluation contained in the IS environmental checklist, the City concludes that a Mitigated Negative Declaration ("MND") is the appropriate level of analysis for the Project.

As provided in CEQA Statute Section 21064.5, and stated in CEQA Guidelines section 15070, an MND can be prepared when "(a) the initial study shows that there is not substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) the initial study identifies potentially significant effects, but (1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment." The MND prepared for the Project identified potentially significant impacts in the areas of Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. However, through incorporation of mitigation measures, the impacts can be reduced to a less-than-significant level.

A Draft IS/MND was released for a 30-day public review period from July 13, 2023 to August 14, 2023. No comment letters were received during the public review period. The Final IS/MND identifies no new environmental impacts which have not been addressed through the aforementioned mitigation measures. The Final IS/MND is included as Exhibit "H" to Planning Commission Resolution No. 2023-19.

PUBLIC INPUT

In addition to public notification provided when the Draft IS/MND was released for public review, notification of this public hearing was provided consistent with the requirements of both the Escondido Zoning Code and State Law. Staff has not received any correspondence from the public regarding the Project as of the publication of this report.

CONCLUSION AND RECOMMENDATION

The Project proposes construction of a lithium-ion battery storage utility that is compatible with the surrounding uses and makes efficient use of the Property. The Project is located in an area of the City that consist of industrial uses, is separated from commercial uses to the south by the existing flood channel, and is not located near residential uses. The Project would redevelop a portion of a site that has a vacant building



CITY of ESCONDIDO

STAFF REPORT

and empty parking lot. The redevelopment of the site would introduce new landscaping and screening for the proposed use, and would make better use of the site than currently exist. Additionally, the Project would provide energy storage with an 8-hour capacity increasing electrical reliability services to the local area.

Staff recommends that the Planning Commission adopt Resolution 2023-19, recommending City Council adopt the Mitigated Negative Declaration prepared for the Project included as "H" to said Resolution, and approve the Zone Map Amendment, Zone Text Amendment, and Major Plot Plan, based on the findings of fact and conditions of approval included as Exhibits "F," and "G," respectively, to said Resolution.

ATTACHMENTS

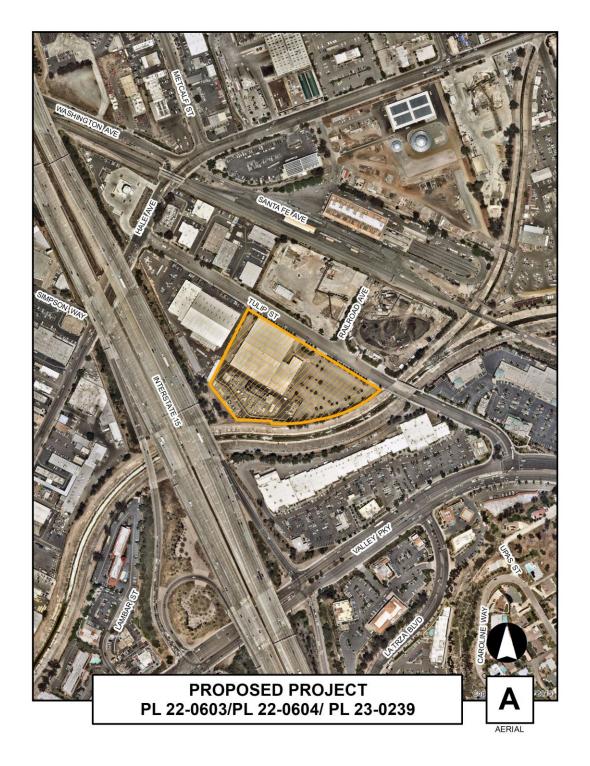
- 1. Location Map
- General Plan and Zoning Maps
- 3. Zone Text Amendment (Underline/Bolded)
- 4. Product and Site Review Report by Jensen Hughes (dated June 6, 2023)
- 5. Draft Planning Commission Resolution No. 2023- 19 including Exhibits A H



STAFF REPORT

ATTACHMENT 1

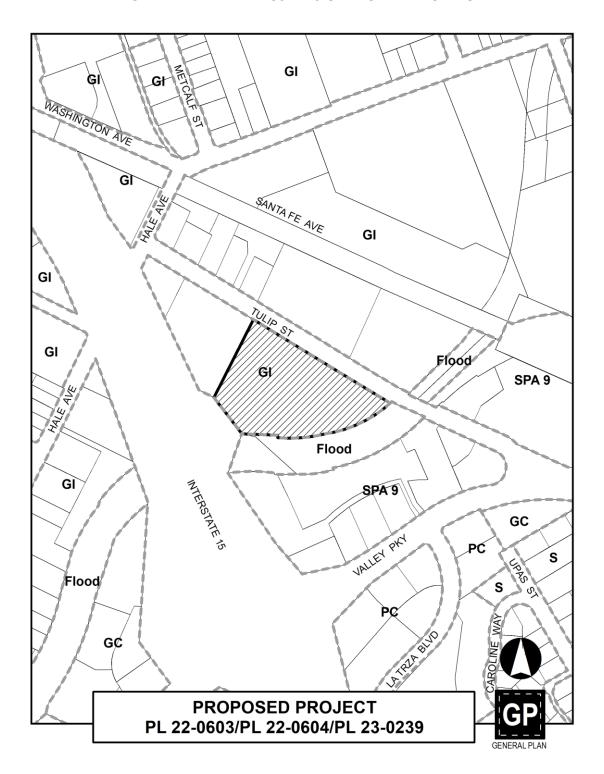
LOCATION MAP





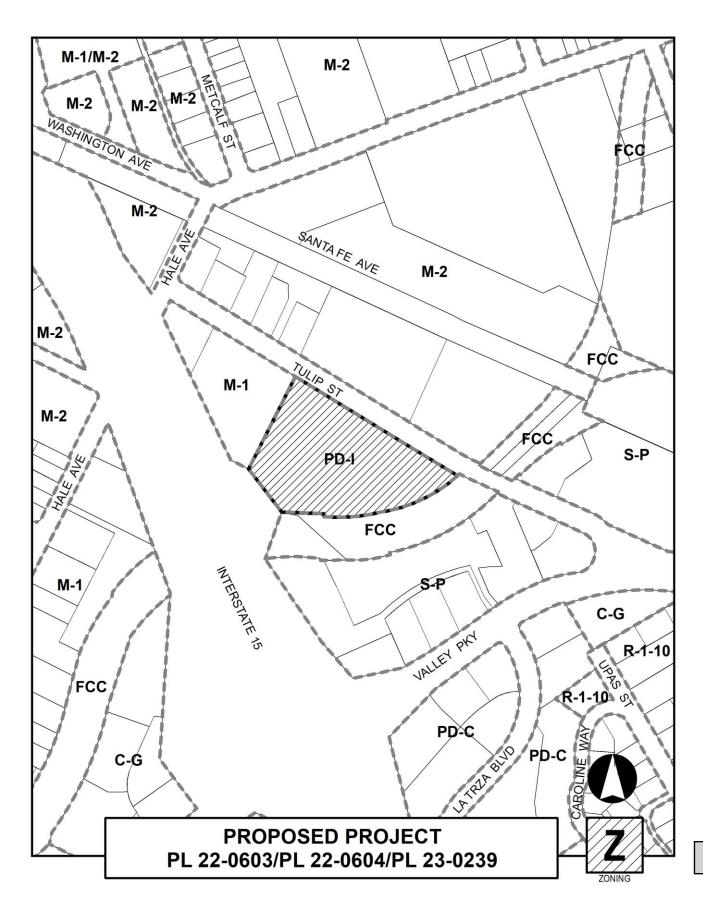
STAFF REPORT

ATTACHMENT 2 GENERAL PLAN LAND USE DESIGNATION AND ZONING





STAFF REPORT





STAFF REPORT

ATTACHMENT 3

ZONE TEXT AMENDMENT

*Proposed changes shown as <u>Underline/**Bolded** text</u>

Sec. 33-1221. Administrative adjustment defined.

Administrative adjustment is a reduction or exceedance of certain standards prescribed in the zoning code, which may be granted in accordance with the requirements of this division. An administrative adjustment may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Administrative adjustments may be requested for the following property development standards:

- (a) Up to a twenty-five (25) percent reduction of required yards/setbacks for structures, signs, and parking areas;
- (b) Reductions up to twenty-five (25) percent of the required number of parking spaces for uses in non-residential zones, pursuant to section 33-764 of this chapter.
- (c) Increases above the fifty (50) percent limitation on the cumulative costs of improvements as a percentage of the replacement value of the nonconforming use for a nonconforming single-family residential structure in a single-family zone, pursuant to section 33-1243 of this chapter.
- (d) Modifications of the identified front, street side, side and rear lot lines of a lot in order to facilitate orderly development on a parcel subject to unusual circumstances, including but not limited to, topography, grading, drainage and stormwater treatment, utility facilities, easements, access and other site constraints or development requirements.
- (e) Up to a twenty-five (25) percent increase in fence height for commercially zoned properties, and up to a fifty (50) percent increase in fence height for industrially zoned properties.
- (f) Other adjustments as specified by this chapter.

Sec. 33-1223. Application and procedure.

(a) Application. Application for a variance may be initiated by the property owner or agent of the property affected, or the city council. Application for an administrative adjustment may be initiated by the property owner or owner's agent. An application shall be made on forms provided by the city and shall be accompanied by a fee in the amount established by resolution of the city council. The application shall further be accompanied by such materials as may be required by the zoning administrator and director.



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- (b) Variance Procedure. The zoning administrator shall hold a public hearing pursuant to Division 6 of this article. Such hearing may be continued from time to time as deemed necessary by the zoning administrator.
- (c) Administrative Adjustment Procedure. The director shall review the requested adjustment, the applicant's justification, the compatibility with adjacent properties or improvements and any other pertinent factor(s). If an administrative adjustment is associated with a discretionary application that requires a public hearing, the request shall be reviewed by the appropriate decision—making body for the discretionary action, and a separate application or Notice of Intended Decision is not required.



STAFF REPORT

ATTACHMENT 4

PRODUCT AND SITE REVIEW REPORT



ONWARD ENERGY GOAL LINE ENERGY STORAGE

Outdoor Battery Energy Storage System

Product and Site Review



Advancing the Science of Safety

PREPARED FOR

Onward Energy Austin Porter Austin.Porter@OnwardEnergy.com

Project #: 1WNF22033

Date: 6/6/2023

William N. Fletcher, PE 11545 West Bernardo Court, Suite 300 San Diego, CA 92127

wfletcher@jensenhughes.com 1-619-310-9576

Rev 1 jensenhughes.coi ²³

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Introduction

Onward Energy is proposing to install a 50-MW battery energy storage facility located at 555 N. Tulip Street in Escondido, California. The site will contain lithium-ion battery units that will discharge directly to the electrical grid via an existing substation facility on site.

This Site and Vendor Product Review is intended to be developed into a larger technical report which will contain a hazard mitigation analysis on the selected battery units and the installation in addition to an analysis of other fire protection and life safety features for the site.

Codes and Standards

This evaluation considers the available design and operation information within the context of current prescriptive codes, including NFPA 855 (2023 Edition), *Standard for the Installation of Stationary Energy Storage Systems* and Chapter 12 of the California Fire Code (2022 Edition).

NFPA 855

NFPA 855, Standard for the Installation of Energy Storage Systems is a collection of criteria for the fire protection of ESS facilities. The NFPA states that the standard provides "requirements based on the technology used in the ESS, the setting where the technology is being installed, the size and separation of ESS facilities, and the fire suppression and control systems that are in place."

The 2023 Edition of this standard was approved as an American National Standard on September 1, 2022.

CALIFORNIA FIRE CODE (CFC)

Chapter 12 of the 2022 Edition of the California Fire Code (CFC) applies to the installation, operation, and maintenance of lithium-ion energy storage systems.

Site Review

The following section has been provided based on a review of the provided site plan. Compliance has been reviewed for the applicable fire department access requirements, water supply site requirements, and applicable setbacks for the battery storage units. Once a final product manufacturer is selected a site plan with the proposed fire department connection locations, fire hydrant locations, and container distances will be provided for City of Escondido Fire Department review and approval.

FIRE DEPARTMENT ACCESS

A fire apparatus access road will be provided for the facility in accordance with the CFC Section 503. The fire apparatus access road will be required to extend to within 150 feet of the existing structure that is to remain on the property (CFC Section 503.1.1). The battery containers are unoccupied but are in a fixed position and are used to store combustible substances, therefore the fire apparatus access road will be required to extend within 150 feet of all containers. The proposed access road runs along the north, west, and east perimeter of the site and to the existing building through the battery storage area as shown in red in Figure 1. The current proposed fire department access road is within 150 feet of the exterior walls of the existing building and all proposed battery storage containers.

The access road will continue through the adjacent existing natural gas plant which is has the same owner as the battery storage facility. The existing natural gas plant is required to be provided with a fire department access road, so the connection of the roads will be required to be maintained. The only proposed obstructions between the facilities are the screening wall located southeast of the existing to remain building with a gate and gates located at the road connections of the facilities. The gates located on the fire apparatus access road will be provided with emergency access as discussed later in this report. Therefore, the access road that loops around the full facility can provide access to both the battery storage area and the natural gas plant.



Figure 1 – Proposed Fire Department Access Road.

The access road will have an unobstructed width of at least 20 feet and an unobstructed vertical clearance of at least 13 feet 6 inches (CFC Section 503.2.1). The grade of the road will not exceed 15% and therefore will not be required to be provided with mitigation measures as required by the City of Escondido. Additionally, the road will be provided with a minimum inside turning radius of 28 feet in accordance with City of Escondido policy.

The fire apparatus access road is required to be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and be surfaced so as to provide all-weather driving capabilities (CFC Section 503.2.3). Any dead-end fire apparatus access roads in excess of 150 feet in length are required to be provided with an approved area for turning around fire apparatus (CFC Section 503.2.5).

The fire apparatus access road is proposed to be provided with gates at the entry points from North Tulip Street and at the connections between the natural gas plant and the battery storage facility. Security gates are allowed to be installed across fire apparatus roads in accordance with CFC Section 503.6. Gates are required to be installed a minimum of 30 feet from the nearest edge of the roadway and driveways providing access to the apparatus road must be 36 feet wide at the entrance. The proposed locations of the gates are accessed by driveways exceeding the required 36-foot width and are located approximately 57 feet from North Tulip Street. The gates located at the connections to the natural gas facility will also meet these requirements. The gates are required to have an emergency key-operated switch overriding all command functions operation which will remain operational at all times (CFC Section 503.6 and City of Escondido Policy).

WATER SUPPLY

The Goal Line energy storage facility is required to be provided with an approved water supply (CFC Section 507.1 and NFPA 855 Section 9.6.3.1). The fire flow requirements were determined for the existing building on site by CFC Appendix B. The building appears to be non-combustible construction and was therefore assumed as Type IIB as this results in the most conservative fire flow for a non-combustible building. This construction type will be confirmed, and fire flow requirements will be updated if needed. Based on the proposed area of 7,268 square feet, the required fire flow is 1,750 gallons per minute for a duration of 2 hours (CFC Table B105.1(2)). However, since the building is provided with an automatic sprinkler system, the flow can be reduced to 25% of this value with a minimum flow of 1,000 gallons per minute. A hydrant flow test is required to be performed to verify that the 1,000 gallons per minute demand at 20 psi can be provided for the site.

Sufficient water flow also needs to be provided for the battery storage containers and the hazard created by the batteries. CFC Appendix B is intended to be used for calculating fire flow for buildings and would not typically apply to battery storage containers. However, if the containers were to be evaluated in accordance with CFC Appendix B, the resulting fire flow would be the minimum required 1,500 gallons per minute in Table B105.1(2) with no reduction for an automatic sprinkler system. Additionally, some of the products being considered have water-based suppression systems that would be required to be provided with sufficient water flow for the system. If these internal fire suppression systems were utilized in UL 9540A testing to meet performance criteria, the minimum water flow used in testing would be required to be provided. However, for the products where UL 9540A test data was provided, internal fire suppression systems were not utilized and therefore the test data does not provide a minimum water flow. To meet UL 9540A performance criteria for the unit level test (which was performed for all manufacturers who provided data), no flaming outside of the testing unit was allowed and surface temperatures in target units could not exceed the temperature at which thermally initiated cell venting occurs. Therefore, it is unlikely that a fire would propagate to an adjacent container even without water being supplied to the system. Firefighting may also be used to protect adjacent exposures rather than as an attempt to suppress the flaming unit. In this case, fire flows that are calculated for buildings should be sufficient to reach an acceptable level of protection for the facility. At a minimum, fire flows will be provided to meet manufacturer's guidelines for the units and will be evaluated as part of the hazard mitigation analysis based on the specific product selected.

The site is required to be equipped with fire hydrants installed in accordance with NFPA 24. Existing fire hydrants on the adjacent natural gas plant property are allowed to be considered if a fire apparatus access road extends between the properties and an easement is established to prevent obstructions of

the roads. Fire hydrants are required to be provided with a 3-foot clear space maintained around the circumference at all times (CFC 507.5.5).

