

Planning Commission Meeting

# January 09, 2024 at 7:00 PM

Council Chambers: 201 North Broadway, Escondido, CA 92025

# WELCOME TO YOUR COMMISSION MEETING

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

CHAIR

**Rick Paul** 

VICE CHAIR Katharine Barba

Commissioners David Barber Carrie Mecaro Judy Fitzgerald Barry Speer Stan Weiler

MINUTES CLERK

Alex Rangel

How то 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, January 09, 2024

# **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.





CITY of ESCONDIDO

Tuesday, January 09, 2024

Agenda

**CALL TO ORDER** 

FLAG SALUTE

**ROLL CALL** 

# **APPROVAL OF MINUTES**

<u>1.</u> December 12, 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.

# 2. PL21-0057 - 335 N. Quince Street / North County Transit District - Fleet Parking

**REQUEST:** A Conditional Use Permit to allow for the fleet vehicle storage and support to an existing bus maintenance facility owned and operated by the North County Transit District, East Division Maintenance Facility. The request also includes removal of existing site remnant foundations, site fences, pavement, lighting, and vegetation, and replacement with new parking lot paving, restriping, perimeter walls, lighting, access, and landscaping.

**PROPERTY SIZE AND LOCATION:** The 1.24-acre site is located at the southwest corner of N. Quince Street and Norlak Avenue and directly north of the Escondido Creek Channel, addressed as 335 N. Quince Street

(Assessor's Parcel No. 232-091-20-00)



CITY of ESCONDIDO

# Tuesday, January 09, 2024

# APPLICANT: North County Transit District (NCTD)

**CEQA RECOMMENDATION:** Categorical Exemption – CEQA Guidelines Section – 15332, Class 32 (In-Fill Development Project)

STAFF RECOMMENDATION: Approval

CITY COUNCIL HEARING REQUIRED: \_\_\_YES X\_NO

# 3. PL23-0304 – 960 West El Norte Parkway/AT&T Wireless Communication Facility

REQUEST: A request for a Conditional Use Permit to construct a 65'-0" high wireless service facility designed as a mono-eucalyptus. The facility consists of various antennas, surge suppressors, and cables to support the wireless facility. The request also includes the construction of a ground level enclosure surrounded by an 8'-0" tall CMU wall to house a diesel generator, and other accessory equipment for the wireless facility.

PROPERTY SIZE AND LOCATION: The 1.09-acre site is located on the north side of W El Norte Parkway within an existing commercial center and is addressed at 960 W El Norte Parkway. (Assessor's Parcel Number: 226-350-65-00)

APPLICANT: Harold Thomas Jr. on behalf of AT&T

CEQA RECOMMENDATION: Categorical Exemption – CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures)

STAFF RECOMMENDATION: Approval

CITY COUNCIL HEARING REQUIRED: \_\_\_YES X NO

# **CURRENT BUSINESS**

# 4. Historic Preservation Commission

REQUEST: Discussion related to the Historic Preservation Commission.

PROPERTY SIZE AND LOCATION: N/A

APPLICANT: N/A

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



CITY of ESCONDIDO

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# STAFF RECOMMENDATION: None.

CITY COUNCIL HEARING REQUIRED: \_\_\_YES X\_NO

### **FUTURE AGENDA ITEMS**

### **ORAL COMMUNICATIONS**

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

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

### PLANNING COMMISSIONERS REPORT

### **CITY PLANNER'S REPORT**

5. Tentative Future Agenda

#### ADJOURNMENT



Planning Commission Minutes

# December 12, 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.

Rick Paul

VICE CHAIR 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:





201 N. Broadway, Escondido, CA 92025



Planning Commission Minutes

# Tuesday, December 12, 2023

# MINUTES

CALL TO ORDER: 7:00 p.m.

FLAG SALUTE: Rick Paul

ROLL CALL:

**Commissioners Present:** Rick Paul, Chair; Katharine Barba, Vice-Chair; David Barber, Commissioner; Judy Fitzgerald, Commissioner; Carrie Mecaro, Commissioner; and Stan Weiler, Commissioner.

Commissioner Absent: Barry Speer, Commissioner.

**City Staff Present:** Veronica Morones, City Planner; Dare DeLano, Senior Deputy City Attorney; Jason Christman, Principal Engineer; Jay Paul, Senior Planner; Alex Rangel, Minutes Clerk.

# APPROVAL OF MINUTES: November 28, 2023

Motion to approve the minutes, with corrections for Planning Commission's recommendation for project PHG20-0036: Commissioner Barber; Second: Vice Chair Barba Motion carried (6-0) to approve the minutes. Ayes: Paul, Barba, Barber, Fitzgerald, Mecaro, and Weiler. Absent: Speer.

# WRITTEN COMMUNICATIONS:

None.

# **ORAL COMMUNICATIONS:**

None.

# **PUBLIC HEARINGS:**

# 1. PL23-0075 – Master and Precise Development Plan

**REQUEST:** The Project includes a Master and Precise Development Plan for the conversion and remodel of a two-story commercial structure to accommodate four, two-bedroom apartment units on the second floor. The Project also includes redesign of the existing parking located along the alley to include six covered parking spaces, new trash enclosure, exterior stairway and second-story landing/terrace to provide access to the units. The proposal also includes adoption of the environmental determination for the Project.



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**PROPERTY SIZE AND LOCATION:** The 0.16-acre project site is located on the south side of West Grand Avenue, between S. Maple Street and S. Broadway addressed at 143-145 W. Grand Avenue (Assessor's Parcel No. 233-062-02-00)

**ENVIRONMENTAL STATUS:** The Project qualifies for an exemption under the California Environmental Quality Act ("CEQA") Guidelines sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures).

APPLICANT: Zadar LLC, Owner

**STAFF RECOMMENDATION:** Recommend City Council approval of the Master and Precise Development Plan.

### **PUBLIC COMMENT:**

Brett Wilkins submitted a written comment in favor of the project.

### COMMISSION DISCUSSION:

Commissioners discussed various aspects of the project, including previous approvals of the Historic Preservation Commission.

# **COMMISSION ACTION:**

Motion to approve Planning Commission Resolution 2023-24, recommending City Council approval of the request. Motion: Commissioner Barber; Second: Commissioner Weiler. Motion carried (6-0) to approve. Ayes: Barba, Barber, Mecaro, Paul, Mecaro, and Weiler. Absent: Speer.

# **CURRENT BUSINESS:**

#### 1. North County Mall

**REQUEST:** Discussion related to the future uses of the North County Mall, located at 200 – 299 E. Via Rancho Parkway.

**PROPERTY SIZE AND LOCATION:** The 83-acre site is located on the northern side of Via Rancho Parkway, east of Interstate 15, and addressed as 200 – 299 E. Via Rancho Parkway.

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



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**APPLICANT:** N/A

**STAFF RECOMMENDATION: N/A** 

# **PUBLIC COMMENT:**

None.

# COMMISSION DISCUSSION:

Commissioners discussed various aspects of the North County Mall, including previous entitlements, and the potential future uses of vacant parcels within the mall site.

# **COMMISSION ACTION:**

None.

# FUTURE AGENDA ITEMS:

Commissioner Barber requested a discussion on the future plans for the Historic Preservation Commission. Motion seconded by Vice Chair Barba.

# **ORAL COMMUNICATIONS:**

None.

# PLANNING COMMISSIONERS:

None.

# **CITY PLANNER'S REPORT:**

City Planner Morones provided information related to the upcoming projects, and the upcoming January 9, 2024 Planning Commission meeting.

# ADJOURNMENT

Chair Paul adjourned the meeting at 7:39 p.m.

Veronica Morones, Secretary to the Escondido Planning Commission

Alex Rangel, Minutes Clerk



# **STAFF REPORT**

# DATE: January 9, 2024 PL21-0057 – 335 N. Quince Street

# PROJECT NUMBER / NAME: PL21-0057 - 335 N. Quince Street / North County Transit District - Fleet Parking

**REQUEST:** A Conditional Use Permit to allow for the fleet vehicle storage and support to an existing bus maintenance facility owned and operated by the North County Transit District, East Division Maintenance Facility. The request also includes removal of existing site remnant foundations, site fences, pavement, lighting, and vegetation, and replacement with new parking lot paving, restriping, perimeter walls, lighting, access, and landscaping.

**PROPERTY SIZE AND LOCATION:** The 1.24-acre site is located at the southwest corner of N. Quince Street and Norlak Avenue and directly north of the Escondido Creek Channel, addressed as 335 N. Quince Street (Assessor's Parcel No.: 232-091-20-00)

**GENERAL PLAN / ZONING:** GI (General Industrial/ M-1 (Light Industrial)

PRIMARY REPRESENTATIVE: Jason Yeager, Project

**APPLICANT:** North County Transit District ("NCTD")

Manager

DISCRETIONARY ACTIONS REQUESTED: Conditional Use Permit

**PREVIOUS ACTIONS:** Adjacent property - 2005-59-PPL for the existing NCTD maintenance and operations facility

**CEQA RECOMMENDATION:** Categorical Exemption – CEQA Guidelines Section – 15332, Class 32 (In-Fill Development Project)

STAFF RECOMMENDATION: Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2024-02

CITY COUNCIL HEARING REQUIRED:YES	<u>X</u> NO
REPORT APPROVALS:	Chris McKinney, Interim Director of Development Services
<u></u>	Veronica Morones, City Planner





STAFF REPORT

# BACKGROUND

The City approved prior site improvements to the property located immediately west of the project site (under 2005-59-PPL) for North County Transit District's ("NCTD") existing maintenance and operations. A Conditional Use Permit is required for the proposed expansion of NCTD's existing maintenance and operations into the project site for fleet vehicle storage and is subject to Section 33-1114 of Article 57 (Miscellaneous Use Restrictions). The 1.24-acre site is located at the southwest corner of N. Quince Street and Norlak Avenue and directly north of the Escondido Creek Channel, which is addressed as 335 N. Quince Street (Attachment 1).

# SUMMARY OF REQUEST

North County Transit District ("Applicant") has submitted a request for the expansion of their existing maintenance and operations, referred to as the Breeze Operations East Site, into the project site, located easterly adjacent to the existing site, to serve as fleet vehicle storage and support to the existing NCTD maintenance facility. The Applicant proposes to remove the existing remnant foundations, ramps, various site fences, broken pavement; remove three (3) existing street entrances (one from Quince Street and two along Norlak Avenue); and remove perimeter vegetation. To accommodate the fleet vehicle storage expansion, the Applicant proposes to activate this underutilized light industrial property by improving the site with new parking lot paving, restriping, perimeter screening walls, lighting, landscaping, sidewalks, and creating access points from the existing maintenance and operations site for internal circulation.

A site plan showing general location of improvements, perimeter enhancements, and reoriented internal circulation, and the site photographic integration of the new fleet parking are provided under Attachment 2.

# SUPPLEMENTAL DETAILS OF REQUEST

1.	Property Size:	1.24 acres
2.	Foundation/Walls/Paving:	Remove remnant foundations, ramps, driveways & paved areas. Replace with new paved parking lot, restriping, and new internal circulation access points.
3.	Lighting/Signs:	Remove existing on-site light poles, street lights, and signs. Replace with light fixtures and required street lights. Signs will be processed under a separate permit.
4.	Landscaping:	Remove the existing landscape elements and replace with upgraded landscaping, parkway enhancements, sidewalks, screening, and fourteen street trees. A new irrigation system will be installed.
5.	Hours of Operations:	Maintenance facility operates 24 hours per day and 365 days a year.
6.	Proposed Setbacks:	Front: 10'-0", Street: 10" -0" with side and rear at 0'



STAFF REPORT

# PROJECT ANALYSIS

1. General Plan Conformance:

The General Plan land use designation for the project site is General Industrial (GI), which allows for manufacturing, warehouse and distribution, assembly, and wholesale industrial opportunities. This includes outside storage, and supporting products or services for a primary-businesses.

One of the General Plans strategies related to industrial growth and integration that the proposed project compliments and embraces is Goal 10 as shown below. The proposed project provides a compatible use in that it expands an existing local transit agency use in immediate proximity of a Major Transit Stop and is scaled appropriately to the size of expansion. The proposed project would include enhanced landscaping, closure of existing curb cuts, as well as other site improvements that will enhance continuity between the project site and the existing operations adjacent to the west.

"GOAL 10: A variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community."

### "Industrial Land Use Policy 10.7

Correlate the scale and amount of required improvements with the size of the project for businesses expanding their operations."

# 2. Zoning Conformance:

The Light Industrial (M-1) zoning designation allows for a variety of light industrial activities such as assembling, manufacturing, storage warehousing and distribution, research/development, and support and service uses. Outdoor storage is permitted as an accessory use but is limited in scale and must be screened consistent with the requirements of Section 33-1114 of Article 57. The proposed project operations would conform to the operational requirements of Article 57, which include storage of vehicles in working order and in visibly ordered condition; prohibition of vehicle sales; and limitations of 48-hours for storage of non-operational vehicles. The proposed project includes site modifications consistent with the required development standards outlined within Article 57 and the Light Industrial (M-1) zoning district in that the existing maintenance facilities is the primary use and the proposed ancillary fleet storage as support to the overall operations; project site screening through construction of a 6'-0" perimeter wall; and enhanced landscaping of 10' feet wide and with fourteen (14) street trees.

# Article 57 provisions:

Section (e) Fleet storage and tow yard storage. Fleet storage and tow yard storage shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above unless specified herein, and this section. No fleet storage or tow yard storage project shall be granted a permit unless the following requirements are satisfied:



# STAFF REPORT

- (1) A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed; shall not be dirty or dusty; and shall not be parked or stored on public property or public rights-of-way. Junkyards and dismantling services are regulated by Chapter 15 of the Escondido Municipal Code.
- (2) Sale prohibited. No vehicle or any component of a vehicle shall be parked on public or private property advertising the vehicle or any other service or merchandise for sale.
- (3) Required building. A building shall be required to support tow yard storage services, if the use is maintained as a principal use, consistent with the general development standards of subsection (a) of this section; however, a building is not required to support fleet storage as a principal use.
- (4) Screening. Perimeter screening shall be by a solid, uniform fence or wall with a maximum height as specified in the ordinance of the zoning district. Solid fencing or walls shall be constructed of brick, block, stone or framestucco. An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes. Screening shall minimize the visual impact to the extent appropriate, through means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. The face of all screen walls facing public rights-of-way shall be landscaped with shrubs, trees, and climbing vines. Use of walls and screening techniques shall meet crime prevention standards and provide graffiti deterrence elements.
- (5) Landscaping required. A five (5) foot wide planting area with trees shall be provided along the interior sides of screen wall. A separate landscaped planter shall be provided on-site with a minimum of five (5) feet wide dimensions along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards.
- (6) Tow trucks for tow yard storage. Storage or tow trucks is considered an integral part of the tow truck dispatching service which is the main permitted use. When subject to the conditions of the M-2 Zone or the WM General district of the South Centre City Specific Plan, the storage of these trucks must be located in the rear half of the lot and be enclosed by a six (6) foot high solid wall or fence with solid gates.
- (7) Fleet storage as a principal use. Demand analysis and mitigation as specified in section 33-1125 of this article.
- (8) Fleet storage as an accessory use. Accessory fleet storage areas must be incidental to a principal land use activity, and the accessory storage is located on the same site or lot as the primary use, and is considered an integral part of that business. Accessory outdoor fleet storage and must be located in a manner that minimizes the visual impact of the fleet storage through means of placement, barrier, or landscape screening to the extent appropriate. Accessory fleet storage shall not include any of the following: (A) a tow truck, tractor, trailer or semi-trailer, designed to pull or transport passenger automobiles; or (B) accessory display of rental, leasable, or for-sale vehicles or equipment. The accessory storage or display of such is permitted only if they are otherwise permitted in the zone in which the facility is located.



# STAFF REPORT

The project site is located adjacent to other light industrial uses, as described below.

# Proximity to other Light Industrial properties:

- Northeast Existing light industrial uses.
- Southeast Across Escondido Creek is the Downtown Specific Plan Area, subject to specific land uses.
- Southwest Existing light industrial uses.
- Northwest Existing light industrial uses.

# SITE DESIGN

The Project consists of adding 56,100 square foot of paved area for fleet vehicle storage. The existing topography of the site is relatively flat and associated grading would include removal of existing foundations, ramps, landscaping, paving, and minor drainage improvements and BMP installation, which would be minimal. The project site is directly adjacent to the existing NCTD maintenance and operations site. The integration of the project site with the adjacent NCTD facility would allow for more efficient operations of the maintenance and operations, and provide consolidated fleet parking and vehicle storage areas. Proposed site improvements include the closure of three street curb cuts (one on Norlak Avenue and two on Quince Street) and replacement sidewalks; removal of fencing/gates and replacement with a 6'-0" concrete masonry perimeter wall; removal and replacement of landscaping (such as screening, parkways, street trees, etc.), as well as site lighting and street lights.

Fleet vehicle circulation would be reoriented internally between the project site and existing NCTD facility, with the main access provided from Norlak Avenue. The proposed expansion of the fleet vehicle storage consists of twenty-two full size van stalls (Revenue) and sixty-two vehicles (Non-Revenue) stalls for a total of eighty-four new parking stalls. No employee parking is proposed with the project, as the proposed expansion would not result in any new staff on-site. Due to the proximity to Escondido Creek an additional 10'-0" landscape buffer is proposed along with south perimeter fencing.

# **ENVIRONMENTIAL ANALYSIS**

California Environmental Quality Act ("CEQA") Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The project qualifies for an exemption under CEQA Guidelines Section 15332, Class 32 "In-fill Development Project" and staff prepared a Notice of Exemption for the project (Attachment 3). The project qualifies for the exemption as described further in the Findings of Fact, attached as Exhibit "C" to Resolution 2024-02 (Attachment 4)

# PUBLIC INPUT

The Planning Division noticed the proposed project consistent with the requirements of both the Escondido Zoning Code and the State Law. Staff has not received any correspondence from the public regarding the project as of the preparation of this report.



# STAFF REPORT

# CONCLUSION AND RECOMMENDATION

Staff's review concludes the proposed project is consistent with the guiding principles identified in the Land Use and Community Form Element of the Escondido General Plan. The proposed project is designed in conformance with the applicable development standards, design guidelines, and the project will contribute to the revitalization of an underutilized site.

Staff recommends that the Planning Commission approve the proposed Conditional Use Permit, as described in this staff report. The draft Planning Commission Resolution No. 2024-02, including Exhibits A, B, C, and D thereto, is incorporated into this staff report as Attachment 4.