Fire hydrants will be provided to meet the fire flow requirements and are required to be provided every 350 feet by City of Escondido policy or as required by CFC Appendix C, whichever is smaller. Based on the fire hydrant spacing requirement for a fire flow of 1,750 gallons per minute or less, the site is required to be provided with a minimum of one fire hydrant at an average spacing of 500 feet between hydrants in accordance with CFC Appendix C Table C102.1. Therefore, the required fire hydrant spacing will be the more conservative requirement of 350 feet. Additional fire hydrants beyond those needed to meet the spacing requirements may need to be provided based on flow test data if the required fire flow cannot be met. Adjacent hydrants may also need to be supplied near fire department connections depending on the final layout of the site.

FIRE DEPARTMENT CONNECTIONS

The existing building on site is sprinklered and is required to be provided with a FDC. There is an existing FDC located near the building, and a fire hydrant will be located within 40 feet of the FDC as required by the City of Escondido.

CLEARANCE FROM EXPOSURES

The battery energy storage system containers are required to be separated from nearby exposures by CFC Section 1207.8.3 and NPFA 855 Section 9.5.2.6.1.2. The following are examples of potential exposures that must be considered however this is not an all-inclusive list:

- + Lot lines
- + Public ways
- + Buildings
- + Stored combustible materials
- Hazardous materials
- + High-piled stock

The battery storage site is bounded on all sides by the fire department access road which is required to have a minimum width of 20 feet. Therefore, the battery storage containers are a minimum of 20 feet from lot lines and public ways on where the fire department access road is located. On the southwest side of the site the existing building that is proposed to remain is a potential exposure. Containers will be located a minimum of 10 feet from the building.

The adjacent natural gas plant should also be considered as a potential hazard to the battery storage area. The potential effects of hazards originating from the natural gas plant will be considered in the hazard mitigation analysis for the battery storage facility once a specific product is selected.

DEFLAGRATION VENTING

Deflagration vents for the containers will be located such that they are not directed at adjacent exposures containing hazardous materials.

GROUP LIMITATIONS

The layout of the containers will be limited by manufacturer standards, test data, and insurance requirements. Allowable layouts of the containers will be evaluated after a specific product is selected.

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Vendor Product Review

METHODOLOGY

The requirements review documented in the Table 1 summarizes the high-level fire and explosion protection requirements found in NFPA 855 and the CFC that apply to the Goal Line Energy Storage Project.

The product requirement analysis was performed for the outdoor battery energy storage installation. The installation is considered to be located near exposures due to the nearby existing buildings, roads, and a natural gas plant. As all products being considered are not walk-in units, the table does not include the requirements specific to walk-in units.

The applicable requirements are presented as a specification for the product-level requirements for the selection of an ESS for the Goal Line Energy Storage project. It is important to note that for the final fire protection system design, all features shall meet applicable U.S. codes and standards including the use of UL listed equipment.

Table 1. Summary of Fire Protection Code Requirements

Requirement	NFPA 855 (Section)	CFC (Section)	Energy Storage System Feature Requirements
Hazard Mitigation Analysis (HMA)	Yes (4.4.1 and 9.5.2.1)	Yes (1207.1.4 and 1207.5.2)	A product-level hazard mitigation analysis will be required to be completed. An evaluation of potential energy storage system failure modes and the safety-related consequences attributed to the failures is good practice and a requirement when industry standards are being followed. Approval criteria listed in NFPA 855 and CFC differ slightly (explosion protection, toxic gas release during normal operation).
Thermal runaway protection	Yes (9.6.5.5)	Yes (1207.6.5)	The ESS battery management system is required to be provided with thermal runaway protection and be UL 1973 certified.
Size and separation requirements	Yes (9.4.2)	Yes (1207.5.1)	The ESS will be required to be tested in accordance with UL 9540A and receive approval from the fire code official to exceed 50 kWh limitations for each battery group. Separation from adjacent buildings, combustibles, and combustible vegetation will be required to be maintained in accordance with NFPA 855 and CFC.
Maximum Allowable Quantity	Yes (9.4.1 and 9.4.1.2)	Yes (1207.5.2)	The ESS will be required to be tested in accordance with UL 9540A and a hazard mitigation analysis will be required to exceed the 600-kWh limitation for each fire area.
Water supply	Yes (9.6.3.1)	Yes (507.1)	Site is required to be provided with a permanent water source for fire protection. Fire hydrants are required to be installed in accordance with NFPA 24.

Requirement	NFPA 855 (Section)	CFC (Section)	Energy Storage System Feature Requirements
System Testing	Yes (6.1.4.2 and 7.3.1)	Yes (1207.2)	System testing must be performed in accordance with the CFC, NPFA 855, and operating instructions or installation documentation provided by the ESS manufacturer.
Large-Scale Testing	Yes (9.1.5.1)	Yes (1207.1.5)	Large-scale fire testing per UL 9540A will be required to be conducted because the installation is expected to exceed maximum allowable quantity and size and separation prescriptive requirements.
Smoke and fire detection	No (9.6.1)	No (1207.5.4)	Since the ESS systems being considered are not walk-in units, NFPA 855 and the CFC do not require smoke and fire detection. A fire suppression system may provide smoke or fire detection for agent discharge. This detection system may be solely for agent discharge or may be able to be monitored for alarm notification.
Fire control and suppression	No (9.6.2.1)	No (1207.5.5)	Fire control and suppression is not required by NFPA 855 or the CFC for outdoor installations that do not contain walk-in units.
Other automatic fire control and suppression (e.g., clean agent)	No (4.9.3.1 and 9.6.2)	No (1207.5.5)	Other forms of automatic fire control are not prescriptively required. Clean agent systems can be effective in flame extinguishing but may indirectly contribute to the accumulation of flammable gases inside the enclosure. Aerosol systems are typically also corrosive and will damage the battery cells if deployed.
Explosion control	Yes/No (9.6.5.6.6)	Yes/No (1207.6.3)	NFPA 855 and the CFC require either explosion control or fire and explosion testing and a deflagration hazard study demonstrating that flammable gas concentrations cannot exceed 25% of the lower flammability limit (LFL). Explosion control can be provided by an explosion prevention system in accordance with NFPA 69 or deflagration venting in accordance with NFPA 68.
Gas detection	Yes/No (9.6.5.6.7)	Yes/No (1207.6.1.2.4)	Gas detection is not prescriptively required by NPFA 855 or CFC. However, a gas detection system is required when used to

A vendor product review was performed to provide a comparison of the fire protection technologies of each unit and to analyze each system for code compliance and is provided in Table 2. All systems were found to meet the minimum code requirements for an outdoor installation near exposures with no walk-in units. See Appendix A for further information on UL 9540A testing. Appendices B through G provide an in-depth description of each vendor's unit. Manufacture Information Reports used to generate the information in this report are available upon request and dependent on Approval of manufacture release, which may require a Non-Disclosure Agreement.

activate an NFPA 69 system.

Table 2: Fire Protection Code Requirements and Product Overview

Requirement	NFPA 855	CFC	FlexGen	LG Vertech	Tesla	Wartsila	Powin	Mitsubishi
Requirement	NFPA 055	CFC	riexGen	LG vertech	Tesia	vvartsiia	Powin	WIITSUDISIII
Hazard	Yes	Yes	Yes:	Yes:	Yes:	Yes:	Yes:	Yes:
Mitigation			Jensen Hughes					
Analysis (HMA)			will prepare an					
			HMA to support permitting.					
Thermal	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
runaway protection								
Size and	Yes	Yes	Yes:	Yes:	Yes:	Yes:	Yes:	Yes:
separation			Product is					
requirements			tested in					
			accordance	accordance	accordance	accordance	accordance	accordance with UL 9540A
			with UL 9540A					
Maximum	Yes	Yes	Yes:	Yes:	Yes:	Yes:	Yes:	Yes:
Allowable Quantity			Product is					
Quartity			tested in					
			accordance with UL 9540A					
System Testing	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Large-Scale Testing	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Smoke and fire detection	No	No	Yes	Yes	No	Yes	Yes	Yes
Fire control and suppression	No	No	Yes	Yes	No	Yes	No	Yes

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Requirement	NFPA 855	CFC	FlexGen	LG Vertech	Tesla	Wartsila	Powin	Mitsubishi
Other automatic fire control and suppression (e.g., clean agent)	No	No	Yes: Aerosol	Yes: Nitrogen and Aerosol	No	Optional: Aerosol	Yes: Stat-X (aerosol)	Yes: Stat-X (aerosol)
Explosion control	Yes/No	Yes/No	Yes: NFPA 69 system provided.	Yes: NFPA 69 system provided.	Yes: Meets the requirements of NFPA 855 Section 9.6.5.6.4	Yes: NFPA 68 system provided. NFPA 69 system optional.	Yes: NFPA 69 system provided.	Yes: NFPA 69 system provided.
Gas detection	Yes/No	Yes/No	Yes	Yes	No: Not required as NFPA 69 system is not provided.	Yes.	Yes	Yes

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Conclusion

The information in this report is based on information provided to Jensen Hughes by Onward Energy. Please contact us with any questions based on the information presented in this letter.

Sincerely,

Jensen Hughes

Kristen Dentici, PE Fire Protection Engineer

Kista Pentici

William N. Fletcher, PE, ASSOC. DBIA, PMP Manager, Senior Fire Protection Engineer

Appendix A. UL 9540A Test

Both the California Fire Code and NFPA 855 utilize UL 9540A for fire and explosion testing (referred to as large-scale fire test in CFC). Both NFPA 855 and the CFC limit lithium-ion battery energy storage systems (BESS) to a maximum of 50 kWh per individual unit and 600 kWh per area for outdoor installations near exposures, unless UL 9540A testing is performed and a larger installation is approved by the fire code official. The UL 9540A test was created to demonstrate that a fire involving one BESS unit would not propagate to an adjacent unit. The test method is a series of progressively larger tests, with the smallest being at the cell level and the largest being at the installation level. Performance of the system at each test level is used to determine if additional testing at the next level is required. Once a product meets the performance requirements of a test level, additional testing is not required but may be performed to provide additional data. Since all BESS units considered in this analysis will exceed the size and maximum allowable quantities prescriptively allowed, all the units are required to have completed UL 9540A testing. The following list provides a summary of the criteria that must be met at each level of testing:

• Cell Level Test:

- Thermal runaway cannot be induced in the cell.
- Cell vent gas does not present a flammability hazard when mixed with any volume of air at both ambient and vent temperatures.

Module Level Test:

- The effects of thermal runaway is contained by module design.
- Cell vent gas is nonflammable.

Unit Level Test:

- Target BESS temperature is less than cell surface temperature at gas venting.
- Temperature increase of target walls less than 97°C (175°F).
- No explosion hazards exhibited.
- No flaming outside of BESS unit.

Installation Level Test:

- Target BESS temperature less than gas vent temperature measured in cell level test
- Temperature increase of target walls less than 97°C (175°F)
- The flame indicator does not propagate flames beyond the initiating BESS.
- No flaming outside the BESS enclosure.

Appendix B. FlexGen EnerC+ 306

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	FlexGen
Hazard Mitigation Analysis (HMA)	Yes	Yes	A product-level hazard mitigation analysis will be required to be completed. An evaluation of potential energy storage system failure modes and the safety-related consequences attributed to the failures is good practice and a requirement when industry standards are being followed. Approval criteria listed in NFPA 855 and CFC differ slightly (explosion protection, toxic gas release during normal operation).	Yes: A product level hazard mitigation analysis from manufacturer was not provided. Jensen Hughes will prepare an HMA to support permitting.
Thermal runaway protection	Yes	Yes	The ESS battery management system is required to be provided with thermal runaway protection and be UL 1973 certified.	Yes: Product is UL 1973 certified. The battery management system monitors batteries for over discharge, over voltage, over temperature and over current. The BMS will limit the charge and discharge of the battery as necessary to prevent thermal runaway.
Size and separation requirements	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and receive approval from the fire code official to exceed 50 kWh limitations for each battery group. Separation from adjacent buildings, combustibles, and combustible vegetation will be required to be maintained in accordance with NFPA 855 and CFC.	Yes: Product is tested in accordance with UL 9540A

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	FlexGen
Maximum Allowable Quantity	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and a hazard mitigation analysis will be required to exceed the 600-kWh limitation for each fire area.	Yes: Product is tested in accordance with UL 9540A
System Testing	Yes	Yes	System testing must be performed in accordance with the CFC, NPFA 855, and operating instructions or installation documentation provided by the ESS manufacturer.	Yes: System testing will be performed in accordance with CFC requirements, NFPA 855 requirements, and by manufacturer's documentation.
Large-Scale Testing	Yes	Yes	Large-scale fire testing per UL 9540A will be required to be conducted because the installation is expected to exceed maximum allowable quantity and size and separation prescriptive requirements.	Yes: UL 9540A testing was performed. During the cell level test the initiating cell underwent thermal runaway and the vent gas from the cell produced a flammable mixture. Therefore, additional module level testing was required. In the module level test, thermal runaway was controlled at the module level, but the cell vent gas was still a flammable mixture, so unit level testing was still required. The unit level performance criteria was met as there was no flaming outside the unit, surface temperatures did not exceed the limit, explosion hazards were not observed, and the heat flux to the accessible means of egress did not exceed the limit. The installation level test was performed for the product, and the performance criteria for the installation level test was met.

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Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	FlexGen
Smoke and fire detection	No	No	Since the ESS systems being considered are not walk-in units, NFPA 855 and the CFC do not require smoke and fire detection. A fire suppression system may provide smoke or fire detection for agent discharge. This detection system may be solely for agent discharge or may be able to be monitored for alarm notification.	Yes: Equipped with 2 heat detectors, 3 smoke detectors, and 2 hydrogen detectors. 2 smoke detectors are in the battery room and 1 is in the electrical room. Hydrogen and heat detectors are located only in the battery room. Detectors report to control panel which controls extinguishing and explosion control system. Alarm warning is provided.
Fire control and suppression	No	No	Fire control and suppression is not required by NFPA 855 or the CFC for outdoor installations that do not contain walk-in units.	Yes: Dry standpipe system is used to supply open-type nozzles. The nozzles are provided throughout the racking area and are supplied by a hose connection on the exterior of the unit.
Other automatic fire control and suppression (e.g., clean agent)	No	No	Other forms of automatic fire control are not prescriptively required. Clean agent systems can be effective in flame extinguishing but may indirectly contribute to the accumulation of flammable gases inside the enclosure. Aerosol systems are typically also corrosive and will damage the battery cells if deployed.	Yes: Aerosol suppression system is installed and is in addition to explosion exhaust system. The aerosol system is automatically released by the activation of a detector in the battery room and can also be activated manually. Due to the location of the aerosol in the battery area, Jensen Hughes would suggest
				discussion with manufacturer over providing only manual release or removing system altogether.

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Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	FlexGen
Explosion control	Yes/No	Yes/No	NFPA 855 and the CFC require either explosion control or fire and explosion testing and a deflagration hazard study demonstrating that flammable gas concentrations cannot exceed 25% of the lower flammability limit (LFL). Explosion control can be provided by an explosion prevention system in accordance with NFPA 69 or deflagration venting in accordance with NFPA 68.	Yes: Explosion prevention system in accordance with NFPA 69 is provided. Explosion control system is the first fire suppression line of defence (prior to aerosol and dry-pipe suppression). The system is provided by a louver on the front side and is exhausted from a fan on the left side.
Gas detection	Yes/No	Yes/No	Gas detection is not prescriptively required by NPFA 855 or CFC. However, a gas detection system is required when used to activate an NFPA 69 system.	Yes: Hydrogen gas detection is provided. There are two hydrogen detectors in the battery area. Hydrogen detectors initiate the explosion control fan system.

Appendix C. LG Vertech DC-LINK

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	LG Vertech DC-LINK
Hazard Mitigation Analysis (HMA)	Yes	Yes	A product-level hazard mitigation analysis will be required to be completed. An evaluation of potential energy storage system failure modes and the safety-related consequences attributed to the failures is good practice and a requirement when industry standards are being followed. Approval criteria listed in NFPA 855 and CFC differ slightly (explosion protection, toxic gas release during normal operation).	Yes: A product level hazard mitigation analysis from manufacturer was not provided but is in progress. Jensen Hughes will prepare an HMA to support permitting.
Thermal runaway protection	Yes	Yes	The ESS battery management system is required to be provided with thermal runaway protection and be UL 1973 certified.	Yes: Product is UL 1973 certified. Futher information on thermal runaway protection system has not been provided.
Size and separation requirements	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and receive approval from the fire code official to exceed 50 kWh limitations for each battery group. Separation from adjacent buildings, combustibles, and combustible vegetation will be required to be maintained in accordance with NFPA 855 and CFC.	Yes: Product is tested in accordance with UL 9540A
Maximum Allowable Quantity	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and a hazard mitigation analysis will be required to exceed the 600-kWh limitation for each fire area.	Yes: Product is tested in accordance with UL 9540A

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	LG Vertech DC-LINK
System Testing	Yes	Yes	System testing must be performed in accordance with the CFC, NPFA 855, and operating instructions or installation documentation provided by the ESS manufacturer.	Yes: System testing will be performed in accordance with CFC requirements, NFPA 855 requirements, and by manufacturer's documentation.
Large-Scale Testing	Yes	Yes	Large-scale fire testing per UL 9540A will be required to be conducted because the installation is expected to exceed maximum allowable quantity and size and separation prescriptive requirements.	Yes: UL 9540A testing was performed, but specific test data has not been provided.
Smoke and fire detection	No	No	Since the ESS systems being considered are not walk-in units, NFPA 855 and the CFC do not require smoke and fire detection. A fire suppression system may provide smoke or fire detection for agent discharge. This detection system may be solely for agent discharge or may be able to be monitored for alarm notification.	Yes: System is equipped with smoke and heat detection. Detectors activate alarm system. A single smoke or heat detector activation releases the aerosol suppression as this event is viewed as an electrical fire. If two smoke or heat detectors are activated, water is released from the water injection unit up to a thermally activated glass bulb at the entry to the battery unit. The hydrogen detectors are provided as a backup for operation of the explosion venting system.

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	LG Vertech DC-LINK
Explosion control	Yes/No	Yes/No	NFPA 855 and the CFC require either explosion control or fire and explosion testing and a deflagration hazard study demonstrating that flammable gas concentrations cannot exceed 25% of the lower flammability limit (LFL). Explosion control can be provided by an explosion prevention system in accordance with NFPA 69 or deflagration venting in accordance with NFPA 68.	Yes: Specification states they have active system (NFPA 69). Will need more information on the system if selected. The system is initiated by either the water suppression system (two detectors activated and glass bulb is broken, allowing waterflow) or by the hydrogen detectors (which are activated at 10% of the lower explosive limit).
Gas detection	Yes/No	Yes/No	Gas detection is not prescriptively required by NPFA 855 or CFC. However, a gas detection system is required when used to activate an NFPA 69 system.	Yes: Hydrogen gas detection is provided. At 10% of the lower explosive limit, the hydrogen detectors will initiate the explosion control system.

Appendix D. Tesla Megapack 2 and Megapack 2XL

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Tesla MP2/MP2XL
Hazard Mitigation Analysis (HMA)	Yes	Yes	A product-level hazard mitigation analysis will be required to be completed. An evaluation of potential energy storage system failure modes and the safety-related consequences attributed to the failures is good practice and a requirement when industry standards are being followed. Approval criteria listed in NFPA 855 and CFC differ slightly (explosion protection, toxic gas release during normal operation).	Yes: A product level hazard mitigation analysis from manufacturer was provided. Jensen Hughes will prepare an HMA to support permitting.
Thermal runaway protection	Yes	Yes	The ESS battery management system is required to be provided with thermal runaway protection and be UL 1973 certified.	Yes: Product is UL 1973 certified. Each cell is supervised by its own battery management system which report back to a central monitoring system. The BMS are built to automatically react to fault conditions such as over temperature, over voltage, and loss of communication.
Size and separation requirements	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and receive approval from the fire code official to exceed 50 kWh limitations for each battery group. Separation from adjacent buildings, combustibles, and combustible vegetation will be required to be maintained in accordance with NFPA 855 and CFC.	Yes: Product is tested in accordance with UL 9540A

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Tesla MP2/MP2XL
Maximum Allowable Quantity	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and a hazard mitigation analysis will be required to exceed the 600-kWh limitation for each fire area.	Yes: Product is tested in accordance with UL 9540A
System Testing	Yes	Yes	System testing must be performed in accordance with the CFC, NPFA 855, and operating instructions or installation documentation provided by the ESS manufacturer.	Yes: System testing will be performed in accordance with CFC requirements, NFPA 855 requirements, and by manufacturer's documentation.

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Tesla MP2/MP2XL
Large-Scale Testing	Yes	Yes	Large-scale fire testing per UL 9540A will be required to be conducted because the installation is expected to exceed maximum allowable quantity and size and separation prescriptive requirements.	Yes: UL 9540A testing was performed for the MP2. The MP2XL was determined to be similar enough to the MP2 that additional testing did not need to be performed for the MP2XL. During the cell level test the initiating cell underwent thermal runaway and the vent gas from the cell produced a flammable mixture, therefore module level testing was required. In the module level test, thermal runaway was not limited to the module level and the cell vent gas was still a flammable mixture. The unit level test performance criteria was met as there was no flaming outside the unit, surface temperatures did not exceed the limit, explosion hazards were not observed, and the heat flux to the accessible means of egress did not exceed the limit. UL 9540A testing was performed, but specific test data has not been provided.
Smoke and fire detection	No	No	Since the ESS systems being considered are not walk-in units, NFPA 855 and the CFC do not require smoke and fire detection. A fire suppression system may provide smoke or fire detection for agent discharge. This detection system may be solely for agent discharge or may be able to be monitored for alarm notification.	No: The MP2 and MP2XL do not have an internal smoke or fire detection system.

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Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Tesla MP2/MP2XL
Fire control and suppression	No	No	Fire control and suppression is not required by NFPA 855 or the CFC for outdoor installations that do not contain walk-in units.	No: The MP2 and MP2XL do not have any internal fire suppression system. The lack of a suppression system is justified in Tesla's analysis by the fact that fire did not propagate outside the initiating level in the UL 9540A testing.
Other automatic fire control and suppression (e.g., clean agent)	No	No	Other forms of automatic fire control are not prescriptively required. Clean agent systems can be effective in flame extinguishing but may indirectly contribute to the accumulation of flammable gases inside the enclosure. Aerosol systems are typically also corrosive and will damage the battery cells if deployed.	No: The MP2 and MP2XL do not have any internal fire suppression system. The lack of a suppression system is justified in Tesla's analysis by the fact that fire did not propagate outside the initiating level in the UL 9540A testing.
Explosion control	Yes/No	Yes/No	NFPA 855 and the CFC require either explosion control or fire and explosion testing and a deflagration hazard study demonstrating that flammable gas concentrations cannot exceed 25% of the lower flammability limit (LFL). Explosion control can be provided by an explosion prevention system in accordance with NFPA 69 or deflagration venting in accordance with NFPA 68.	Yes: The MP2 and MP2XL do not have an explosion control system in accordance with NFPA 68 or 69. However, the MP2 meets the requirement of NFPA 855 by providing an alternate venting system which was validated by large-scale testing.
Gas detection	Yes/No	Yes/No	Gas detection is not prescriptively required by NPFA 855 or CFC. However, a gas detection system is required when used to activate an NFPA 69 system.	No: Gas detection is not provided or required since the MP2 and MP2XL do not have explosion control or alarm systems.

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Appendix E. Wärtsilä GridSolv Quantum

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Wärtsilä GridSolv Quantum
Hazard Mitigation Analysis (HMA)	Yes	Yes	A product-level hazard mitigation analysis will be required to be completed. An evaluation of potential energy storage system failure modes and the safety-related consequences attributed to the failures is good practice and a requirement when industry standards are being followed. Approval criteria listed in NFPA 855 and CFC differ slightly (explosion protection, toxic gas release during normal operation).	Yes: A product level hazard mitigation analysis from manufacturer was provided. Jensen Hughes will prepare an HMA to support permitting.
Thermal runaway protection	Yes	Yes	The ESS battery management system is required to be provided with thermal runaway protection and be UL 1973 certified.	Yes: Product is UL 1973 certified. Futher information on thermal runaway protection system has not been provided.
Size and separation requirements	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and receive approval from the fire code official to exceed 50 kWh limitations for each battery group. Separation from adjacent buildings, combustibles, and combustible vegetation will be required to be maintained in accordance with NFPA 855 and CFC.	Yes: Product is tested in accordance with UL 9540A
Maximum Allowable Quantity	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and a hazard mitigation analysis will be required to exceed the 600-kWh limitation for each fire area.	Yes: Product is tested in accordance with UL 9540A

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Wärtsilä GridSolv Quantum
System Testing	Yes	Yes	System testing must be performed in accordance with the CFC, NPFA 855, and operating instructions or installation documentation provided by the ESS manufacturer.	Yes: System testing will be performed in accordance with CFC requirements, NFPA 855 requirements, and by manufacturer's documentation.
Large-Scale Testing	Yes	Yes	Large-scale fire testing per UL 9540A will be required to be conducted because the installation is expected to exceed maximum allowable quantity and size and separation prescriptive requirements.	Yes: UL 9540A testing was performed. Results for the cell and module level tests were not provided. The performance criteria for the unit level test were met as there was no flaming outside the unit, surface temperatures did not exceed the limit, and explosion hazards were not observed.
Smoke and fire detection	No	No	Since the ESS systems being considered are not walk-in units, NFPA 855 and the CFC do not require smoke and fire detection. A fire suppression system may provide smoke or fire detection for agent discharge. This detection system may be solely for agent discharge or may be able to be monitored for alarm notification.	Yes: Smoke detection is provided. Detectors activate alarm system.
Fire control and suppression	No	No	Fire control and suppression is not required by NFPA 855 or the CFC for outdoor installations that do not contain walk-in units.	Yes: Dry standpipe system is provided to supply the sprinkler system. A connection is provided at the bottom of each unit to supply water. The sprinklers are standard type with a glass bulb and will require sufficient heat to break the bulb and operate the sprinklers.

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NPFA 855 or CFC. However, a

gas detection system is

required when used to activate

an NFPA 69 system.

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provided. Hydrogen detectors

are activated at 5% of the

lower explosive limit and are

provided in each unit.

Appendix F. Powin

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Powin
Hazard Mitigation Analysis (HMA)	Yes	Yes	A product-level hazard mitigation analysis will be required to be completed. An evaluation of potential energy storage system failure modes and the safety-related consequences attributed to the failures is good practice and a requirement when industry standards are being followed. Approval criteria listed in NFPA 855 and CFC differ slightly (explosion protection, toxic gas release during normal operation).	Yes: A product level hazard mitigation analysis from manufacturer was not provided. Jensen Hughes will prepare an HMA to support permitting.
Thermal runaway protection	Yes	Yes	The ESS battery management system is required to be provided with thermal runaway protection and be UL 1973 certified.	Yes: Product is UL 1973 certified. Futher information on thermal runaway protection system has not been provided.
Size and separation requirements	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and receive approval from the fire code official to exceed 50 kWh limitations for each battery group. Separation from adjacent buildings, combustibles, and combustible vegetation will be required to be maintained in accordance with NFPA 855 and CFC.	Yes: Product is tested in accordance with UL 9540A
Maximum Allowable Quantity	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and a hazard mitigation analysis will be required to exceed the 600-kWh limitation for each fire area.	Yes: Product is tested in accordance with UL 9540A

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Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Powin
System Testing	Yes	Yes	System testing must be performed in accordance with the CFC, NPFA 855, and operating instructions or installation documentation provided by the ESS manufacturer.	Yes: System testing will be performed in accordance with CFC requirements, NFPA 855 requirements, and by manufacturer's documentation.
Large-Scale Testing	Yes	Yes	Large-scale fire testing per UL 9540A will be required to be conducted because the installation is expected to exceed maximum allowable quantity and size and separation prescriptive requirements.	Yes: Product is stated to be tested in accordance with UL 9540A, but specific test data was not provided.
Smoke and fire detection	No	No	Since the ESS systems being considered are not walk-in units, NFPA 855 and the CFC do not require smoke and fire detection. A fire suppression system may provide smoke or fire detection for agent discharge. This detection system may be solely for agent discharge or may be able to be monitored for alarm notification.	Yes: Smoke and heat detectors are provided and trigger aerosol-based suppression. Smoke and heat detectors report to central station. It was not stated whether there is alarm signal provided at the enclosure.
Fire control and suppression	No	No	Fire control and suppression is not required by NFPA 855 or the CFC for outdoor installations that do not contain walk-in units.	Yes: Standpipe and sprinkler system are not provided; however, aerosol system is provided (see below).

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Powin
Other automatic fire control and suppression (e.g., clean agent)	No	No	Other forms of automatic fire control are not prescriptively required. Clean agent systems can be effective in flame extinguishing but may indirectly contribute to the accumulation of flammable gases inside the enclosure. Aerosol systems are typically also corrosive and will damage the battery cells if deployed.	Yes: Stat-X (aerosol) fire suppression system is installed. Stat-X generators are located between every two to three battery stacks. The manufacturer stated that this approach was taken as testing found multiple cells would only go into thermal runaway due to an external fire (such as an electrical fire). Therefore, the suppression system is provided to prevent a fire from starting thermal runaway, not to stop thermal runaway that is already in progress.
Explosion control	Yes/No	Yes/No	NFPA 855 and the CFC require either explosion control or fire and explosion testing and a deflagration hazard study demonstrating that flammable gas concentrations cannot exceed 25% of the lower flammability limit (LFL). Explosion control can be provided by an explosion prevention system in accordance with NFPA 69 or deflagration venting in accordance with NFPA 68.	Yes: NFPA 69 compliant explosion control system is provided by exhaust system that is triggered by hydrogen gas detection. Over-pressure deflagration panels that are NFPA 68 compliant can also be provided on the roof of the enclosure as an option.
Gas detection	Yes/No	No	Gas detection is not prescriptively required by NPFA 855 or CFC. However, a gas detection system is required when used to activate an NFPA 69 system.	Yes: Hydrogen gas detection provided. Hydrogen gas detectors are calibrated to detect at 25% of the lower explosive limit and trigger the NFPA 69 explosion control ventilation system.

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Appendix G. Mitsubishi

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Mitsubishi
Hazard Mitigation Analysis (HMA)	Yes	Yes	A product-level hazard mitigation analysis will be required to be completed. An evaluation of potential energy storage system failure modes and the safety-related consequences attributed to the failures is good practice and a requirement when industry standards are being followed. Approval criteria listed in NFPA 855 and CFC differ slightly (explosion protection, toxic gas release during normal operation).	Yes: A product level hazard mitigation analysis from manufacturer was not provided. Jensen Hughes will prepare an HMA to support permitting.
Thermal runaway protection	Yes	Yes	The ESS battery management system is required to be provided with thermal runaway protection and be UL 1973 certified.	Yes: Product is UL 1973 certified. Power is disconnected from batteries upon any activation of a hydrogen detector or both a smoke and heat detector.
Size and separation requirements	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and receive approval from the fire code official to exceed 50 kWh limitations for each battery group. Separation from adjacent buildings, combustibles, and combustible vegetation will be required to be maintained in accordance with NFPA 855 and CFC.	Yes: Product is tested in accordance with UL 9540A

Requirement	NFPA 855	CFC	Energy Storage System Feature Requirements	Mitsubishi
Maximum Allowable Quantity	Yes	Yes	The ESS will be required to be tested in accordance with UL 9540A and a hazard mitigation analysis will be required to exceed the 600-kWh limitation for each fire area.	Yes: Product is tested in accordance with UL 9540A
System Testing	Yes	Yes	System testing must be performed in accordance with the CFC, NPFA 855, and operating instructions or installation documentation provided by the ESS manufacturer.	Yes: System testing will be performed in accordance with CFC requirements, NFPA 855 requirements, and by manufacturer's documentation.
Large-Scale Testing	Yes	Yes	Large-scale fire testing per UL 9540A will be required to be conducted because the installation is expected to exceed maximum allowable quantity and size and separation prescriptive requirements.	Yes: Product is tested in accordance with UL 9540A. Test results were provided for module and unit level tests. The unit level test results indicated performance criteria were met as target temperature increases were below allowable levels, no flaming was observed, and no explosion hazards were exhibited.
Smoke and fire detection	No	No	Since the ESS systems being considered are not walk-in units, NFPA 855 and the CFC do not require smoke and fire detection. A fire suppression system may provide smoke or fire detection for agent discharge. This detection system may be solely for agent discharge or may be able to be monitored for alarm notification.	Yes: Smoke and heat detectors are provided and trigger aerosolbased suppression (Stat-X aerosol). Smoke and heat detectors report to central station. Activation of heat or smoke detector initiates local audible alarm. Activation of both a heat and smoke detector initiates internal and external horn and external strobe light.