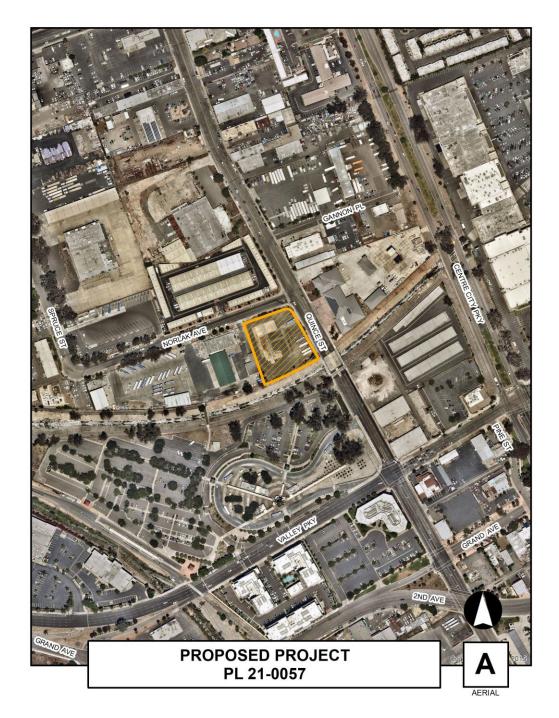
# ATTACHMENTS

- 1. Location, General Plan Map, and Zoning Map
- 2. Site Photos and Simulation
- 3. CEQA Notice of Exemption
- 4. Draft Planning Commission Resolution No. 2024-02 including Exhibits A, B, C, and D



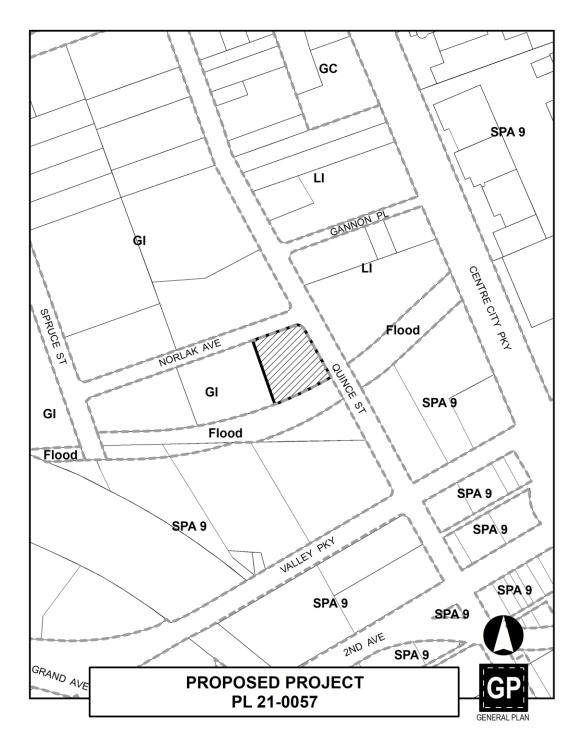
# STAFF REPORT

# Attachment 1 Location Map, General Plan, and Zoning Map



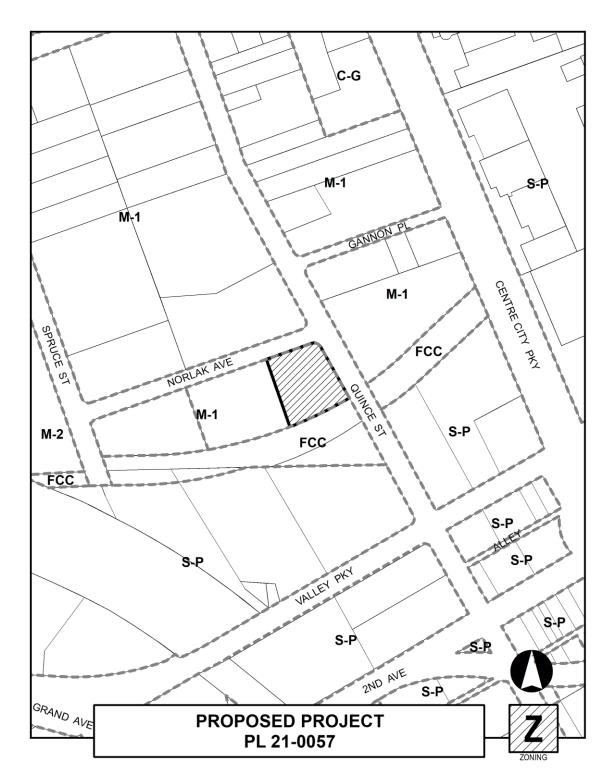


STAFF REPORT





STAFF REPORT







STAFF REPORT

# ATTACHMENT 2 Existing Site Photos and Photo Simulation



Southwesterly view of intersection



Westerly property ling along Escondido Creek



Looking west at the corner of Norlak Avenue and Quince Street





STAFF REPORT

# PHOTO SIMULATION Looking at the Southwest Corner of Norlak Avenue and N. Quince Street





STAFF REPORT

# ATTACHMENT 3 Notice of Exemption

To: Assessor/Recorder/County Clerk Attn: Fish and Wildlife Notices 1600 Pacific Hwy, Room 260 San Diego, CA 92101 MS: A-33 From: City of Escondido Planning Division 201 N. Broadway Escondido, CA 92025

Project Title/Case No: North County Transit District Fleet Parking / PL21-0057

**Project Location - Specific**: The project is located at on the southwest of the intersection of Norlak Avenue and North Quince Street, addressed as 335 N. Quince Street, Escondido (APN: 232-091-20-00)

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

**Description of Project**: A Conditional Use Permit to allow for the fleet vehicle storage and support to an existing bus maintenance facility owned and operated by the North County Transit District, East Division Maintenance Facility. The request also includes removal of existing site remnant foundations, site fences, pavement, lighting, and vegetation, and replacement with new parking lot paving, restriping, perimeter walls, lighting, access, and landscaping.

Name of Public Agency Approving Project: City of Escondido

#### Name of Person or Agency Carrying Out Project:

Name: Jason Yeager, Project Manager

Address: 1055 W. 7 <sup>th</sup> Street, Suite 2900, Los Angeles, CA 90017			Telephone: 213-952-9233			
Private entity	School district	🛛 Local public Agency	State agency	Other special district		

# Exempt Status:

The project is categorically exempt pursuant to CEQA Guidelines sections 15332 Class 32, ("In-fill Development).

**Reasons why project is exempt**: The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 In-fill Development. CEQA Guidelines lists classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from review under CEQA.

The proposed project or its circumstances would not result in any exceptions identified in CEQA Guidelines, Section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines, Section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.





STAFF REPORT

Lead Agency Contact Person: Greg Mattson, AICP, Contract Planner Area Code/Telephone/Extension: 760-839-4544

Signature:

Greg Mattson, AIC Contract Planner

November 28, 2023 Date

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR:

Planning Commission Hearing Date: <u>January 9, 2024</u> Effective Date: <u>January 19, 2024</u>

# PLANNING COMMISSION RESOLUTION NO. 2024-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A NORTH COUNTY TRANSIT DISTRICT FLEET VEHICLE AND MAINTENANCE OPERATIONS EXPANSION

APPLICANT: North County Transit District

CASE NO: PL21-0057

WHEREAS, North County Transit District ("Applicant"), filed a land use development application, Planning Case No. PL21-0057 ("Application"), with the City of Escondido ("City") constituting a request to process a Conditional Use Permit for the development of a proposed fleet storage area adjacent to their existing East Division Maintenance Facility. The Breeze Operations East Site Expansion ("Project") consists of approximately 56,100 square feet of paved fleet vehicle storage area, repurposing the site, consolidation of entrances, repaving, restriping, screening, and providing perimeter landscape enhancements; and

WHEREAS, the proposed Project is located at the southwest corner of N. Quince Street and Norlak Avenue and directly north of the Escondido Creek Channel, and addressed as 335 N. Quince Street (APN 232-091-20-00), in the Light Industrial (M-1) zone and has a General Plan Land Use designation of General Industrial (GI); 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, fleet vehicle storage and support services as ancillary uses are permitted within the Light Industrial (M-1) zone, subject to the approval of a Conditional Use Permit, in accordance with Section 33-564 (Table 33-564) of the Escondido Zoning Code and Article 57 provisions; and

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

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

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements; and WHEREAS, on January 9, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all person's full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated January 9, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.

2. The Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review pursuant to California Environmental Quality Act ("CEQA"), CEQA Guidelines section 15332, Class 32 (In-Fill Development). The Project qualifies for an exemption under CEQA Guidelines from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 In-fill Development Project. The proposed project or its circumstances would not result in any exceptions identified in CEQA Guidelines, Section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban infill development. CEQA Guidelines, Section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

3. The project does not involve the use of significant amounts of hazardous substances; and is serviced by all necessary public services and facilities and the site is connected to City sewer and water services.