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Planning Commission

Hearing Date: October 24, 2023 Effective Date: October 25, 2023

PLANNING COMMISSION RESOLUTION NO. 2023-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMEDING CITY COUNCIL APPROVAL OF A ZONE MAP AMENDMENT, ZONE TEXT AMENDMENT, MAJOR PLOT PLAN, AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT

APPLICANT: Emiliano Pelegri (Onward Energy)

CASE NO: PL22-0603/PL22-0604/PL23-0239

WHEREAS, Onward Energy ("Applicant"), filed a land use development application, Planning Case Nos. PL22-0603/PL22-0604/PL23-0239 ("Application") constituting a request for a Zone Map Amendment, Zone Text Amendment, and Major Plot Plan, to permit construction of a lithium-ion battery storage utility ("Project") on a 6.2 gross acre site located at 555 N Tulip Avenue (APN 232-131-25-00), in the Planned Development Industrial (PD-I) zone; and

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

WHEREAS, the 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, the rezone of the property from Planned Development – Industrial (PD-I) to General Industrial (M-2) is consistent with the underlying General Plan Land Use Designation, and is subject to approval of a Zone Map Amendment, in accordance with Section 33-1260 of the Escondido Zoning Code;

WHEREAS, the Applicant seeks to amend the Escondido Zoning Code to allow for an increase in fence height in industrial and commercial zone properties, and is subject to approval of a Zone Text Amendment, in accordance with section 33-1260 of the Escondido Zoning Code;

WHEREAS, utilities are a permitted use within the M-2 Zone, subject to the approval of a Major Plot Plan Permit, in accordance with Section 33-1315 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 that the Planning Commission recommend 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, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends that the Planning Commission

recommend approval of the Zone Map Amendment as depicted on the Zoning Map shown in Exhibit "C," which is attached hereto and a made a part hereof by this reference as though fully set forth herein; and,

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends that the Planning Commission recommends approval of the amendment as depicted in the Zone Text Amendment shown in Exhibit "D", 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 and State public noticing requirements; and

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration ("IS/MND") was prepared, circulated, and notice made of its availability for public review and comment during the period from July 13, 2023 and August 14, 2023; and

WHEREAS, during the 30-day public comment period of the Draft IS/MND, the City consulted with and requested comments from responsible and trustee agencies, other regulatory agencies, and others. The City subsequently analyzed and considered any and all comments during this public review comment period. Responses to said comments have been provided, and minor corrections/additions to the Draft IS/MND were necessary; and

WHEREAS, in addition to the Final IS/MND, a Mitigation Monitoring Reporting Program ("MMRP") has been prepared for the Project, attached as Exhibit "E", and incorporated herein

by this reference, to ensure compliance with the required mitigation measures or project revisions during project implementation; and,

WHEREAS, on October 24, 2023, 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 October 24, 2023, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the public 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.
- The Planning Commission, in its independent judgement, has carefully reviewed and considered all environmental documentation comprising the Final IS/MND

prepared for the Project and has determined that the City has made a good-faith effort to adequately address all environmental issues associated with the Project. The Final IS/MND, as so amended and evaluated, is adequate and provides good-faith disclosure of available information on the Project to determine whether there is substantial evidence that the Project would result in any significant effects. All of the requirements of CEQA have been met.

- 3. The MMRP identifies mitigation measures necessary to reduce all impacts to a less-than-significant level, and assigns on-going responsibility for carrying out mitigation responsibilities which are appropriate to address and mitigate project-related impacts.
- 4. 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 "F," 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.
 - 5. The Planning Commission recommends the City Council adopt the Final IS/MND, attached as Exhibit "H", which is incorporated herein as though fully set forth herein.
 - 6. That, considering the final IS/MND, Project Findings of Fact, and applicable law, the Zone Map Amendment to rezone the subject property, attached as Exhibit "C",

and the Zone Text Amendment to modify Article 61 of Chapter 33 of the Escondido Municipal Code, attached as Exhibit "D", are hereby recommended for approval by the City Council.

7. The Application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "G," is hereby recommended for approval by the City Council. The Planning Commission expressly declares that it would not have recommended approval of this 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. 8. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is recommended for conditional approval as set forth on the Application and Project drawings, all recommended for approval by the City Council, 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 Division and Engineering Division of the 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.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 24th day of October, 2023, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

RICK PAUL, 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.

ALEXANDER RANGEL, Minutes Clerk Escondido Planning Commission

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

EXHIBIT "A"

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 5 IN BLOCK 302 OF THE SUBDIVISION OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING NORTHEASTERLY AND NORTHERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 5, BEING ALSO THE MOST NORTHERLY CORNER OF THAT PORTION OF CALIFORNIA STATE HIGHWAY II-SD-15, AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED APRIL 17, 1973, AS FILE NO. 73-100587 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID STATE HIGHWAY, SOUTH 35° 12' 53" EAST, 206.01 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 5; THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 77° 00' 00" EAST, 34.27 FEET TO THE MOST WESTERLY CORNER OF LAND DESCRIBED IN PARCEL 2-A IN THAT FINAL ORDER OF CONDEMNATION UNDER SUPERIOR COURT CASE NO. 290361, RECORDED JANUARY 5, 1966, AS FILE NO. 2167, OF OFFICIAL RECORDS, BEING A POINT ON THE ARC OF A 960.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, A RADIAL LINE OF SAID CURVE BEARS NORTH 00° 06' 39" WEST TO SAID POINT; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 2-A AS FOLLOWS:

EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 51' 03" A DISTANCE OF 81.28 FEET; TANGENT TO SAID CURVE, SOUTH 85° 15' 36" EAST, 64.70 FEET; SOUTH 04° 44' 24" WEST, 10.00 FEET TO A POINT ON THE ARC OF A 790.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A RADIAL LINE OF SAID CURVE BEARS SOUTH 04° 44' 24" WEST TO SAID POINT; EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17° 05' 57" A DISTANCE OF 235.76 FEET; THENCE ALONG THE PROLONGATION OF A RADIAL LINE OF SAID CURVE SOUTH 12° 21' 33" EAST, 5.00 FEET TO A POINT ON THE EASTERLY CONTINUATION OF THE ARC OF A 795.00 FOOT RADIUS CURVE, CONCENTRIC WITH THE LAST ABOVE DESCRIBED 790.00 FOOT RADIUS CURVE; AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27° 18' 03" A DISTANCE OF 378.81 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 5.

EXCEPTING FROM SAID LOT 5 IN BLOCK 302. THE NORTHEASTERLY 9.00 FEET THEREOF.

APN: <u>232-131-25</u>

EXHIBIT "B"

PROJECT PLANS

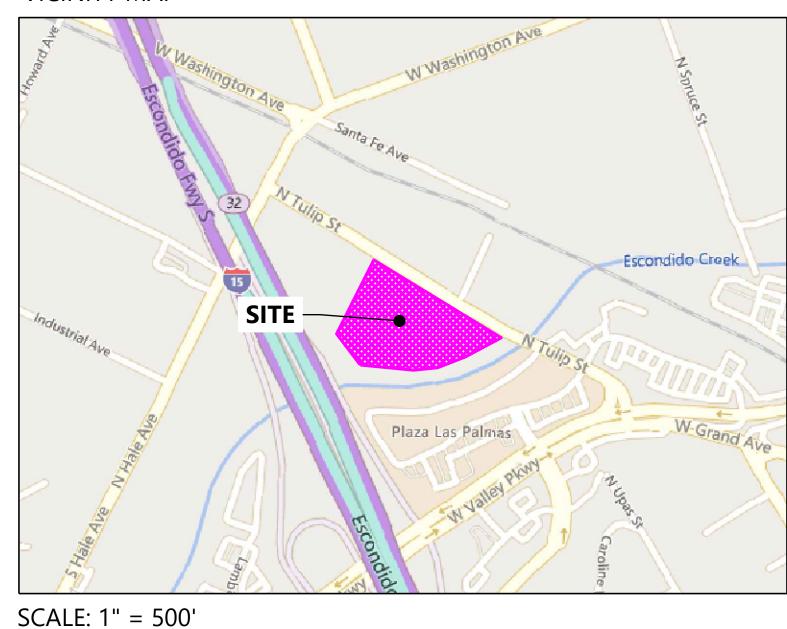
EXHIBIT B

Goal Line Reliability Project

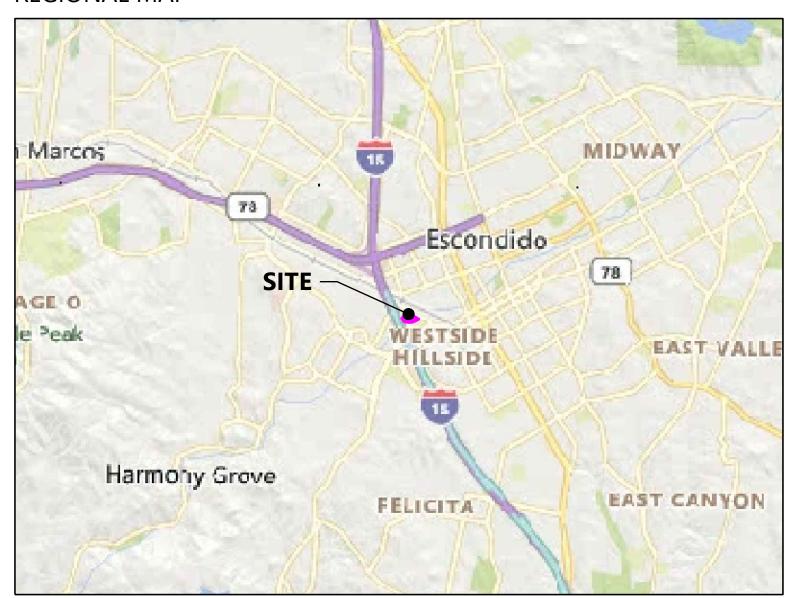
San Diego County, CA

Civil Site Plan Set

VICINITY MAP



REGIONAL MAP



SCALE: 1" = 5000'

Sheet List Table			
Sheet Number	Sheet Title		
C001	Cover Sheet		
C100	Existing Conditions & Removal Plan		
C200	Preliminary Site Plan		
C300	Preliminary Grading, Drainage, and BMP Plan		
C400	Slope Analysis		
ATTACHMENT	American Surveying & Mapping, Inc. ALTA/NSPS Land Title Survey		

PROJECT DESCRIPTION

UTILITY BATTERY ENERGY STORAGE FACILITY - THE FACILITY WILL CONSIST OF MULTIPLE BATTERY CONTAINERS WITH LITHIUM BASED BATTERY TECHNOLOGY AND ASSOCIATED ELECTRICAL EQUIPMENT WHICH CHARGES AND DISCHARGES DIRECTLY TO THE ELECTRICAL GRID VIA AN EXISTING SUBSTATION FACILITY ON-SITE.

SITE ADDRESS 555 N. TULIP ST. ESCONDIDO, CA 92025

PROJECT PROPERTY APN 232-131-25-00

ZONE EXISTING: PLANNED DEVELOPMENT INDUSTRIAL PROPOSED: GENERAL INDUSTRIAL

	CONTACT INFORMATION				
PROJECT ROLE	CONTACT NAME	COMPANY	PHONE		
OWNER	EMILIANO PELEGRI	ONWARD ENERGY	303-623-2849		
GENERAL CONTRACTOR	TBD	TBD	TBD		
PROJECT MANAGER	COLE CAPPEL	WESTWOOD PROFESSIONAL SERVICES	214-473-4645		
LEAD CIVIL ENGINEER	MEGAN WELLS	WESTWOOD PROFESSIONAL SERVICES	720-586-8102		
ENGINEER OF RECORD	CHRIS CARDA	WESTWOOD PROFESSIONAL SERVICES	952-906-7459		



REVISIONS:		
# DATE	COMMENT	BY CHK APR
A 10/21/2022	ISSUED FOR AHJ REVIEW	CN AK BM
B 01/13/2023	ISSUED FOR AHJ REVIEW	BJB AK BM
C 05/08/2023	ISSUED FOR AHJ REVIEW	MW MW BM
D 06/01/2023	ISSUED FOR AHJ REVIEW	MB MW BM
E 08/16/2023	ISSUED FOR AHJ REVIEW	MB MW BM

Goal Line Reliability Project

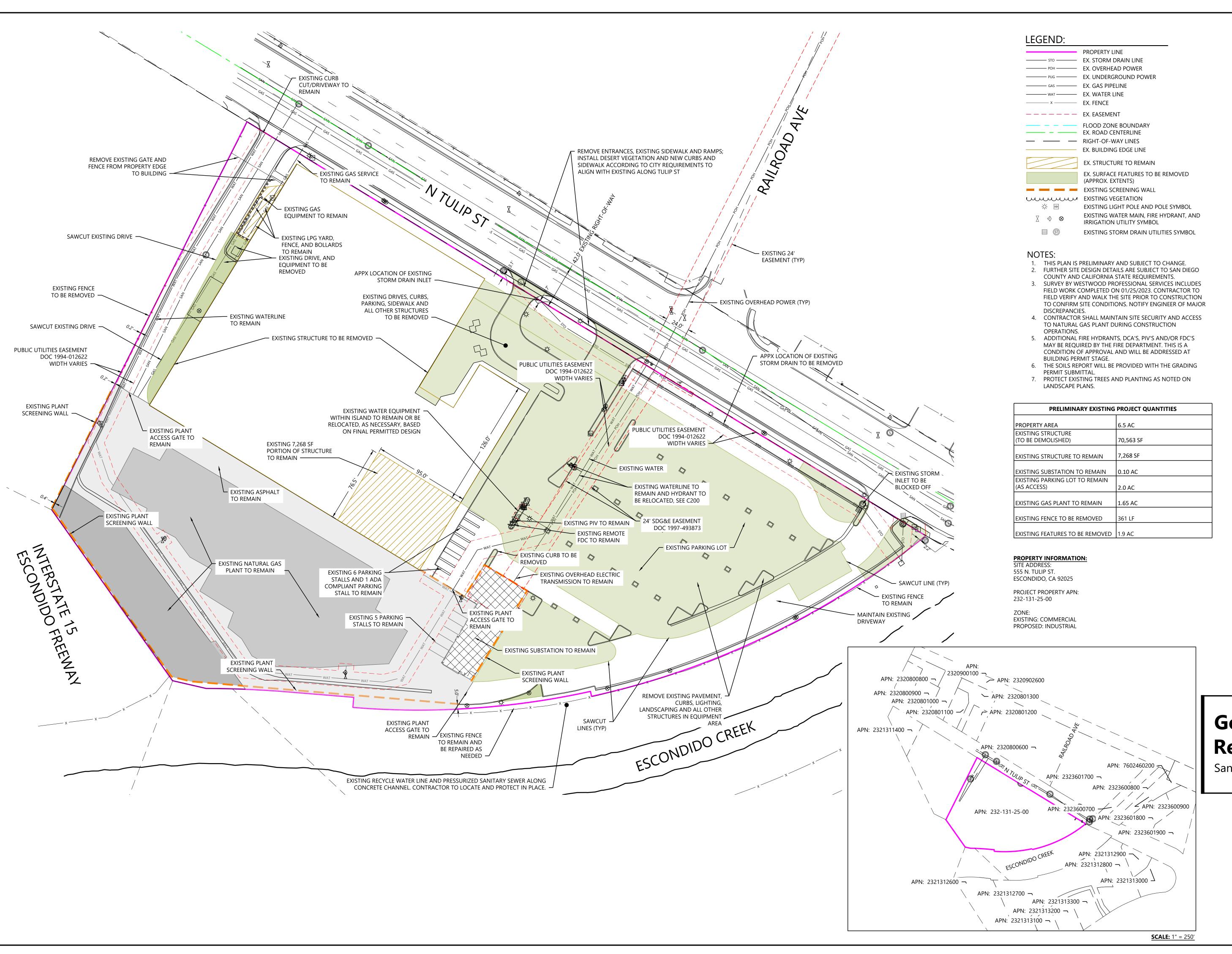
San Diego County, California

Cover Sheet

NOT FOR CONSTRUCTION

05/08/2023

C001





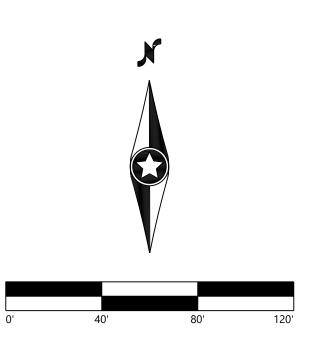
Westwood Professional Services, Inc.