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 substantive findings and determinations attached hereto as Exhibit "C" relating to the information that has been considered. In accordance with the

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

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

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

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

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Planning 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, <u>www.escondido.org</u>, 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 9th day of January, 2024, 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"

# Planning Case No. PL21-0057

# Legal Description

Legal Description of Land

•

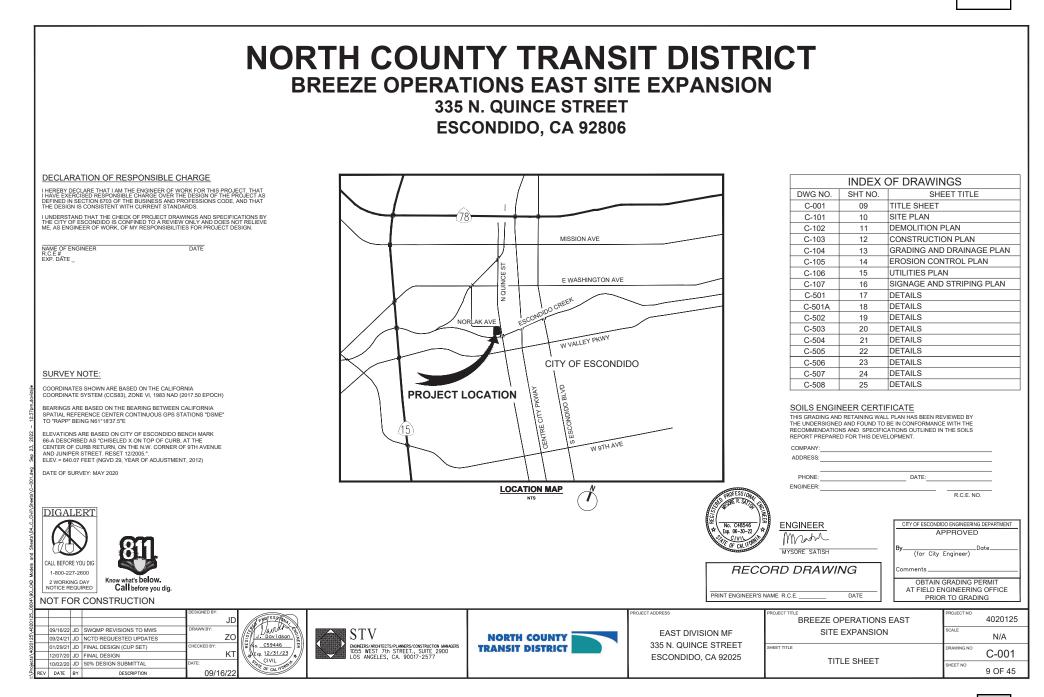
Real property in the City of Escondido, County of San Diego, State of California, described as follows:

PARCEL 2 OF PARCEL MAP #4261 IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 25, 1975.

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APN: 232-091-20-00

Exhibit "B" Project Plans



Item 2.



#### GENERAL NOTES:

- ALL WORK TO BE DONE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2015 EDITION, EFFECTIVE 1 DECEMBER 07, 2016 BY RESOLUTION NO. 2016-17 AND THE DESIGN STANDARDS AND STANDARD DRAWINGS OF THE CITY OF ESCONDIDO EFFECTIVE APRIL 02, 2016 BY RESOLUTION NO. 2016-17 AND THE DESIGN STANDARDS AND STANDARD DRAWINGS OF THE CITY OF ESCONDIDO EFFECTIVE APRIL 02, 2014 BY RESOLUTION 2014-08, ALONG WITH ANY AMENDMENTS THERETO.
- 2 ALL CONTRACTORS WORKING IN THE PUBLIC RIGHT OF WAY SHALL OBTAIN A SEPARATE ENCROACHMENT PERMIT WITH THE CITY OF ALL CONTRACTORS WORKING IN THE POLICING IN THE POLICING WAT GRALL OF TAILS AND A SEARCH E ENCONDUCTION THE THE OFFICE OFFICE AND A SEARCH E A REQUIRED FOR INSPECTION. NO WORK SHALL BE PERFORMED IN THE PUBLIC RIGHT OF WAY ON SATURDAYS, SUNDAYS OR LEGAL HOLIDAYS WITHOUT THE EXPRESS PERMISSION OF THE CITY ENGINEER.
- 3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL SUBSTRUCTURES, WHETHER SHOWN HEREON OR NOT, AND PROTECT THEM FROM DAMAGE. THE EXPENSE OF REPAIR OR REPLACEMENT OF SAID SUBSTRUCTURES SHALL BE BORNE BY THE CONTRACTOR.
- 4. LOCATION AND ELEVATION OF ALL EXISTING IMPROVEMENTS WITHIN THE AREA OF WORK SHALL BE CONFIRMED BY FIELD MEASUREMENT PRIOR TO CONSTRUCTION OF NEW WORK. CONTRACTOR WILL MAKE EXPLORATORY EXCAVATIONS AND LOCATE EXISTING UNDERGROUND FACILITES SUFFICIENTLY ANEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY BECAUSE OF ACTUAL LOCATION OF EXISTING FACILITIES.

ASSESSOR'S PARCEL NUMBER (APN): 232-091-20

#### SITE ADDRESS: 335 NORTH QUINCE STREET

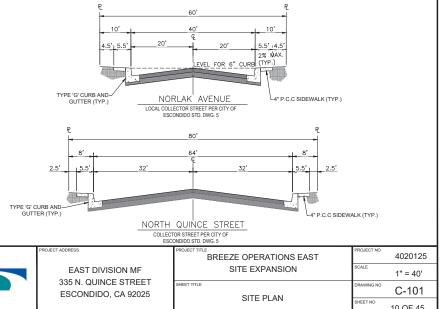
ESCONDIDO, CA 92025

LEGAL DESCRIPTION: PARCEL 2 OF PARCEL MAP #4261 IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 25, 1975.

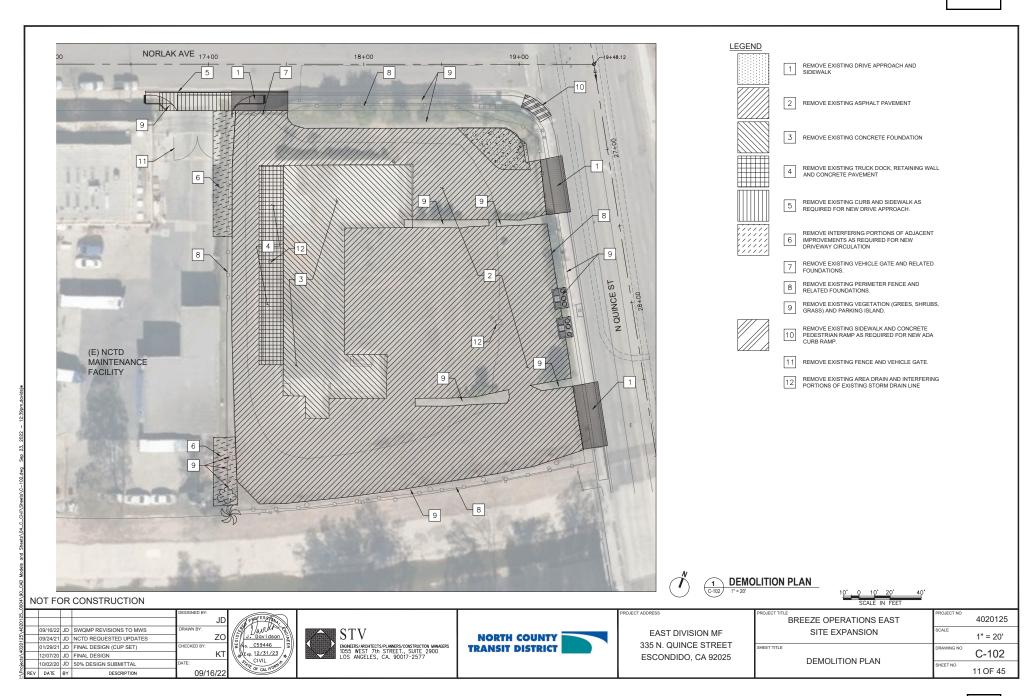
EASEMENTS: ITEM 3: AN EASEMENT FOR PIPE LINES, DITCHES AND INCIDENTAL PURPOSES, RECORDED AUGUST 1, 1895 IN BOOK 238 OF DEEDS, PAGE 390. IN FAVOR OF: ESCONDIDO IRRIGATION DISTRICT. NOT PLOTTABLE FROM RECORD DATA.

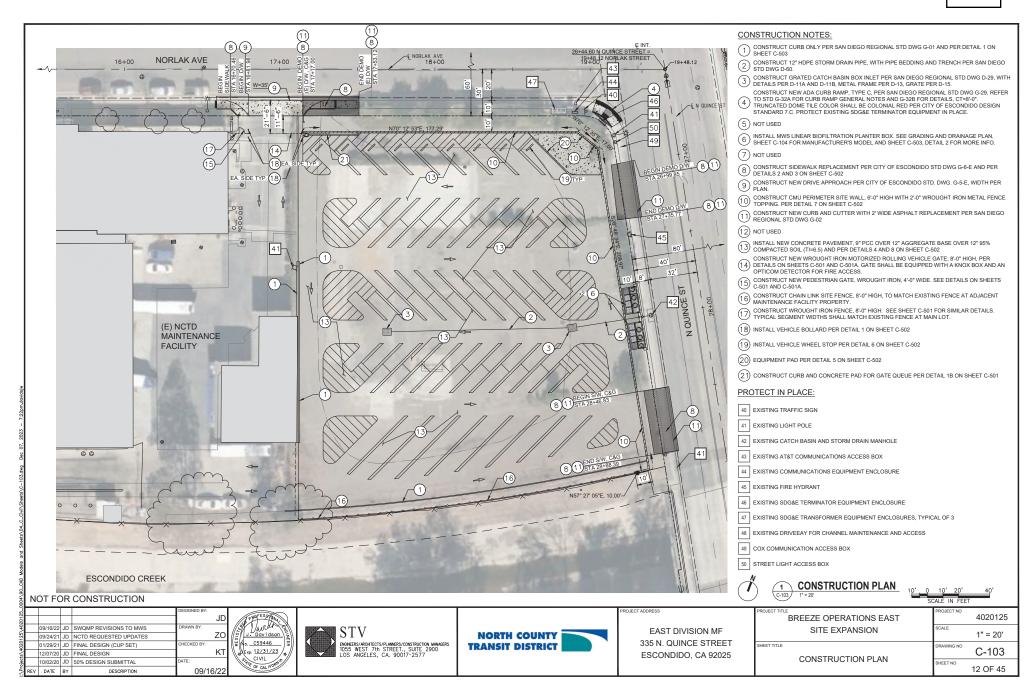
ITEM 4: AN EASEMENT FOR LAY WATER PIPES ACROSS SAID LAND AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AUGUST 25, 1908 IN BOOK 449 OF DEEDS, PAGE 13.