Toll Free (888) 937-5150 Westminster, CO 80021



600 Seventeenth St., Suite 2400S Denver, CO 80202

EVISIONS:						
ŧ	DATE	COMMENT	BY	СНК	APR	
١	10/21/2022	ISSUED FOR AHJ REVIEW	CN	AK	ВМ	
3	01/13/2023	ISSUED FOR AHJ REVIEW	ВЈВ	AK	ВМ	
-	05/08/2023	ISSUED FOR AHJ REVIEW	MW	MW	ВМ	
)	06/01/2023	ISSUED FOR AHJ REVIEW	МВ	MW	ВМ	
:	08/16/2023	ISSUED FOR AHJ REVIEW	МВ	MW	ВМ	
-						



Goal Line Reliability Project

San Diego County, California

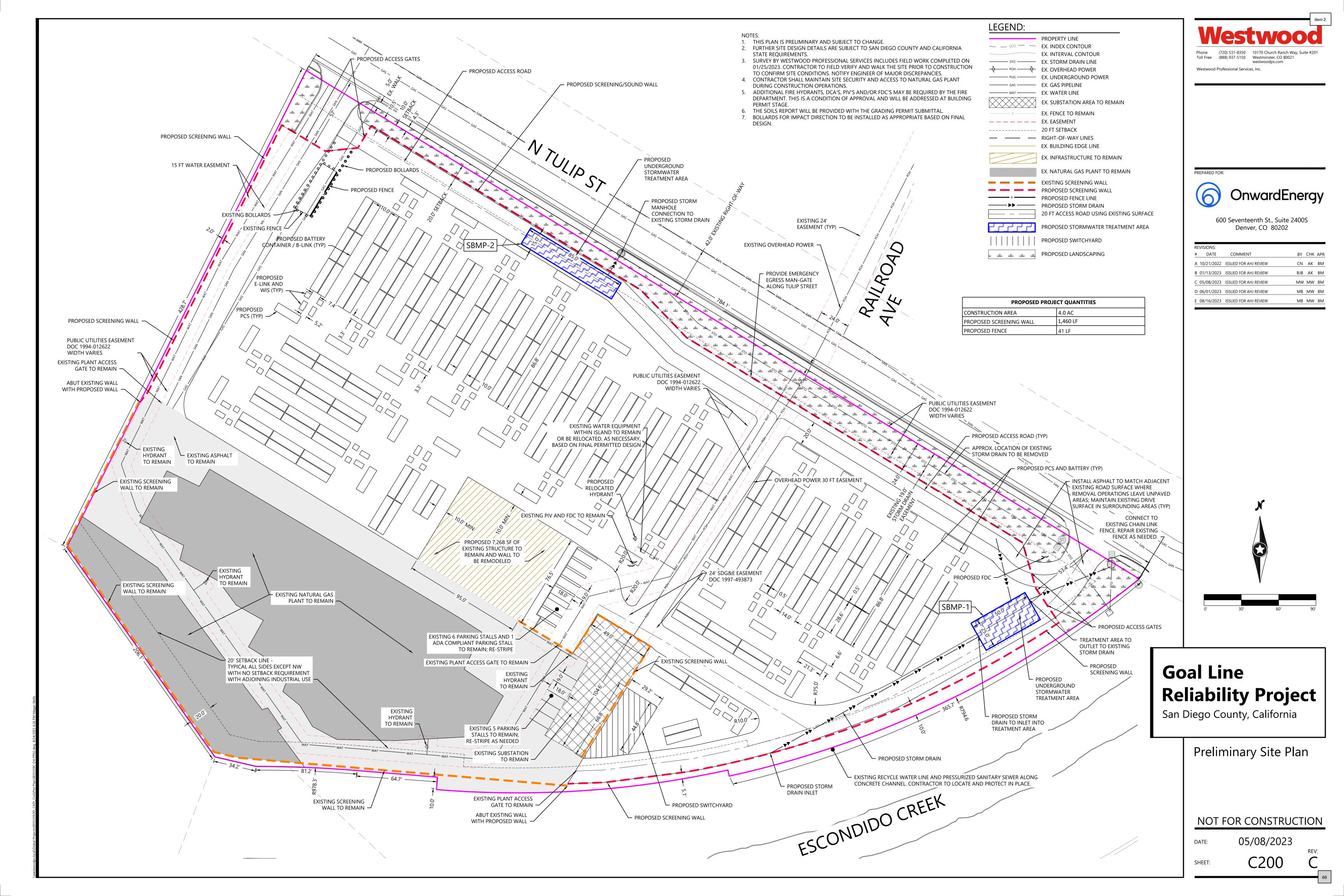
Existing Conditions & Removal Plan

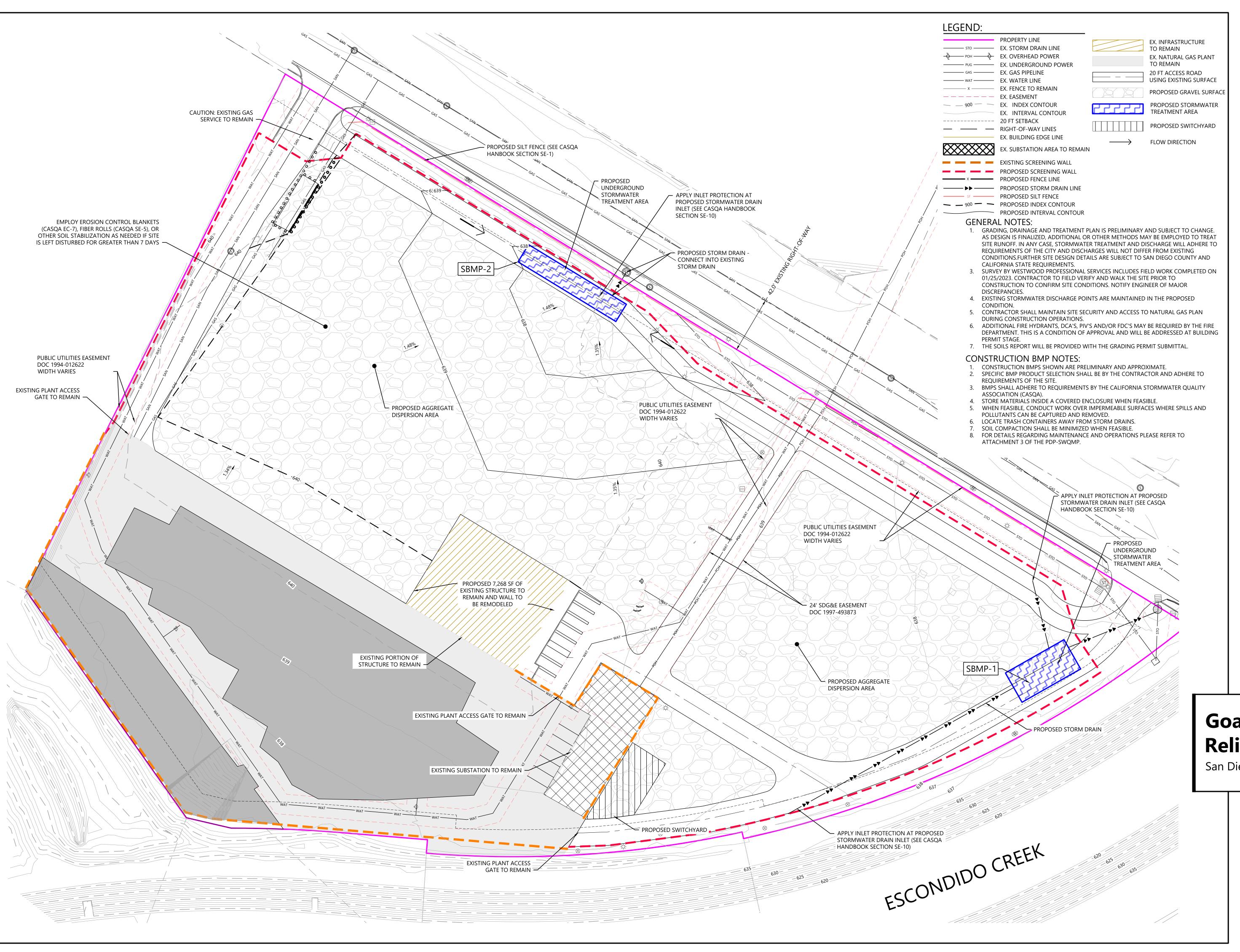
NOT FOR CONSTRUCTION

08/16/2023

SHEET:

C100





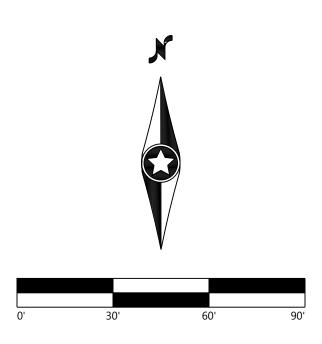


Westwood Professional Services, Inc.



600 Seventeenth St., Suite 2400S Denver, CO 80202

VISIONS:			
DATE	COMMENT	BY	CHK APR
10/21/2022	ISSUED FOR AHJ REVIEW	CN	AK BM
01/13/2023	ISSUED FOR AHJ REVIEW	ВЈВ	AK BM
05/08/2023	ISSUED FOR AHJ REVIEW	MW	MW BM
06/01/2023	ISSUED FOR AHJ REVIEW	МВ	MW BM
08/16/2023	ISSUED FOR AHJ REVIEW	МВ	MW BM



Goal Line Reliability Project

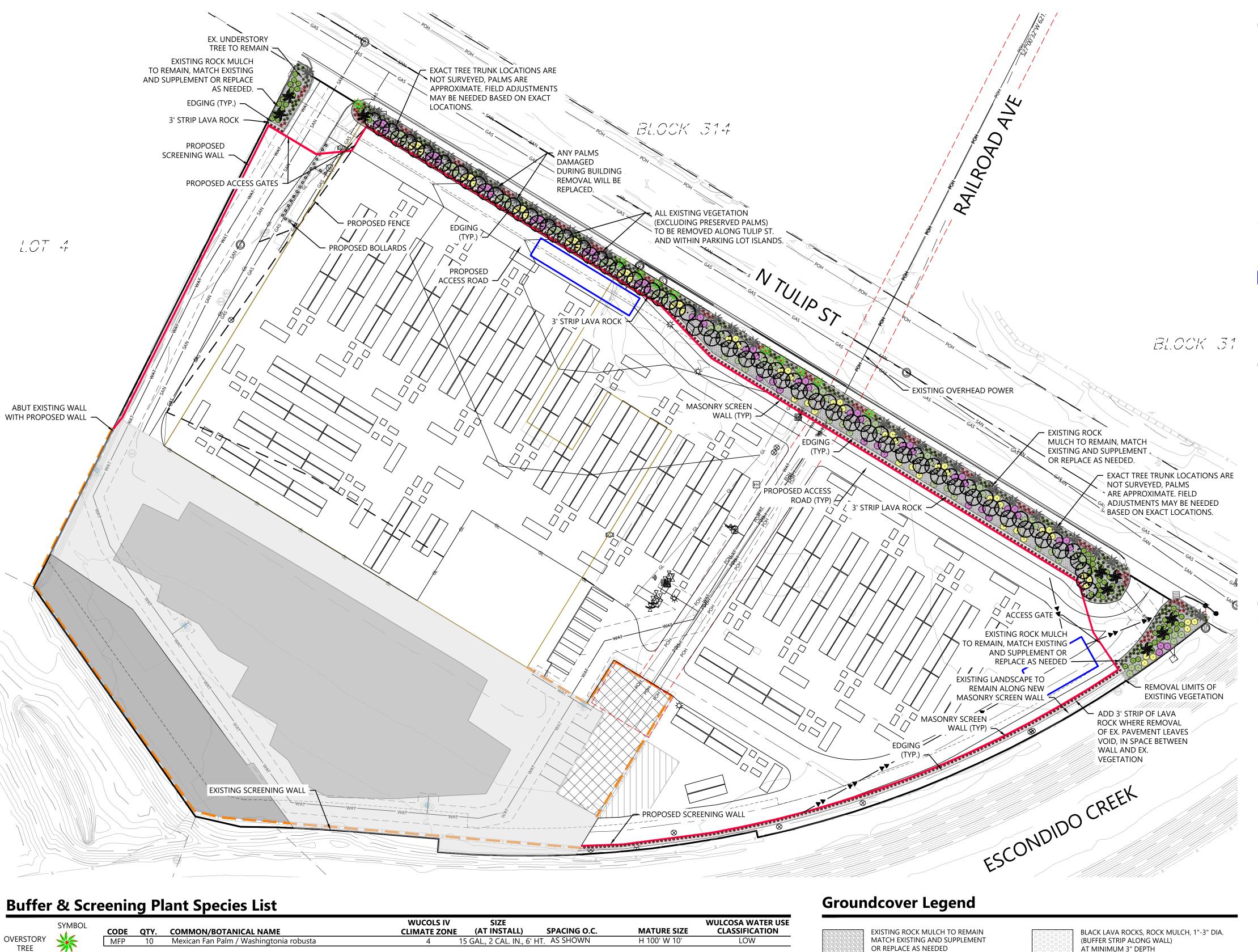
San Diego County, California

Preliminary Grading, Drainage, and BMP Plan

NOT FOR CONSTRUCTION

06/02/2023

C300



H 20' W 15'-25'

H 10'-15' W 10'-15

H 15'-40' W 15'-40'

H 20'-30' W 20'-30

H 3'-6' W 3'-6'

H 2'-6' W 4'-8'

H 4'-6' W 4'-6'

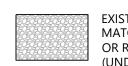
H 2'-3' W 4'-5'

H 2' W 2-6'

H 2'-3' W 2'-3'

H 2'-3' W 2'-3'

H 30'-50' W 5'-10'



VERY LOW

LOW

LOW

LOW

LOW

LOW

LOW

LOW

VERY LOW

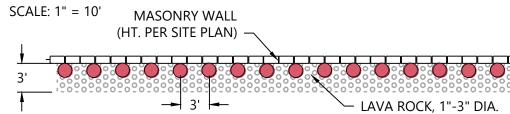
MODERATE

MODERATE

OR REPLACE AS NEEDED (UNDER PLANTINGS) AT MINIMUM 3" DEPTH



AT MINIMUM 3" DEPTH



Vine Planting Detail

(HT. PER SITE PLAN)	
3' 3' - 3'	LAVA ROCK, 1"-3" DIA. AT MINIMUM 3" DEPTH

Legend

PROPERTY LINE 900 — EX. INDEX CONTOUR **EX. INTERVAL CONTOUR** - STO ---- EX. STORM DRAIN LINE ─⋛ EX. OVERHEAD POWER - GAS — EX. GAS PIPELINE — WAT — EX. WATER LINE EX. SUBSTATION AREA TO REMAIN EX. FENCE TO REMAIN ASSUMED EASEMENT/SETBACK --- RIGHT-OF-WAY LINES EX. BUILDING EDGE LINE EX. INFRASTRUCTURE TO REMAIN EX. NATURAL GAS PLANT TO REMAIN EXISTING SCREENING WALL PROPOSED SCREENING WALL PROPOSED STORM DRAIN 20 FT ACCESS ROAD USING EXISTING SURFACE PROPOSED STORMWATER TREATMENT AREA PROPOSED SWITCHYARD

Commercial/Industrial Developments

THE FOLLOWING STANDARDS SHALL APPLY TO ALL COMMERCIAL AND INDUSTRIAL ZONES. SPECIFIC STANDARDS MAY BE DEVELOPED FOR THE DOWNTOWN SPECIFIC PLAN OR AN APPROVED AREA PLAN.

PROPOSED BATTERY CONTAINERS

& AUXILIARY EQUIPMENT

(A) A LANDSCAPE STRIP MUST BE LOCATED ON THE SUBJECT PROPERTY, ADJACENT TO THE PUBLIC RIGHT-OF-WAY, EXCEPT WHEN A SETBACK IS NOT REQUIRED WITHIN THE ZONE.

TREES, SHRUBS, GROUNDCOVER TO PROVIDE ONE HUNDRED (100) PERCENT TRASH ENCLOSURE. EMBELLISHED PAVEMENT AND INERT MATERIALS MAY BE USED FOR UP TO TWENTY-FIVE (25) PERCENT OF THE REQUIRED LANDSCAPING. VARIATIONS IN THESE REQUIREMENTS MAY BE SPECIFICALLY APPROVED BY THE

(2) PERIMETER PLANTING AREA. IN ADDITION TO LANDSCAPE REQUIREMENTS FOR PARKING AREAS, REQUIRED FRONT YARD, SIDE YARD AND REAR YARD SETBACKS FOR INDUSTRIAL AND COMMERCIAL USES SHALL BE LANDSCAPED WITH TREES, SHRUBS, AND GROUNDCOVERS.

(3) LOADING AREAS. LOADING AREAS FOR COMMERCIAL AND INDUSTRIAL USES SHALL INCORPORATE LANDSCAPING TO PROVIDE SCREENING OF THE LOADING AREA FROM PUBLIC RIGHTS-OF-WAY, ADJACENT USES AND PEDESTRIAN

Water Budget Calculations

PROJECT SERVICED BY POTABLE WATER SOURCES MAXIMUM APPLIED WATER ALLOWANCE (MAWA): MAWA (IN GALLONS) = $(ETO)(0.62)[0.7 \times LA + 0.3 \times SLA]$

LA: 18,435.52 SF SLA: 0 SF

ESTIMATED ANNUAL WATER USE (EAWU): EAWU (IN GALLONS) = $(ETO)(0.62)[((PF \times HA)/IE) + SLA]$

ETO: 57.0 PF: 0.1 (VERY LOW) HA: 3,360.0 SF IE: 0.71 SLA: 0 SF

EAWU SUBTOTAL: 16,724.28 Gal

PF: 0.3 (LOW) HA: 11,265.0 SF IE: 0.71 SLA: 0 SF

EAWU SUBTOTAL: 168,213.4 Gal

ETO: 57.0 PF: 0.5 (MODERATE) HA: 3,202.8 SF SLA: 0 SF

EAWU SUBTOTAL: 79,709.12 Gal

(ADD SUBTOTALS AND DIVIDE BY 0.85) EAWU TOTAL: 311,349.2 Gal

Notes

1. "I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE ESCONDIDO WATER EFFICIENT LANDSCAPE REGULATIONS. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS AND THE LANDSCAPE DESIGN MANUAL. I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER"

2. ALL PLANTING AREAS ARE TO HAVE A MINIMUM OF 3" ROCK MULCH

3. ALL SPECIES WERE SELECTED TO REQUIRE VERY LOW, LOW, OR MODERATE WATER NEEDS IN WUCOLS IV REGION 4, SUNSET ZONE

4. ALL SPECIES WERE SELECTED FROM THE ESCONDIDO FIRE AND RINCON DEL DIABLO MUNICIPAL WATER DISTRICT SUGGESTED DROUGHT TOLERANT, FIRE RESISTIVE LANDSCAPING PLANT LIST, AS WELL AS THE CITY OF ESCONDIDO APPROVED STREET TREE LIST.