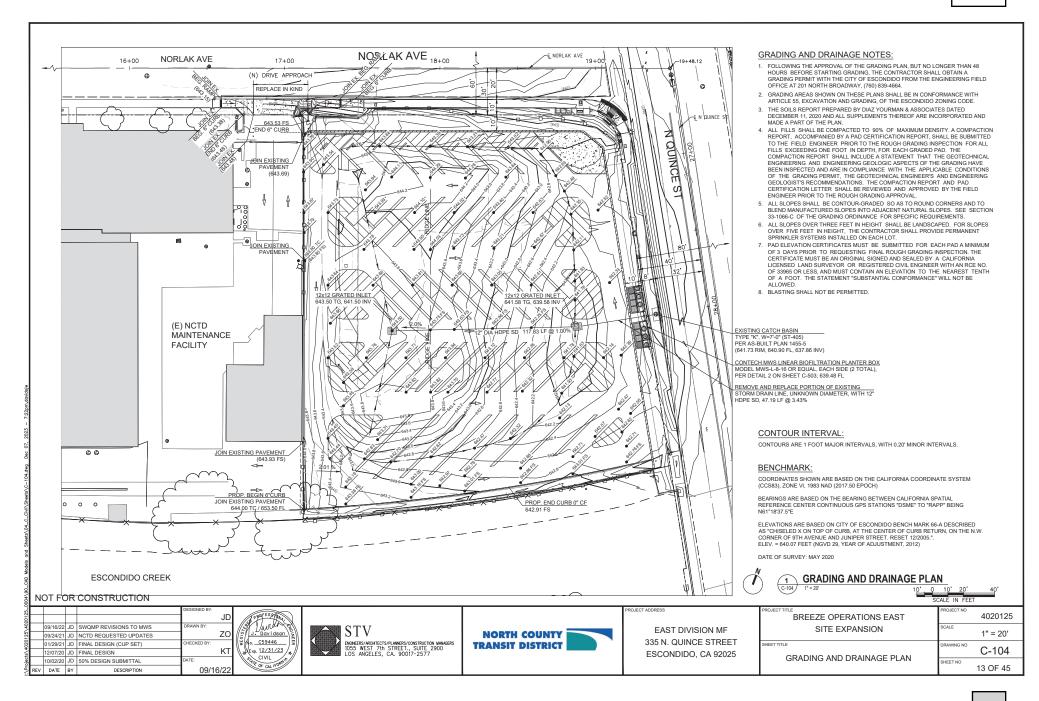
ITEM 5: AN EASEMENT FOR WATER PIPE LINE AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 23, 1962 AS INSTRUMENT NO. 200754 OF OFFICIAL RECORDS. IN FAVOR OF: MERLE F. FARR AND ELLEN D. FARR, HUSBAND AND WIFE AS COMMUNITY PROPERTY

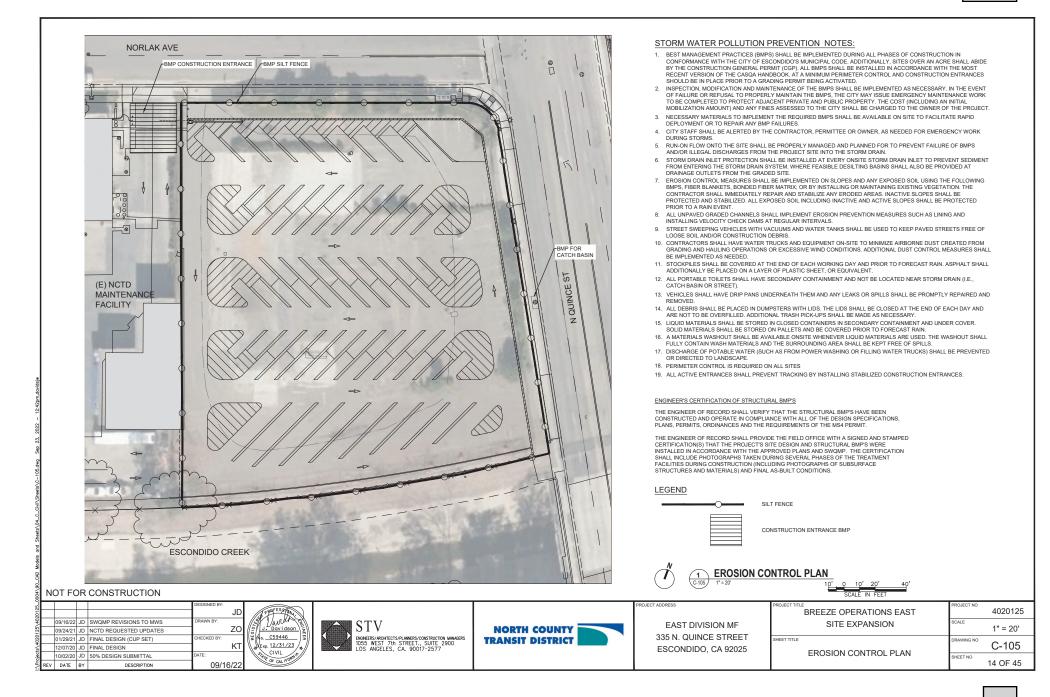


S NOT FOR CONSTRUCTION ESCONDIDO					NDIDO STD. DWG. 5			
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ts\4020	01/29/21 JD FINAL DESIGN (CUP SET) 12/07/20 JD FINAL DESIGN	CHECKED BY:				SITE PLAN	DRAWING NO	C-101
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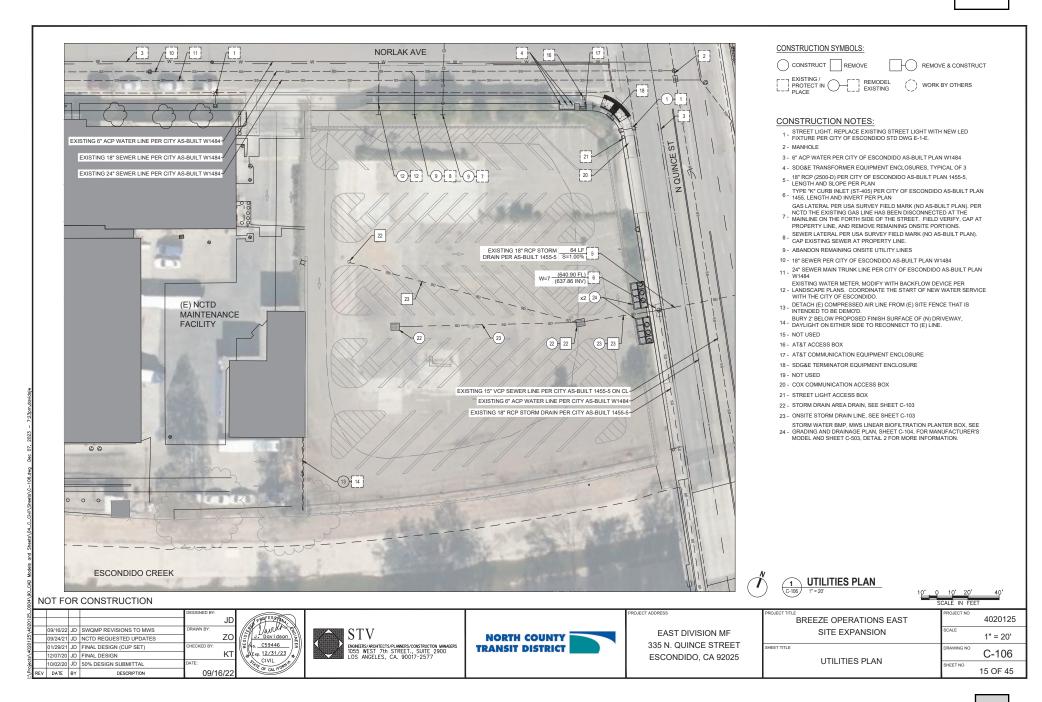








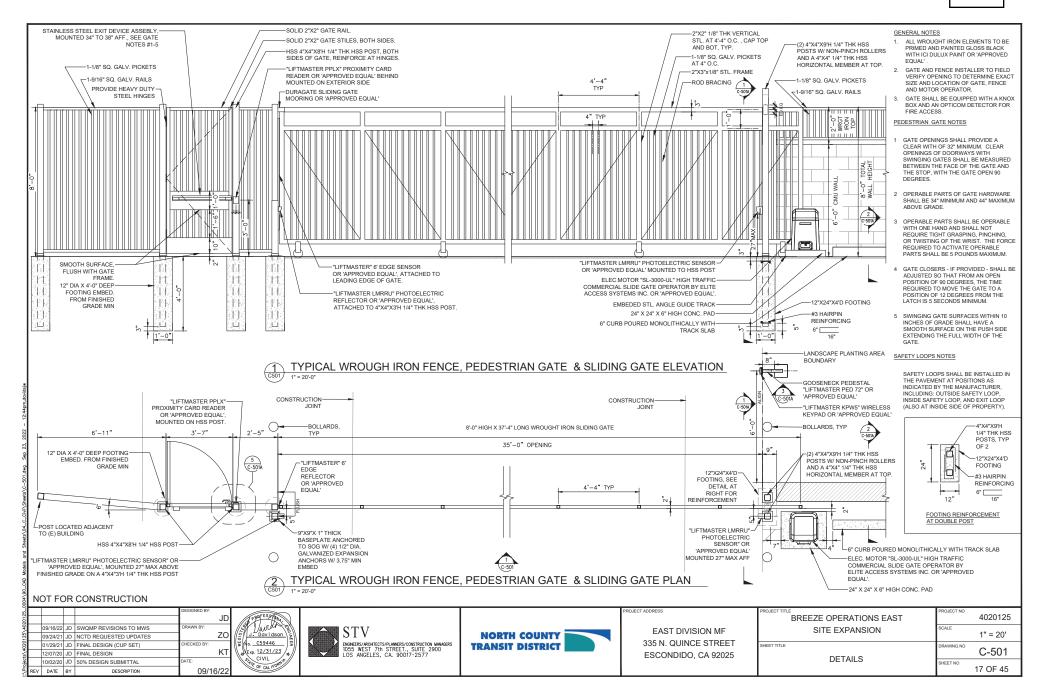
#### Item 2.