5. ANNUAL REVIEW, MAINTENANCE, AND REMOVAL OF DEAD VEGETATION REQUIRED.

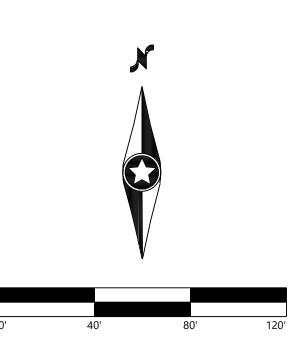


Westwood Professional Services, Inc.



600 Seventeenth St., Suite 2400S Denver, CO 802002

REV	ISIONS:		
#	DATE	COMMENT	
В	10/20/22	CLIENT COMMENTS	
С	01/20/22	CITY COMMENTS	
D	04/21/23	CLIENT COMMENTS	
E	05/23/23	CLIENT COMMENTS	
F	08/23/23	ISSUED FOR AHJ REVIEW	



Goal Line Reliability Project

San Diego County, California

Overall Preliminary Landscape Plan

NOT FOR CONSTRUCTION

08/23/2023

NOTES: 1) QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY. 2) B.B. SPECIFIES ROOT TYPE AS BALLED AND BURLAPPED. 3) H.T. SPECIFIES MINIMUM SPECIMEN HEIGHT UPON INSTALLATION.

Sweet Acacia / Vachellia farnesiana (L.)

Windmill Palm / Trachycarpus fortunei

Desert Ceanothus / Ceanothus greggii

Starn Thompson Coyote Brush / Baccharis x 'Starn'

Sweet Bay / Laurus nobilis

FWS 57 Fourwing Saltbush / Atriplex canescens

125 Desert Agave / Agave deserti

111 Costal Agave / Agave shawii

118 Aloe / Aloe capitata quartziticola

BIY 361 Boston Ivy / Parthenocissus tricuspidata

Comanche Crape Myrtle / Lagerstromemia indica x fauriei 'Comanche' 4

54 Betty Taudevin Orchid Rockrose / Cistus x purpureus 'Betty Taudevin' 4

UNDERSTORY

SHRUB

DECIDUOUS

VINES

15 GAL., 2 CAL. IN., 6' HT. AS SHOWN

15 GAL., 2 CAL. IN., 6' HT. AS SHOWN

15 GAL., 2 CAL. IN., 6' HT. AS SHOWN

15 GAL., 2 CAL. IN., 6' HT. AS SHOWN

AS SHOWN

AS SHOWN

AS SHOWN

AS SHOWN

AS SHOWN

AS SHOWN

AS SHOWN

3'-0" O.C. TYP.

#5 CONT.

#5 CONT

#5 CONT.

#5 CONT

#5 CONT.

#5 CONT.

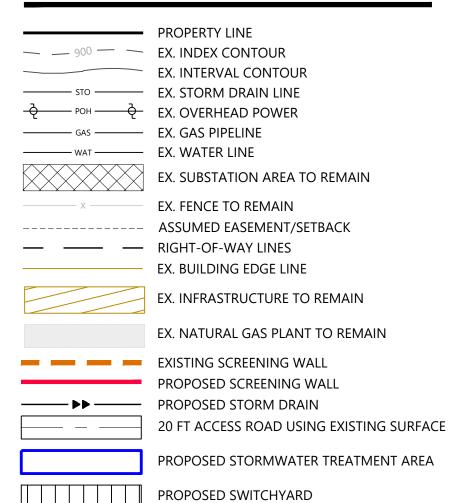
#5 CONT.

#1 CONT.

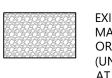
L.100 SHEET:



Legend



Groundcover Legend



EXISTING ROCK MULCH TO REMAIN MATCH EXISTING AND SUPPLEMENT OR REPLACE AS NEEDED (UNDER PLANTINGS) AT MINIMUM 3" DEPTH



BLACK LAVA ROCKS, ROCK MULCH, 1"-3" DIA. (BUFFER STRIP ALONG WALL) AT MINIMUM 3" DEPTH

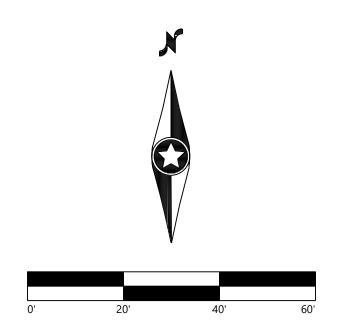


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Goal Line Reliability Project

San Diego County, California

Preliminary Landscape Plan

NOT FOR CONSTRUCTION

08/23/2023

L.101



PROPERTY LINE — 900 — EX. INDEX CONTOUR EX. INTERVAL CONTOUR ----- STO ----- EX. STORM DRAIN LINE POH POH EX. OVERHEAD POWER ——— GAS ——— EX. GAS PIPELINE ——— WAT ———— EX. WATER LINE EX. SUBSTATION AREA TO REMAIN EX. FENCE TO REMAIN

ASSUMED EASEMENT/SETBACK

— RIGHT-OF-WAY LINES EX. BUILDING EDGE LINE

EX. NATURAL GAS PLANT TO REMAIN

EX. INFRASTRUCTURE TO REMAIN

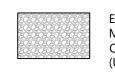
EXISTING SCREENING WALL PROPOSED SCREENING WALL PROPOSED STORM DRAIN 20 FT ACCESS ROAD USING EXISTING SURFACE

PROPOSED STORMWATER TREATMENT AREA

PROPOSED BATTERY CONTAINERS

& AUXILIARY EQUIPMENT

Groundcover Legend



EXISTING ROCK MULCH TO REMAIN MATCH EXISTING AND SUPPLEMENT OR REPLACE AS NEEDED (UNDER PLANTINGS) AT MINIMUM 3" DEPTH



BLACK LAVA ROCKS, ROCK MULCH, 1"-3" DIA. (BUFFER STRIP ALONG WALL) AT MINIMUM 3" DEPTH

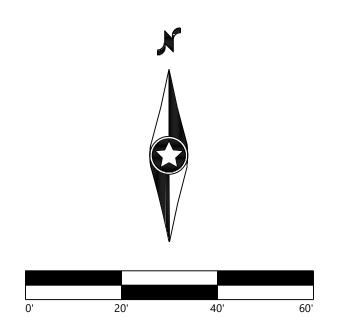


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600 Seventeenth St., Suite 2400S Denver, CO 802002

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Goal Line Reliability Project

San Diego County, California

Preliminary Landscape Plan

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08/23/2023

L.102

City of Escondido Additional Notes

- (1) PLANTING INSTALLATION.
- (A) ALL TREES SHALL BE STAKED IN ACCORDANCE WITH THE CITY OF ESCONDIDO STANDARD TREE STAKING DETAIL.
- GROUNDCOVER SHALL BE PLANTED IN A TRIANGULAR PATTERN SPACED TO ENSURE ONE HUNDRED (100) PERCENT COVERAGE WITHIN ONE (1) YEAR OF INSTALLATION.
- (C) A MINIMUM THREE (3) INCH LAYER OF MULCH MATERIAL SHALL BE APPLIED TO ALL SHRUB AND TREE PLANTED AREAS.
- STREET TREES STANDARDS.
- THE FOLLOWING STANDARDS APPLY FOR TREE SELECTION LOCATION AND PLANTING OF STREET TREES WITHIN THE CITY. THE STANDARDS APPLY TO THE NUMBER OF TREES,
- LOCATION OF TREES.
- (A) STREET TREES SHALL BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY (ROW) OR WITHIN A FIVE (5) FOOT ADDITIONAL WIDTH EASEMENT BEHIND THE ROW. GENERALLY SPEAKING, THE TREE WILL BE LOCATED APPROXIMATELY THREE (3) TO EIGHT (8) FEET BEHIND THE
- B) STREET TREES SHALL BE LOCATED AND MAINTAINED TO PRESERVE A CLEAR ZONE OF AT LEAST TEN (10) FEET FROM FIRE HYDRANTS, UTILITY POLES, OVERHEAD UTILITY WIRES, STREET LIGHT LUMINARIES, AND ABOVEGROUND UTILITY STRUCTURES SUCH AS
- STREET TREES SHALL BE PLANTED AT LEAST FIVE (5) FEET FROM UNDERGROUND UTILITY SUCH AS WATER, STORM DRAIN, GAS, ELECTRIC AND TELEPHONE, AND EIGHT (8) FEET
- D) THE TREE SHALL BE PLACED AWAY FROM THE INTERSECTION SO AS TO ALLOW FOR ADEQUATE SITE DISTANCE. THE ALLOWABLE SITE DISTANCE SHALL BE DETERMINED BY THE
- (E) THE TREE SHALL NOT RESTRICT BUS LOADING OR UNLOADING.
- THE TREE SHALL BE AT LEAST THREE (3) FEET FROM ANY METER BOX.
- (G) THE TREE SHALL BE AT LEAST EIGHT (8) FEET FROM DRIVEWAYS.
- NUMBER OF TREES. IN ALL COMMERCIAL, INDUSTRIAL AND RESIDENTIAL DEVELOPMENT, THERE SHALL BE A MINIMUM OF ONE (1) STREET TREE FOR EVERY THIRTY (30) LINEAR FEET OF STREET FRONTAGE WITHIN OR ADJACENT TO THE DEVELOPMENT.
- ADDITIONAL REQUIREMENTS.
- THE MINIMUM SIZE STREET TREE SHALL BE A FIFTEEN (15) GALLON, TWO (2) INCH CALIPER AND SIX (6) FEET IN HEIGHT, IN ACCORDANCE WITH AAN STANDARDS.
- (B) ALL TREES SHALL BE DOUBLE-STAKED USING TREATED LODGEPOLE PINE STAKES AND FLEXIBLE RUBBER TIES. REMOVE ANY NURSERY STAKES. TREES LOCATED WITHIN SIX (6) FEET OF PAVEMENT SHALL BE PROVIDED WITH ROOT BARRIERS.
- ALL TREES SHALL HAVE A WATERING BASIN AROUND THE TREE, EXCEPT IN TURF AREAS, AND SHALL RECEIVE DEEP WATERING TO PROMOTE DEEP ROOTING UNTIL ESTABLISHED OR BASED ON INDIVIDUAL TREE DEMANDS.
- PALMS USED AS STREET TREES SHALL BE A MINIMUM OF SIX (6) FOOT BROWN TRUNK HEIGHT (BTH). SINGLE-STEM TREES SUCH AS PALMS WHICH DO NOT LEND THEMSELVES TO TOP TRIMMING WILL NOT BE PERMITTED UNDER UTILITY WIRES.
- STREET TREE MAINTENANCE AND REPLACEMENT.
- NEWLY PLANTED TREES SHALL BE WATERED UNTIL ESTABLISHED AND SHALL BE MAINTAINED IN A FLOURISHING MANNER. TREES SHALL BE REPLACED WITH A MINIMUM FIFTEEN (15) GALLON SIZE TREE CONSISTENT WITH THE SUGGESTED STREET TREE LIST.
- ALL STREET TREES SHALL BE WATERED BY THE ABUTTING OWNER IN FRONT OF WHOSE
- (C) THE PLANTING, REMOVAL, TRIMMING, PRUNING OF TREES IN ALL PUBLIC PARKS, PARKWAYS AND STREET RIGHT-OF-WAY WITHIN THE CITY OF ESCONDIDO SHALL BE MAINTAINED BY THE DIRECTOR OF PARKS AND RECREATION.
- REMOVAL OF TREES IN PUBLIC RIGHT-OF-WAY.
- A) NO PERSON SHALL CUT DOWN, DESTROY OR MOVE A TREE GROWING OR LOCATED WITHIN ANY PUBLIC STREET RIGHT-OF-WAY OR PUBLIC PARK WITHIN THE CITY, WITHOUT FIRST OBTAINING A WRITTEN PERMIT FROM THE DIRECTOR OF PARKS AND RECREATION. THE DIRECTOR OF PARKS AND RECREATION MAY REFER THE APPLICATION TO ANOTHER DEPARTMENT, COMMITTEE, OR PERSON FOR COMMENTS AND RECOMMENDATIONS.
- AN APPLICATION FOR A PERMIT SHALL CONTAIN THE NUMBER, SPECIES, SIZE AND LOCATION OF THE TREE OR TREES INVOLVED, A STATEMENT OF THE REASON FOR THE REQUESTED ACTION AND ANY OTHER PERTINENT INFORMATION. THE FOLLOWING CRITERIA SHALL BE CONSIDERED WHEN GRANTING A PERMIT:
- THE CONDITION OF THE TREE WITH RESPECT TO ITS HEALTH, PUBLIC NUISANCE OR PUBLIC SAFETY;
- CONSIDERATION OF WHETHER THE TREE(S) REMOVAL IS NECESSARY AND RELOCATION AND REDESIGN CANNOT BE AVOIDED IN ORDER TO CONSTRUCT PUBLIC IMPROVEMENTS
- CONSIDERATION OF WHETHER THE REMOVAL IS NECESSARY TO CONTROL EROSION, SOIL RETENTION OR DIVERSION OR INCREASED FLOW OF SURFACE WATER;
- v) THE EFFECT OF REMOVAL OF THE TREE WILL HAVE ON HISTORIC VALUE, SCENIC VALUE, AND GENERAL WELFARE OF THE CITY AS A WHOLE.
- B) THE FOLLOWING REPLACEMENT VALUES SHALL BE CONSIDERED WHEN GRANTING A
- ANY TREE AUTHORIZED TO BE REMOVED SHALL BE REPLACED BY THE PERMITTEE WITH A TREE CONFORMING TO THE OFFICIAL STREET TREE LIST ON A ONE (1) FOR ONE (1) BASIS WITH A TREE OF A SIZE AND LOCATION APPROVED BY THE DIRECTOR OF PARKS AND
- SUBJECT TO PHYSICAL CONDITION OF THE TREE, THE SPECIES, SIZE AND THE LOCATION, OFF-SITE RELOCATION OR REPLACEMENT AS DETERMINED BY THE DIRECTOR OF PARKS AND RECREATION AS AN ALTERNATIVE MITIGATION MEASURE MAY BE CONSIDERED IF ON-SITE REPLACEMENT OR RELOCATION IS NOT FEASIBLE. OFF-SITE REPLACEMENT TREES SHALL BE PLACED ON A CITY-OWNED PROPERTY. RELOCATION OF THE TREE TO AN ON-SITE LOCATION SHALL BE A CONSIDERATION PRIOR TO OFF-SITE REPLACEMENT OR

Planting Notes

- 1. CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA - DIG ALERT SYSTEM AT (811) OR (800-422-4133) TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANTS OR LANDSCAPE MATERIAL.
- 2. ACTUAL LOCATION OF PLANT MATERIAL IS SUBJECT TO FIELD AND SITE
- 3. NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- 4. ALL SUBSTITUTIONS MUST BE APPROVED BY THE OWNER PRIOR TO SUBMISSION OF ANY BID AND/OR QUOTE BY THE LANDSCAPE CONTRACTOR.
- 5. CONTRACTOR SHALL PROVIDE ONE YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS ON THE DATE OF THE OWNER'S WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE COMMENCING UPON PLANTING.
- 6. ALL PLANTS TO BE SPECIMEN GRADE, CALIFORNIA-GROWN AND/OR HARDY. SPECIMEN GRADE SHALL ADHERE TO, BUT IS NOT LIMITED BY, THE FOLLOWING STANDARDS:
- ALL PLANTS SHALL BE FREE FROM DISEASE, PESTS, WOUNDS, SCARS, ETC. ALL PLANTS SHALL BE FREE FROM NOTICEABLE GAPS, HOLES, OR
- ALL PLANTS SHALL BE FREE FROM BROKEN OR DEAD BRANCHES. ALL PLANTS SHALL HAVE HEAVY, HEALTHY BRANCHING AND LEAFING. CONIFEROUS TREES SHALL HAVE AN ESTABLISHED MAIN LEADER AND A HEIGHT TO WIDTH RATIO OF NO LESS THAN 5:3.
- 7. PLANTS TO MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2004 OR MOST CURRENT VERSION) REQUIREMENTS FOR SIZE AND TYPE SPECIFIED.
- 8. PLANTS TO BE INSTALLED AS PER CALA & ANSI STANDARD PLANTING PRACTICES.
- 9. PLANTS SHALL BE IMMEDIATELY PLANTED UPON ARRIVAL AT SITE. PROPERLY HEEL-IN MATERIALS IF NECESSARY; TEMPORARY ONLY.
- 10. PRIOR TO PLANTING, FIELD VERIFY THAT THE ROOT COLLAR/ROOT FLAIR IS LOCATED AT THE TOP OF THE BALLED & BURLAP TREE. IF THIS IS NOT THE CASE, SOIL SHALL BE REMOVED DOWN TO THE ROOT COLLAR/ROOT FLAIR. WHEN THE BALLED & BURLAP TREE IS PLANTED, THE ROOT COLLAR/ROOT FLAIR SHALL BE EVEN OR SLIGHTLY ABOVE FINISHED GRADE.
- 11. REMOVE POT ON POTTED PLANTS; SPLIT AND BREAK APART PEAT POTS.
- 12. PRUNE PLANTS AS NECESSARY PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
- 13. THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED UPON SITE SOIL CONDITIONS PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL NOTIFY OWNER FOR THE NEED OF ANY SOIL AMENDMENTS.
- 14. BACKFILL SOIL AND TOPSOIL TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE. MINIMUM 12" DEPTH TOPSOIL FOR TREE, SHRUBS, AND PERENNIALS.
- 15. PROVIDE ROCK MULCH FOR ALL TREE AND SHRUB PLANTINGS PER DETAIL. ROCK MULCH TO MATCH EXISTING CONDITIONS (WHERE APPLICABLE), AT MINIMUM 3" DEPTH, OR APPROVED EQUAL. ROCK MULCH TO BE ON COMMERCIAL GRADE FILTER FABRIC, BY TYPAR, OR APPROVED EQUAL WITH NO EXPOSURE. MULCH AND FABRIC TO BE APPROVED BY OWNER PRIOR TO INSTALLATION.
- 16. CONTRACTOR SHALL PROVIDE NECESSARY WATERING OF PLANT MATERIALS UNTIL THE PLANT IS FULLY ESTABLISHED OR IRRIGATION SYSTEM IS OPERATIONAL. OWNER WILL NOT PROVIDE WATER FOR CONTRACTOR.
- 17. REPAIR, REPLACE, OR PROVIDE SOD/SEED AS REQUIRED FOR ANY ROADWAY BOULEVARD AREAS ADJACENT TO THE SITE DISTURBED DURING CONSTRUCTION.
- 18. REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.

Escondido Fire Planting Notes

PALM TREES

FOLLOWING THE 2007 WILDFIRES, IT WAS DETERMINED THAT CERTAIN SPECIES OF PALMS INCREASED THE FIRE HAZARD DUE TO TREE FORM AND LACK OF MAINTENANCE. PALM TREES THAT HAVE FIBROUS TISSUE (PHOTOGRAPH 1) OR LEAF BASES (PHOTOGRAPH 2) ON THE TRUNK SHALL BE PLANTED AND MAINTAINED 30 FEET FROM THE TREE'S DRIP LINE TO ANY COMBUSTIBLE STRUCTURE.

SOME EXAMPLES OF TREE SPECIES WITH FIBROUS TISSUE INCLUDE: CHAMAEROPS HUMILIS (MEDITERRANEAN FAN PALM) PHOENIX CANARIENSIS (CANARY ISLAND DATE PALM)

- PHOENIX DACTYLIFERA (DATE PALM) PHOENIX RECLINATA (SENEGAL DATE PALM)
- PHOENIX ROEBELENII (PYGMY DATE PALM)
- TRACHYCARPUS FORTUNEI (WINDMILL PALM) THE WASHINGTONIA ROBUSTA (MEXICAN FAN PALM) IS AN EXAMPLE OF A PALM TREE WITH LEAF BASES.

ALL DEAD PALM FRONDS INCLUDING OLDER LEAVES THAT PERSIST ON THE TREE, FORMING A "SKIRT" OF BROWN THATCH (PHOTOGRAPH 3) SHALL BE REMOVED ANNUALLY; THIS REQUIREMENT APPLIES TO PALMS WITHIN 100 FEET OF ANY STRUCTURE OR WITHIN 30 FEET OF A DRIVEWAY OR ROADWAY.

Buffer & Screening Plant Material



Comanche Crape Myrtle

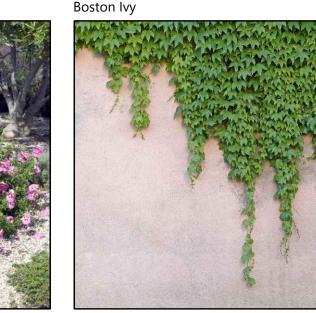
Desert Ceanothus





Betty Taudevin Orchid Rockrose



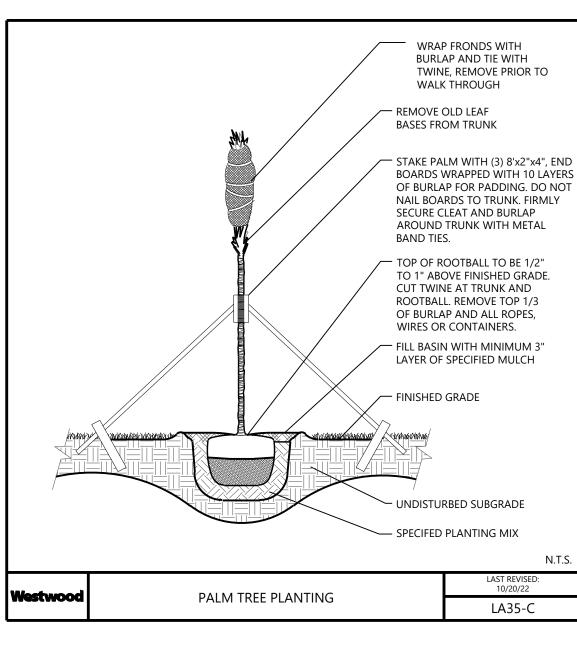


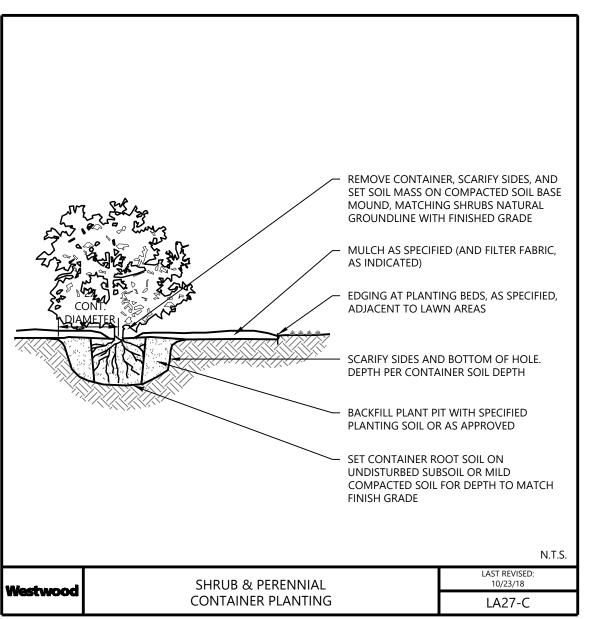


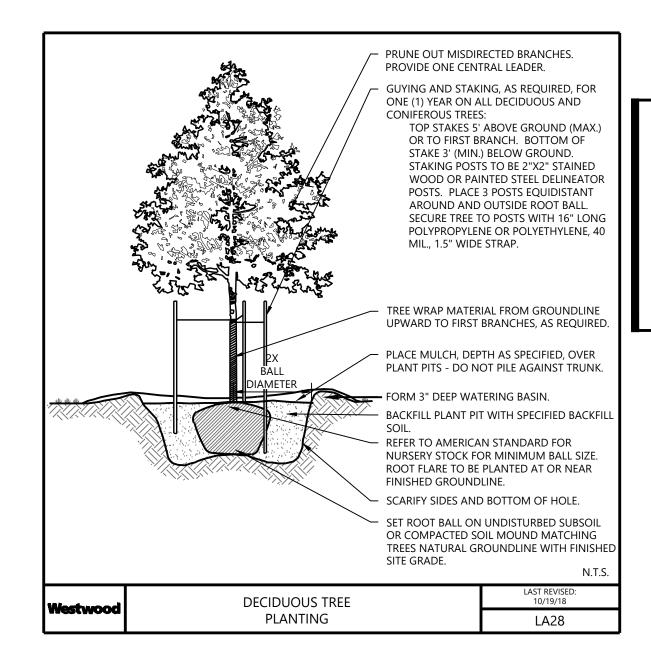




Planting Details











600 Seventeenth St., Suite 2400S Denver, CO 802002

#	DATE	COMMENT
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Goal Line Reliability Project

San Diego County, California

Preliminary Landscape Notes & Details

NOT FOR CONSTRUCTION

08/23/2023

SHEET

L.103

Elevations are an illustrative representation of the proposed project. Actual layout, sizes, and may change from what is currently represented.
 Vertical and horizontal scales are represented by the scale bar below each elevation.





08-24-2023

Phone (952) 937-5150 12701 Whitewater Drive Fax (952) 937-5822 Minnetonka, MN 55343 Toll Free (888) 937-5150 westwoodps.com

0035339.00



EXHIBIT "C"

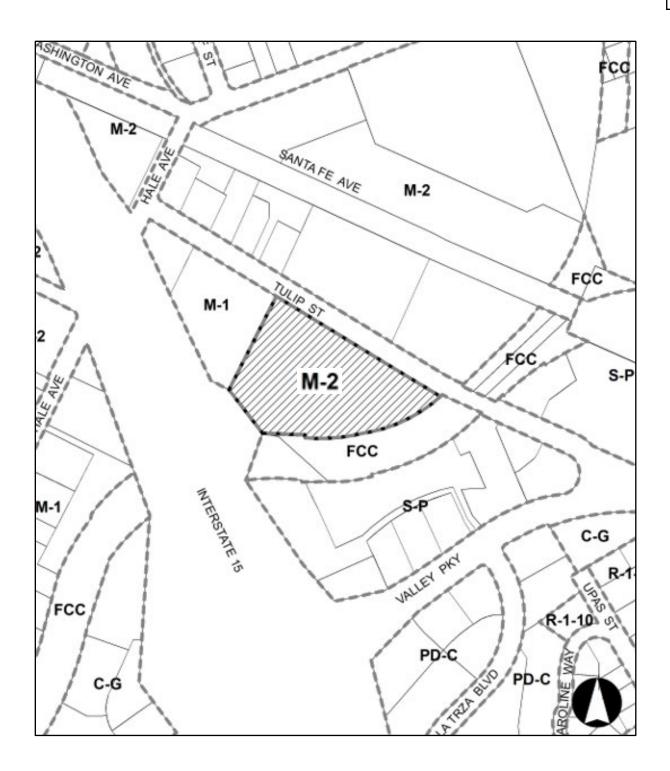
CHANGE OF ZONING CLASSIFICATION APN 232-131-25-00 PL22-0603/PL22-0604/PL23-0239

The parcel associated with the proposed Change of Zoning Classification are as follows:

APN	Existing Zoning Classification	Proposed Zoning Classification
232-131-25-00	Planned Development –	General Industrial (M-2)
	Industrial (PD-I)	,

The Escondido Zoning Map is amended as shown on the following page, as attached hereto and made a part hereof. The subject parcel will carry the M-2 zoning classification. The entire, existing Zoning Map is on file with the Office of the City Clerk.

The City Clerk is hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this Zone Map Amendment reveals that there is a conflict, in order to avoid confusion.



Zoning Map to be changed from Planned Development – Industrial (PD-I) to General Industrial (M-2).

EXHIBIT "D"

ZONE TEXT AMENDMENT

Subsection (e) of Section 33-1221 of Division 2 of Article 61 of Chapter 33 of the Escondido Municipal Code is hereby repealed in its entirety and a new Subsection (e), and a new Subsection (f) of Section 33-1221 are hereby added as follows:

Sec. 33-1221. Administrative adjustment defined.

- (e) Up to a twenty-five (25) percent increase in fence height for commercial zoned properties, and up to a fifty (50) percent increase in fence height for industrial zoned properties; and
 - (f) Other adjustments as specified by this chapter.

Subsection (c) of Section 33-1223 of Division 2 of Article 61 of Chapter 33 of the Escondido Municipal Code is hereby repealed in its entirety and a new Subsection (c) of Section 33-1223 is hereby added as follows:

Sec. 33-1223. Application and procedure.

(c) Administrative Adjustment Procedure. The director shall review the requested adjustment, the applicant's justification, the compatibility with adjacent properties or improvements and any other pertinent factor(s). If an administrative adjustment is associated with a discretionary application that requires a public hearing, the request shall be reviewed by the appropriate decision-making body for the discretionary action, and a separate application or Notice of Intended Decision is not required.

EXHIBIT "E"

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

GOAL LINE RELIABILITY PROJECT ESCONDIDO, CA

Prepared for:

ONWARD ENERGY

600 17th Street Suite 2400S Denver, CO 80202

Prepared by:



CHAMBERS GROUP, INC.

600 West Broadway, Suite 250 Glendale, California 91204

September 2023

MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the construction and operation phase of the Goal Line Reliability Project.

The City of Escondido is the agency responsible for implementation of the mitigation measures identified in the MND. This MMRP provides the City of Escondido with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the project during which the required mitigation measure must be implemented;
- The phase of the project during which the required mitigation measure must be monitored; and
- The enforcement agency.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor, the date of the monitoring activity, and any related remarks for each mitigation measure.

	MITIGATION MONITORING AND REPORTING PROGRAM									
	Goal Line Reliability Project									
Mitigation Measure	Implementation	Monitoring	Enforcement	Level of	Verification of C		Compliance			
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Biological Resources						-				
MM-BIO-1: A pre-construction nesting bird survey shall be conducted approximately 3 days prior to ground-disturbing activities by a qualified biologist retained by the Applicant. If nests are found during surveys, they shall be flagged and a 250-foot buffer to a 500-foot buffer (for raptors) shall be fenced around the nests. The buffer area shall be kept in place until the young have fledged and leave the nest. To the maximum extent practicable, a minimum buffer zone around occupied nests should be determined by a qualified biologist to avoid impacts to the active nest. The buffer should be maintained during physical ground-disturbing activities. Once nesting has ceased, the buffer may be removed.	Prior to construction	Prior to and during construction	City of Escondido	Less than Significant						
Cultural Resources										
CUL-1 If requested by one or more participating tribes, the applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (TCA Tribe) prior to issuance of a grading permit to be submitted to the City. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources; and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains; funerary objects; cultural and religious landscapes; ceremonial items; traditional gathering areas; and cultural items located and/or discovered through a monitoring program in conjunction with the construction of the Proposed Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.	Prior to construction	Prior to and during construction	City of Escondido	Less than Significant						
CUL-2 Prior to issuance of a grading permit, the applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008) to prepare the CRMP in coordination with participating tribe(s). The CRMP will include any additional information that can be utilized to determine the appropriate monitoring program. The qualified archeologist and Native American monitors associated with a TCA Tribe will implement the monitoring program, as described in the CRMP. Because the Project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people shall be retained for the project. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the qualified archaeologist that confirms that Native American monitors representing both Luiseño and Kumeyaay TCA Tribes have been retained. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.	Prior to issuance of a grading permit	Prior to issuance of a grading permit	City of Escondido	Less than Significant						

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	Implementation	Monitoring	Enforcement	Level of	Verification of Complia		Compliance		
Mitigation Measure	Phase Phase Agency	Agency	Significance After Mitigation	Initial	Date	Remarks			
CUL-3 The qualified archaeologist and, if requested by the participating tribe(s), a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.	Prior to Grading	Prior to construction	City of Escondido	Less than Significant					
CUL-4 As required by the CRMP, the qualified archaeologist and the Native American monitor shall be on site during the initial grubbing, site grading, excavation or disturbance of the ground surface. The CRMP shall include protocols for monitoring and, if available, shall include any additional information and related monitoring procedures for specific areas of the Project site that have been previously disturbed. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall	During initial grubbing	During initial grubbing	City of Escondido	Less than Significant					
be responsible for determining the duration and frequency of monitoring. CUL-5 In the event that previously unidentified cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.	During grading	During grading	City of Escondido	Less than Significant					
CUL-6 If a potentially significant historical, unique archaeological, and/or tribal cultural resource is discovered, the qualified archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. Recommendations for the resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.	During construction	During construction	City of Escondido	Less than Significant					

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MITIGATION MONITORING AND REPORTING PROGRAM										
	Goal Line Reliability Project									
	Implementation	Monitoring	Enforcement	Level of	Verification of Compliance					
Mitigation Measure	Phase	Phase	Agency	Significance After Mitigation	Initial	Date	Remarks			
CUL-7 The avoidance and/or preservation of significant cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources must first be considered and evaluated as required by CEQA. Where any significant resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.	Prior to and during construction	Prior to and during construction	City of Escondido	Less than Significant						
CUL-8 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.	During construction	During construction	City of Escondido	Less than Significant						

Item 2

	MITIGATION MONITORING AND REPORTING PROGRAM									
	Goal Line Reliability Project									
	Implementation	Monitoring	Enforcement	Level of	Verification of Compliance					
Mitigation Measure	Phase	Phase	Agency	Significance After Mitigation	Initial	Date	Remarks			
CUL-9 If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows: 1) It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.	Prior to and during construction	Prior to and during construction	City of Escondido	Less than Significant						
OR										
2) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility, and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.										
CUL-10 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. Geology and Soils	Prior to the release of the grading bond	Prior to the release of the grading bond	City of Escondido	Less than Significant						