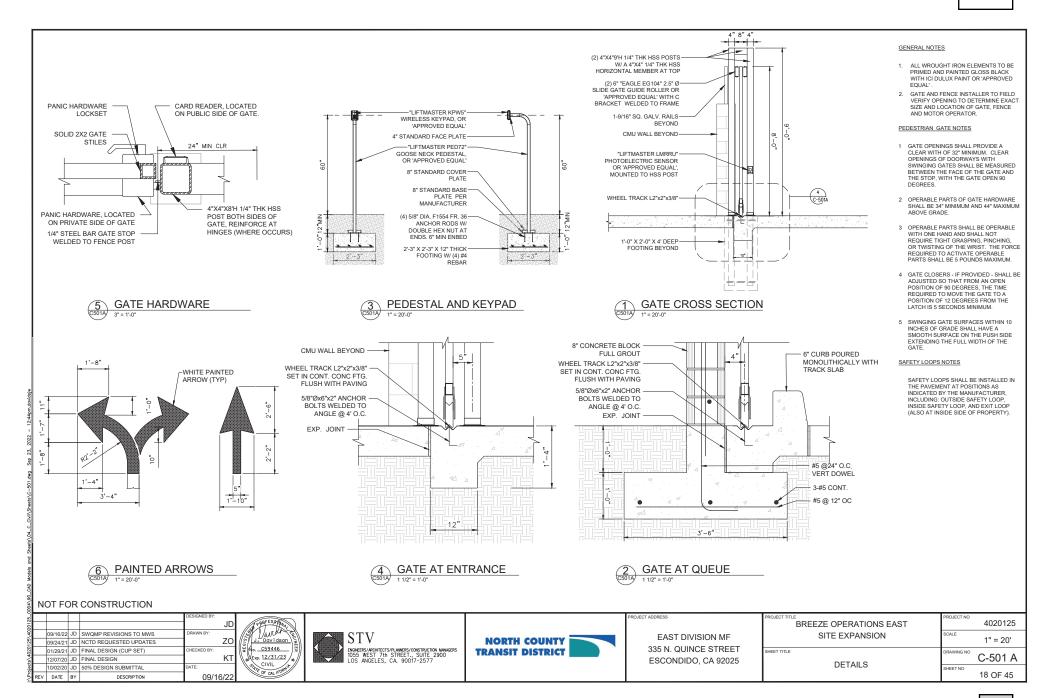


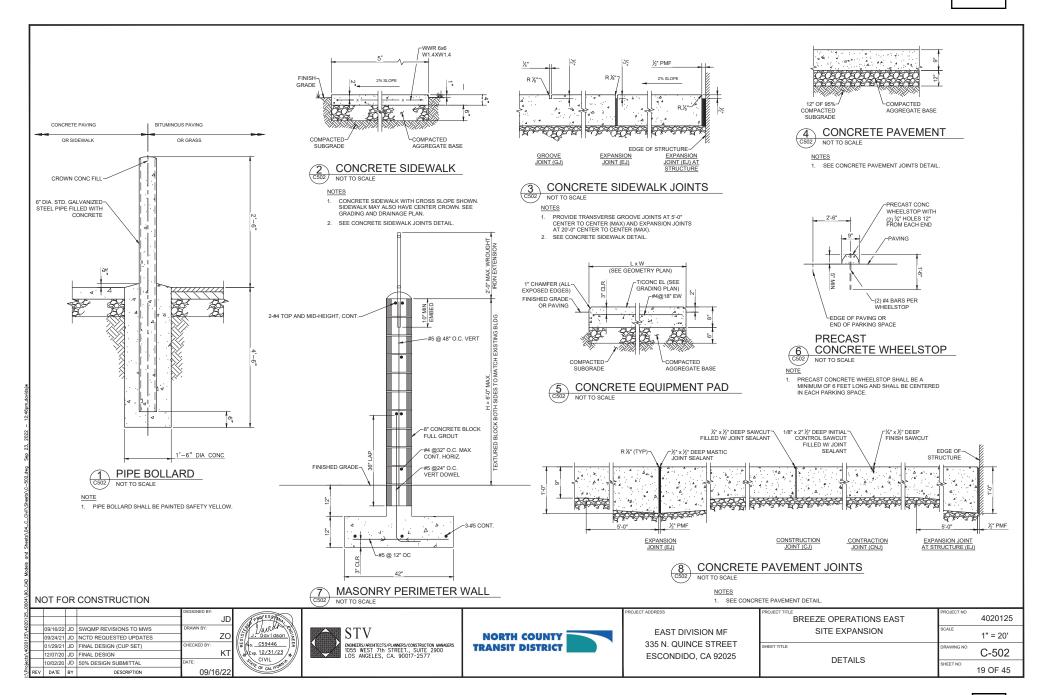


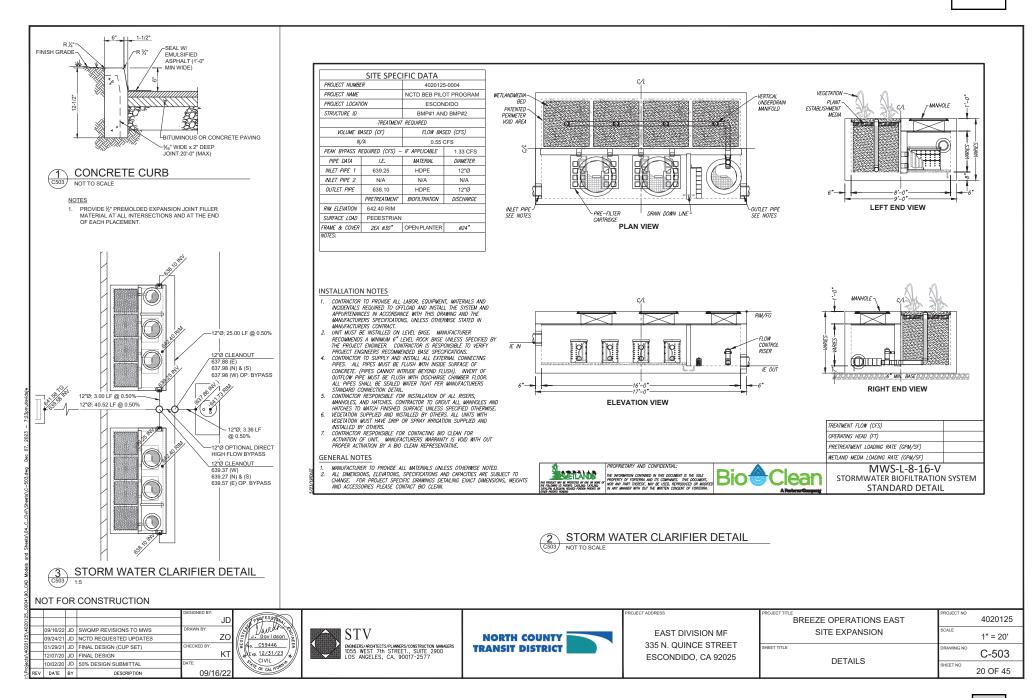
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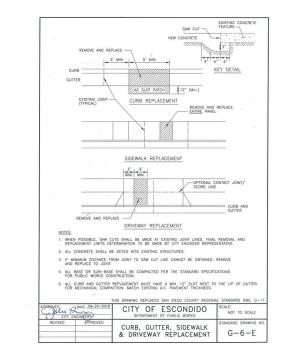
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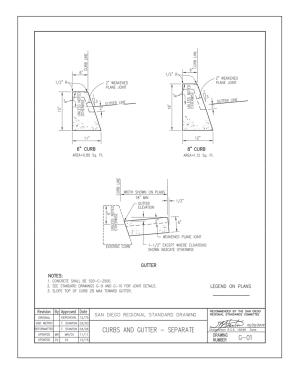