	MITIGATION MONITORING AND REPORTING PROGRAM Goal Line Reliability Project									
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Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Significance After Mitigation	Initial	Date	Remarks			
PAL-01 Prior to issuance of a grading permit, the applicant shall retain the services of a qualified paleontologist to remain on-call for the duration of the proposed ground disturbing construction activity. The paleontologist selected must be approved by the appropriate City/Lead Agency representative. The qualified paleontologist may also be a qualified archaeologist. Upon approval or request by the City, a paleontological mitigation plan (PMP) outlining procedures and protocols for paleontological monitoring and data recovery shall be prepared for the Proposed Project and submitted to the City for review and approval. The development and implementation of the PMP shall include any additional information that can be utilized to determine the appropriate monitoring program, consultations with the applicant's engineering geologist, as well as a requirement that the curation of all specimens recovered under any scenario shall be through an appropriate repository agreed upon by the City. All specimens become the property of the City unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The PMP shall include developing a multilevel ranking system, or Potential Fossil Yield Classification (PFYC), as a tool to demonstrate the potential yield of fossils within a given stratigraphic unit. The PMP shall outline the monitoring and salvage protocols to address paleontological resources encountered during ground disturbing activities. As well as the appropriate recording, collection, and processing protocols to appropriately address any resources discovered. The cost of data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the City, in consultation with the qualified paleontologist.	Prior to issuance of a grading permit	Prior to issuance of a grading permit	City of Escondido	Less than Significant						
PAL-02 At the completion of all ground-disturbing activities, the qualified paleontologist shall prepare a final paleontological mitigation report summarizing all monitoring efforts and observations, as performed in line with the PMP, and all paleontological resources encountered, if any. As well as providing follow-up reports of any specific discovery, if necessary. If no paleontological resources are identified during monitoring, the final reporting shall be addressed within the archaeological monitoring and/or evaluation report. A standalone paleontological mitigation report is only required if paleontological resources are encountered during monitoring.	After ground disturbing activities	After ground disturbing activities	City of Escondido	Less than Significant						
Tribal Cultural Resources					<u> </u>					
CUL-1 through CUL-10	See CUL-1 through CUL-10	See CUL-1 through CUL-10	City of Escondido	Less than Significant						

	MITIGATION MONITORING AND REPORTING PROGRAM									
		Goal Li	ine Reliability Project							
	Implementation	Monitoring	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance					
Mitigation Measure	Phase	Phase			Initial	Date	Remarks			
MM-TCR-1: Retain a Native American Monitor/Consultant: Prior to the commencement of any ground disturbing activity at the Project site, the Project applicant shall retain a Native American Monitor (Tribal Monitor) that is a documented lineal descendant from an ancestral tribe (of Kumeyay Descent) of the Project area. A copy of the executed contract shall be submitted to the Lead Agency prior to the issuance of any permit necessary to commence a ground-disturbing activity. It is the contractor's responsibility to ensure the proper scheduling of the Tribal Monitor with a minimum of 48 hours' notice. If the scheduled Tribal Monitor does not arrive on time or without prior warning of absence, the work may proceed, IF an archaeological monitor is on-site. Per CUL-02, the participating Tribe(s) shall coordinate with the qualified archaeologist and the applicant to prepare a CRMP document that outlines an agreed upon monitoring program and associated protocols and procedures. The Tribal Monitor will only be present on-site during the construction phases that involve ground-disturbing activities involving intact, native, previously unexcavated, or undocumented fill sediments, and shall. have the authority to temporarily halt or divert construction equipment if a potential find is made. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities including construction activities, locations, soil, and any cultural materials identified. The on-site Tribal monitoring shall end when all ground disturbing activities at the Project site are completed, or when the Tribal Representatives or Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project site have little to no potential for impacting T	Prior to ground disturbing activities	Prior to ground disturbing activities	City of Escondido	Less than Significant	Tintial	Date	Remarks			

EXHIBIT "F"

PLANNING CASE NOS. PL22-0603/PL22-0604/PL23-0239

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

- 1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
- 2. An Initial Study/Mitigated Negative Declaration ("IS/MND") for the Project was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the CEQA Guidelines, and the local environmental procedures. The decision-making body of the Lead Agency shall adopt the proposed IS/MND only if:
 - It finds on the basis of the whole record before it that there is no substantial evidence the project will have a significant effect on the environment, and
 - The IS/MND reflects the Lead Agency's independent judgment and analysis.
- 3. The Final IS/MND and Mitigation Monitoring and Reporting Plan ("MMRP"), collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the project, and shall be referred to herein collectively as the "CEQA Documents."
- 4. The Planning Commission has received the material record supporting all of the CEQA documents for the project. The Planning Commission, finds the following:
 - The Final IS/MND reflects the City's independent judgment and analysis.
 - That there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts, or that cannot be fully mitigated. All previously identified impacts have been mitigated to less than a significant level.

- The Planning Commission also finds that the mitigation measures listed in the Mitigation Monitoring and Reporting Program ("MMRP") will not cause any potentially significant effects.
- The Final IS/MND has been completed in compliance with CEQA and it constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA.
- 5. Mitigation measures are recommended to be incorporated as part of the adoption of the Mitigated Negative Declaration. The recommended approval of the Project also includes the adoption of the MMRP, attached hereto this Resolution.
- 6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Civic Center. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

Amendments and Zone Changes (Escondido Zoning Code Section 33-1263)

With respect to Planning Case No. PL22-0603 (Zone Map Amendment), the Planning Commission finds the following:

1. That the public health, safety and welfare will not be adversely affected by the proposed change;

The Project will amend the underlying zoning designation from Planned Development Industrial (PD-I) to General Industrial (M-2). The proposed zone change is consistent with the General Plan Land Use Designation of General Industrial (GI), as indicated in Figure II-6 of the City's General Plan Land Use and Community Form chapter of the 2012 General Plan. The Project's proposed use is permitted by the M-2 zoning designation and would be consistent with performance standards for uses located within the zoning district. The zone change does not result in intensification of land uses that are already permitted within the M-2 zoning district and would not adversely affect the public health, safety and welfare.

2. That the property involved is suitable for the uses permitted by the proposed zone;

The property is suitable for the uses permitted by the proposed zone, M-2. The property is approximately 6.5 acres, and the Project will disturb approximately 4.2 acres of the site to store the lithium-ion battery storage utility. The site contains an existing natural gas facility that will continue to operate, and would be complemented by the lithium-ion battery storage utility. The M-2 zoning district allows utilities as permitted by-right, and the proposed use would be consistent with existing infrastructure and use of the site.

The Project is surrounded by General Industrial and Light Industrial zoned parcels, all with underlying land use designation of General Industrial, to the northeast, north, and northwest, and a flood control channel to the south. The Project would amend the existing zone of the subject property to permit uses already permitted in the surrounding zones. The Project would be permitted by-right and is consistent with the industrial nature of the area. The site contains an existing natural gas facility that has not been detrimental to surrounding properties; and the Project would complement the existing facility.

That the uses permitted by the proposed zone would not be detrimental to surrounding properties;

The Project is surrounded by General Industrial and Light Industrial zoned parcels, all with underlying land use designation of General Industrial, to the northeast, north, and northwest, and a flood control channel to the south. The Project would amend the existing zone of the subject property to permit uses already permitted in the surrounding zones. The Project would be permitted by-right and is consistent with the industrial nature of the area. The site contains an existing natural gas facility that has not been detrimental to surrounding properties; and the Project would complement the existing facility.

4. That the proposed change is consistent with the adopted general plan;

The proposed amendment would make the underlying zoning designation consistent with the existing General Plan Land Use Designation of General Industrial (GI). As indicated on Figure II-6 of the General Plan Land Use and Community Form chapter, the General Industrial (M-2) zoning designation is consistent with the GI land use designation, thus ensuring consistency with the adopted general plan.

5. That the proposed change of zone does not establish a residential density below seventy (70) percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;

The Project does not include a residential component and is limited to amending an industrial land use designation.

6. That the relationship of the proposed change is applicable to specific plans.

The Project site is not within any specific plans, and the zone map amendment does not include changes to existing specific plans. The zone map amendment would only apply to the subject site.

With respect to Planning Case No. PL23-0239 (Zone Text Amendment), the Planning Commission finds the following:

1. That the public health, safety and welfare will not be adversely affected by the proposed change;

The Project will amend the Escondido Zoning Ordinance (Chapter 33) to allow for an increase in fence height for commercial and industrial zoned properties by twenty-five percent (25%) and fifty percent (50%), respectively, through an administrative adjustment process subject to review by the City of Escondido and the requirements set forth within Article 61 of Chapter 33. The Zone Text Amendment is limited to the aforementioned zoning districts and would not adversely affect the public health, safety and welfare. The increase in fence/wall height would allow the Applicant to secure the site more effectively and would serve as a physical screen of the battery units.

2. That the property involved is suitable for the uses permitted by the proposed zone;

The Zone Text Amendment ("ZTA") would apply to only commercial and industrial zones, and would allow for an increase in fence/wall height on a case-by-case basis, reviewed and analyzed through the administrative adjustment process. The proposed ZTA is suitable for commercial and industrial zone properties in that it provides a mechanism for additional screening of a site for land use, and/or security purposes, which improves visual character of a property and supports public health, safety, and welfare.

3. That the uses permitted by the proposed zone would not be detrimental to surrounding properties;

The Zone Text Amendment is limited in scope and applicable to the industrial and commercial zones only. The ZTA does not include an expansion of permitted uses within these zoning districts, and in and of itself would not be detrimental to surrounding properties as walls/fences are permitted currently up to 8-feet in height. The administrative adjustment process requires public notification to surrounding properties even when not associated with a discretionary action requiring a public hearing.

4. That the proposed change is consistent with the adopted general plan;

The Zoning Text Amendment would allow for an increase in fence/wall height on a case-by-case basis for the industrial and commercial zones. The proposed change would be consistent with the adopted general plan as it would be limited to zones which have the least restrictive design guidelines and more intensive use allowances that may require screening of outdoor components permitted within the zone, such as the General Industrial (M-2) zoning district. Further, the proposed amendment would align with Land Use Policy 10.9, which seeks to "allow more flexible requirements affecting...screening of outside storage...depending on location and visibility from off-site areas on properties designated General Industrial."

5. That the proposed change of zone does not establish a residential density below seventy (70) percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;

The Zone Text Amendment is limited to an increase in fence/wall height in the commercial and industrial zones. It would have no impacts to residential zoning densities.

6. That the relationship of the proposed change is applicable to specific plans

The Zone Text Amendment would be limited to Chapter 33 (Zoning) of the Escondido Municipal Code, and does not propose modifications to specific plan documents.

Plot Plan Findings (Escondido Zoning Code Section 33-1316)

With respect to Planning Case No. PL22-0604 (Major Plot Plan), the Planning Commission finds the following:

1. That the use is a permitted use in the zone in which it is located

The Project is for construction of a lithium-ion battery storage and is permitted as a "utility" in the General Industrial (M-2) zoning district. The Project includes a zone change to modify the zoning of the property from Planned Development Industrial (PD-I) to M-2 which would allow the proposed use. The intent of the M-2 zoning district is to allow heavy industrial uses which require the less restrictive design guidelines, including the allowance of permitted principal uses outside of a building. The Project would meet the intent of the underlying zoning district.

 That the plot plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards The Project has been conditioned to comply with the standards of the underlying zoning district. Principal permitted uses may be located outdoors within the M-2 zoning district which contains less restrictive design guidelines.

3. That the plot plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare.

The City's Staff Development Committee reviewed and conditioned the Project to ensure the Project would not negatively impact the public health, safety, and general welfare. Pursuant to such conditions, the Applicant would be responsible for providing additional information related to battery storage units ultimately selected for the Project. Additionally, the Project would be required to comply with applicable California Fire Code, and is subject to a Hazard Materials Business Plan (HMBP) form the County of San Diego's Department of Environmental Health. The prepared Initial Study/Mitigated Negative Declaration did not identify any significant impacts to the public health, safety, and general welfare. The conditions as proposed would ensure preservation of the public health, safety and general welfare.

EXHIBIT "G"

PLANNING CASE NOS. PL22-0603/PL22-0604/ PL23-0239

CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **November 03**, **2022** and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated are **recommended for approval on October 24**, **2023**, and shall not be altered without express authorization by the Development Service Department.

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

A. General:

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

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

4. Conformance to Approved Plans.

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

6. Certificate of Occupancy.

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

7. Availability of Permit Conditions.

- a. Prior to building 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.

The Applicant shall indemnify, hold harmless, and defend (with counsel a. 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.
- **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:

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-liue 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. A minimum of 11 off-street 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 percent of the total number of required spaces shall be designated for clean air vehicles (CAV), and shall be shown on the revised site plan to the satisfaction of the Planning and Building divisions.

- **4.** No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.
- **D.** Landscaping: The property owner or management company assumes all responsibility for maintaining all on-site landscaping; any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.
 - 1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
 - 2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
 - **3.** If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
 - **4.** The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
 - **5.** Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
 - **6. Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
 - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal 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 mitigation measures identified in the Mitigation Monitoring and Reporting Program, included as Exhibit "E" of this resolution, are implemented.
- 2. All screen walls proposed for the site shall be constructed of decorative material (slump block, split faced, etc.) subject to approval of the Development Services Director.
- 3. The applicant shall plant enhanced landscaping, including but not limited to deciduous climbing vines, adjacent to the screen wall to the satisfaction of the Development Services Director or their designee and it shall be noted on the landscape plans submitted for the landscaping permit.
- 4. Prior to building permit issuance and in the event battery enclosure stacking exceeds 20-feet in height, the applicant shall step-back battery stacking to the extent feasible and to satisfaction of the Development Services Director or their designee.
- 5. Prior to issuance of a building permit, the applicant shall be responsible for obtaining an Administrative Adjustment Permit for construction of the 12-foot screen walls.

F. Specific Engineering Division Conditions:

GENERAL

- 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, the project design shall be changed to avoid utilities and or easements. Arrangements for relocation of the conflicting utilities/facilities/easement shall be made with the owner of the utility/facility/easement prior to approval of the Grading Plans. This utility/facility/easement relocation work shall be completed prior to issuance of Building Permits.
- 2. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Grading Plans. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping,

private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

- 3. No Building Permits shall be issued for any construction within this Project until:
 - a) All conditions 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.
- 4. 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.
- 5. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

- For this project the required street improvements that meet City of Escondido current Circulation Element and Engineering Standards to North Tulip Street have been completed. Any existing sidewalk, curb and gutter or pavement damaged during construction shall be replaced per the City Engineer.
- The Developer may be responsible for an overlay of North Tulip Street 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. Access to this project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
- 4. 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.

- 5. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
- 6. The developer shall complete signing and striping for any new or existing driveways per Escondido design standards and Traffic Engineer approval.
- 7. 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.
- 8. The developer shall be required to construct an emergency access road to the satisfaction of the City Engineer and City Fire Marshal.
- 9. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
- 10. All gated entrances shall be designed and improved to the satisfaction of the City Engineer.

GRADING

- 1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a digital copy of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
- 2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
- 3. 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.
- 4. 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.
- 5. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches or other measures to convey runoff throughout the site.

- 6. All existing foundations and structures, other than those designated "to remain" on the Tentative Map, shall be removed or demolished from the site.
- 7. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
- 8. All project areas shall be graded above the 100-year flood level of the area of inundation and shall be graded to provide adequate additional freeboard to the satisfaction of the City Engineer.
- 9. Any 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.
- 10. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

DRAINAGE

- Final on-site and off-site storm drain improvements shall be determined to the satisfaction
 of the City Engineer and shall be based on a drainage study to be prepared by the Engineer
 of Work. The drainage study shall be in conformance with the City of Escondido Design
 Standards.
- 2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the property owner.
- The project shall limit drainage flows to their pre-construction rates. Details and calculations
 for the detention basin or equivalent system shall be submitted and approved as part of the
 grading plan check.
- 4. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.

- 5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
- 6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
- 7. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H20 loading.
- 8. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

- 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 and the Utilities Engineer.
- All on-site water lines and backflow prevention devices beyond the City water meter or DCA shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
- 3. 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 on private drive areas.
- 4. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.
- 5. There shall be no permanent structures located within the City's Public utility Easements.
- 6. Backflow prevention assemblies are private. Backflows shall be located directly behind the public meter.
- 7. 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.

- 8. 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. All existing fire hydrants shall meet current City of Escondido standards.
- 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. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utility Easement or ROW shall is required for the project and shall be 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 Vactor 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 Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.

2. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by the Property Owner.

CASH SECURITY AND FEES

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

G. Specific Fire Division Conditions:

- 1. The Project shall comply with all currently adopted California Fire codes (CFC), National Fire Protection Association (NFPA) standards, minimum Underwriters Laboratories (UL) requirements, and all other adopted state and national standards at the time of building plan submittal.
- 2. The applicant shall provide all Fire Department approved, on-site, all-weather- access and adequate water supply prior to the start of construction of the battery energy storage facility.
- 3. The applicant shall submit an updated technical report (as per Ch 1 of the CFC), outlining the chosen battery product to be used. Manufacture specifications of the chosen product shall be included in the report. Report shall be provided and approved by the Escondido Fire Department prior to grading plan submittal.
- 4. The applicant shall provide smoke and fire detection, fire control and suppression, and gas detection for the chosen battery product as required per the current adopted versions CFC and NFPA.

EXHIBIT "H"

FINAL IS/MND PL22-0603/PL22-0604/PL23-0239

Due to the number of pages of Exhibit "H", a link has been provided to review the document electronically on the City's website at:

www.escondido.org/goal-line-battery-storage



CITY of ESCONDIDO

STAFF REPORT

Agenda Item No. 3
October 24, 2023
Tentative Future Agenda Items

DATE: October 24, 2023

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:

Costco

Policy Work:

- General Plan Amendment - EVSP Follow-Up

Informational Presentations:

- California Environmental Quality Act
- Parklets
- Short-Term Rental Ordinance