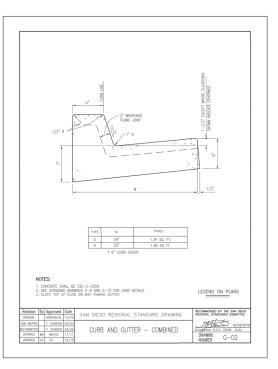




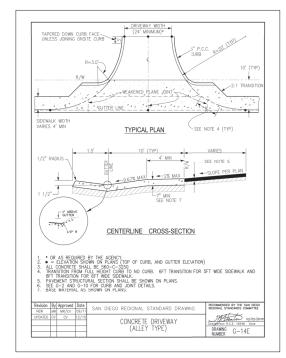


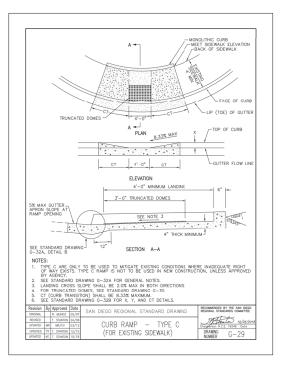


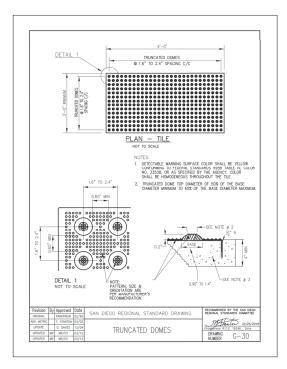




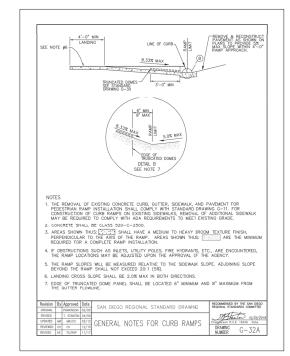
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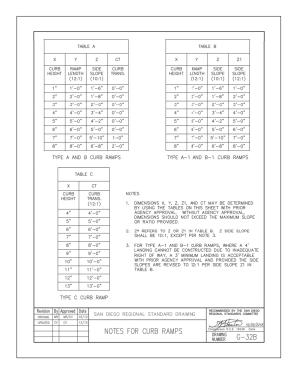


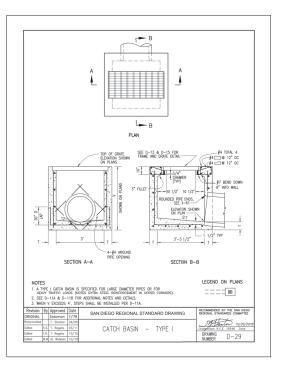




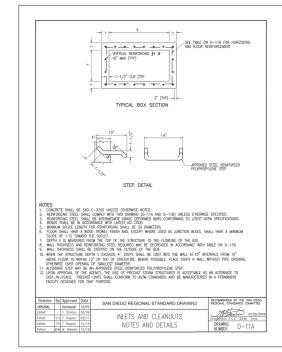
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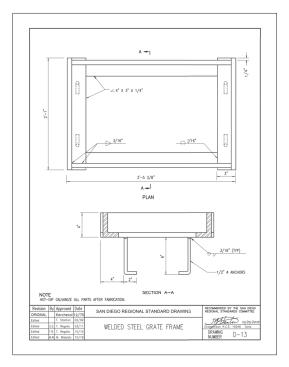




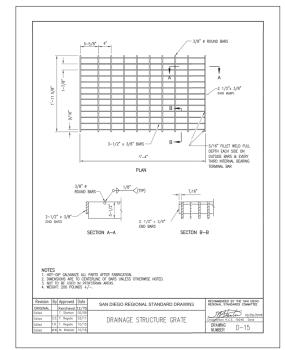
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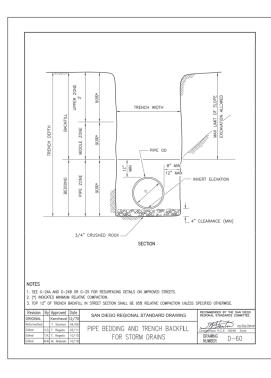


			BOX SECTION REINFO (HORIZONTAL AND FU		
		IMUM SPAN CORY	DEPTH V	THICKNESS	HORIZONTAL AND FLOOR REINFORCEMENT SIZE AND SPACING
	3	' TO 4'			#4 @ 18"
	4'-	1" TO 7'	4'	6*	#4 @ 12"
	7'-	1" TO 8'			#4 @ 8"
	2	' TO 4'			#4 @ 18"
	4'-	1" TO 5'	-		#4 @ 12"
		1" TO 6'	4'-1" TO 8"	6"	#4 @ 8"
		1" TO 8'	-		#4 @ 6"
	-	' TO 4'		6*	#4 @ 15"
		1" TO 5'	-	-	#4 @ 12"
		1" TO 6'	8"-1" TO 12"	8"	#4 @ 8"
		1" TO 8'	_		#4 @ 6"
		10.4			#4 @ 12
	4*-	1" TO 5'	_		#4 @ 12"
	5'-	1" TO 6"	12"-1" TO 16"	8"	#4 @ 8"
	6'-	1" TO 7"	_		#4 @ 6"
		1" TO 8'	_		#5 @ 8"
	2	' TO 4'		8"	#4 @ 12"
		1" TO 5'	_	-	#4 @ 12"
		1" TO 6'	16"-1" TO 20"	10"	#4 @ 8"
		1" TO 7'			#4 @ 6"
	-	1" TO 8'	-		#5 @ 8"
		' TO 4'	-	8"	#4 @ 12"
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	/-	1 10 8		12	9 W 6
	By Approved Date	SAN DIEC	GO REGIONAL STAND	ARD DRAWING	RECOMMENDED BY THE SAN DIEGO RECIONAL STANDARDS COMMITTEE
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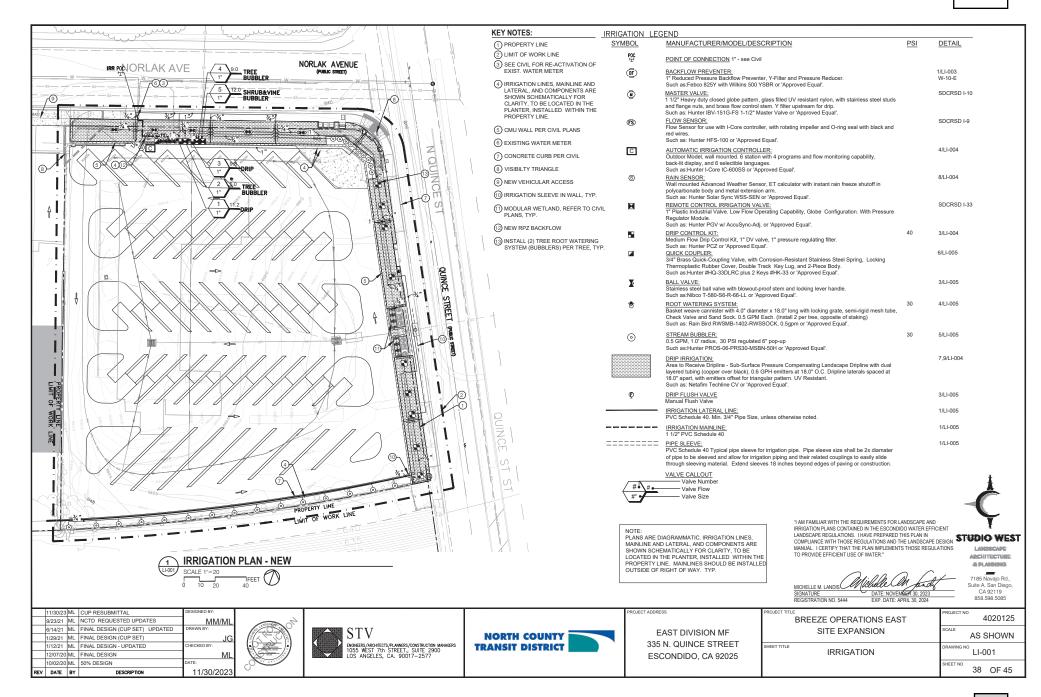


g DESIGNE	JD JD			PROJECT ADDRESS	BREEZE OPERATIONS EAST	PROJECT NO 4020125
09/16/22         JD         SWQMP REVISIONS TO MWS         DRAWN I           09/24/21         JD         NCTD REQUESTED UPDATES         DRAWN I	ZO	STV		EAST DIVISION MF	SITE EXPANSION	SCALE N/A
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8         10/02/20         JD         50% DESIGN SUBMITTAL         DATE:           REV         DATE         BY         DESCRIPTION         ()	09/16/22			,,	DETAILS	SHEET NO 24 OF 45





	09/24/21	JD FINAL DESIGN (CUP SET)	DESIGNED BY: JD DRAWN BY: CHECKED BY: CHECKED BY: KT DATE: 09/16/22	PARTESPERAT	STV DOMERS/ANDERS/FILMERS/FILMERS/FILMERS/FILMERS/ 1055 WEST 7th STREET, SUIT 2900 LOS ANGELES, CA. 90017-2577		PROJECT ADDRESS EAST DIVISION MF 335 N. QUINCE STREET ESCONDIDO, CA 92025		PROJECT NO         4020125           SCALE         N/A           DRAWING NO         C-508           SHEET NO         25 OF 45
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PRESSUR	E LOSS SUMMARY			PRESS
Project: Date: Valve No.: GPM/Size.:	BREEZE OPERATIONS EAST SI November 16, 2023 1 11.2 GPM / 1"	'E EXPANSION		Project: Date: Valve No.: GPM/Size.
A. RECORD SI	ITE INFORMATION			A. RECOR
Pressure Lo Net Elevatio Elevatio Elevatio	sure at Source (Main) siss/Gain Coefficient in Change (Source to Meter) in at Source in at Meter sure before Meter		70.0 0.433 0.0 643 643 70.0	Static P Pressur Net Eler Eler Eler Static P
B. PRESSURE	LOSS CALCULATIONS			B. PRESS
			SS (PSI)	
Water Mete Mainline	r	1" 1-1/2"	0.8	Water Mainline
Backflow As	a a mala la	1-1/2	12.0	Backfig
Master Valv		1-1/2"	0.0	Master
Control Valv		1"	7.0	Control
Laterals		3/4"-1"	1.5	Laterals
Fittings (15)	% of total PSI Loss for components)		3.2	Fittings
Net Elevatio	n Change (Elev. Diff. x 0.433)		-0.3	Net Eler
	n at Meter		643	Ele
	n at Worst Case Head		644	Ele
15% Pressu	ire Buffer		3.65	15% Pn
TOTAL PRE	ESSURE LOSS		16.0	TOTAL
	AILABLE PRESSURE		54.0	TOTAL
	ESSURE - PRESSURE LOSSI			(STATIC

			70. 0.433 0.1 64: 70.1 <i>E</i> LOSS ( <i>PSI</i> ) 1" 0. -1/2" 0. -1/2" 12.1 -1/2" 0.1 1" 5.1
PRESSURE	LOSS SUMMARY		
Project: Date: Valve No.: GPM/Size.:	BREEZE OPERATIONS EAST ST June 21, 2023 5 12.0 GPM / 1"	'E EXPANSI	ON
A. RECORD SITE	E INFORMATION		
Pressure Loss	at Meter		0.43 0.1 64 64
B. PRESSURE L	OSS CALCULATIONS		
Water Meter		SIZE	
Mainline		1-1/2"	
Backflow Asse	ambly	1"	12.0
Master Valve		1-1/2"	0.0
Control Valve		1"	5.0
Laterals		3/4"-1"	
	of total PSI Loss for components)		
	Change (Elev. Diff. x 0.433)		
Elevation a			
	at Worst Case Head		
15% Pressure	Buffer		4.9
TOTAL PRES	SURE LOSS		25.
	ABLE PRESSURE SURE - PRESSURE LOSS)		44.1

#### IRRIGATION SCHEDULE

#### AREA EVAPOTRANSPIRATION DATA

FEB. MAR. APR. MAY JUN. JUL. AUG. SEP. OCT. NOV. DEC Normal Year Average FTo Inch .10 2.80 3.80 4.70 5.60 6.70 6.80 6.50 5.40 3.80 2.50 1.90 48 0.65 0.88 1.09 1.29 1.55 1.57 1.50 1.25 0.88 0.58 0.44

		CROP	DEN.	MICROCL.		IRRIG.	PRECIP.				AVERAG	SE MIN	JTES PE	R WEEK	OFIRR	GATIO	N.		
TYDRO	VALVE DESCRIPTION	COEF. (Kc)	FAC. (K <sub>0</sub> )	FAC. (K <sub>MC</sub> )	COEFF. DL1	EFFIC. (IE)	RATE (PR)	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	ост.	NOV.	0
	Bubbler, Mod. Water Tree and Shrub	0.5	1.0	1.0	0.5	0.85	0.96	18	24	32	40	47	57	58	55	46	32	21	1
	Bubbler, Low Water Tree and Shrub	0.3	1.0	1.0	0.3	0.85	0.96	11	14	19	24	28	34	35	33	28	19	13	1
	Drip, Low WaterShurb and Groundcover	0.3	1.0	1.0	0.3	0.81	0.28	38	52	70	87	102	123	125	119	99	70	46	3
4	Bubbler, Mod. Water Vine	0.5	1.0	1.0	0.5	0.85	0.96	18	24	32	40	47	57	58	55	46	32	21	1
															1				

Note: Irrigation schedules are based upon historical climate data and are intended only as a general guide. Irrigation schedules shall be regularly adjusted to account for changes in climate conditions, maturity of plant materials and other site specific condition

dscape Coefficient (K<sub>1</sub>) = Species Factor (K<sub>3</sub>) x Desnsity Factor (K<sub>0</sub>) x Microclimate Factor (K<sub>MC</sub>)

Minutes of Irrigation Per Week: (ETo x KL) x 60 DP v IF

#### IRRIGATION NOTES

- IRRIGATION PLAN IS DIAGRAMMATIC. IRRIGATION DESIGN ASSUMES NO DEVIATION IN GRADING PAVING AND/OR PLANTING PLAN LAYOUT FROM ACTUAL FIELD CONDITIONS. ALL NEW IRRIGATION EQUIPMENT SHALL BE LOCATED IN PLANTING AREAS ONLY UNLESS NOTED OTHERWISE ALL NEW EQUIPMENT SHALL BE INSTALLED AS SHOWN IN THE DETAILS AND AS NOTED IN THESE SPECIFICATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEWING PLANTING AND IRRIGATION PLAN LAYOUT AGAINST ACTUAL GRADED FIELD CONDITIONS PRIOR TO COMMENCEMENT OF WORK. ANY DEVIATIONS IN ACTUAL FIELD CONDITIONS FROM THOSE SHOWN ON IRRIGATION PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO COMMENCEMENT OF WORK CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPLACING AND/OR MODIFYING AN IRRIGATION EQUIPMENT INSTALLED WHERE FIELD CONDITIONS DIFFER FROM THOSE SHOWN ON PLANTING AND/OR IRRIGATION PLANS WHEN SAID INSTALLATION HAS NOT BEEN APPROVED IN ADVANCE BY OWNER OR LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL KEEP THE PREMISES CLEAN AND FREE OF EXCESS FOURPMENT, MATERIALS 2 AND RUBBISH INCIDENTAL TO WORK COVERED UNDER THIS SECTION. PVC SPECIFICATIONS: REFER TO PROJECT SPECIFICATIONS FOR MORE INFORMATION.
- CONTRACTOR SHALL VERIFY LOCATION OF POINT OF CONNECTION IN FIELD. SYSTEM WAS DESIGNED TO OPERATE AT PRESSURE AVAILABLE OF 70 PSI. SHOULD ACTUAL PRESSURE BE LOWER UPON CONNECTION TO WATER SUPPLY, CONTACT LANDSCAPE ARCHITECT IF
- PRESSURE AT METER IS LOWER THAN 70 PSI OR ABOVE 85 PSI 6 CONTRACTOR SHALL ADJUST ALL FLOW AT VALVES TO PROVIDE CORRECT OPERATING VOLUME AND
- PRESSURE TO HEADS ON EACH CIRCUIT. CONTRACTOR SHALL INSTALL NEW AUTOMATIC CONTROLLER, (SIZE AND TYPE AS NOTED AND INSTALLED AS INDICATED ON IRRIGATION PLAN OR WHERE DIRECTED BY OWNER). CONTROLLER SHALL BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS. CONTROL WIRES SHALL BE SLEEVED IN ELECTRICAL CONDUIT USING SWEEP FLLS FROM CONTROLLER INTERIOR TO EIGHTEEN INCHES (18") BELOW GRADE. OWNER SHALL PROVIDE 110-VOLT SERVICE TO CONTROLLER. PROVIDE SIGNAL WIRES FOR FLOW SENSOR AND MASTER VALVES AS SPECIFIED BY MANUFACTURER. 8 WIRE SPECIFICATIONS:
- - CONTRACTOR SHALL INSTALL NEW WIRE FROM CONTROLLER TO NEW VALVES. A. ALL NEW WIRE SHALL BE 14-GAUGE ANG-UF, DIRECT BURIAL TYPE. A RED COLOR SHALL BE PROVIDED FOR EACH VALVE STATION INCLUDING EXTRA WIRE. COMMON WIRE SHALL BE WHITE. WIRE RUNS ARE TO BE CONTINUOUS FROM CONTROLLER TO VALVE WITH SPLICES AT VALVES ONLY. SPLICES AND CONNECTIONS SHALL BE MADE WITH PEN-TITE CONNECTORS OR EQUIVALENT AND SHALL BE PLACED IN VALVE BOX.
  - ALL WIRES SHALL BE INSTALLED WITH TWELVE INCHES (12") OF EXCESS WIRE (COILED) AT THE END OF EACH WIRE RUN AND AT NINETY DEGREE CHANGES IN DIRECTION. C. CONTROL WIRE SHALL BE LAID EIGHTEEN INCHES (18") DEEP. CONTROL WIRE SHALL BE
  - BUNDLED AND PLACED BENEATH MAINLINE WHERE POSSIBLE, TAPED TO MAINLINE AT TEN FEET (10') ON CENTER
- ONE (1) ADDITIONAL CONTROL WIRE SHALL BE RUN TO EACH VALVE MANIFOLD. WIRE SHALL E BUINLED, TAPED, AND PLACED IN CONTROL VALVE BOX. E. CONTRACTOR IS TO PROVIDE AN ADDITIONAL COMMON WIRE TO THE END OF THE MAINLINE
- RUN IN TWO DIRECTIONS FROM THE CONTROLLER. WIRE SHALL BE BUNDLED, TAPED, AND PLACED IN CONTROL VALVE BOX.
- ALL AUTOMATIC CONTROL VALVES SHALL BE OF SIZE AND TYPE NOTED IN LEGEND. VALVE MANIFOLD Q SHALL BE CONNECTED OFF OF A SINGLE TEE ON THE MAINLINE EXCEPT AT THE END OF THE MAINLINE RUN. VALVES SHALL BE SET A MINIMUM OF EIGHT INCHES (8") APART TO ALLOW SERVICING. VALVE SHALL BE TAGGED WITH CONTROLLER LETTER AND VALVE NUMBER PERMANENTLY MARKED ON PLASTIC TAG.
- 10. ONE (1) VALVE SHALL BE INSTALLED IN EACH BOX. VALVE BOXES SHALL BE LOCATED WITHIN SHRUB PLANTER BEDS (WHEREVER POSSIBLE) AND SHALL BE SET FLUSH WITH THE MOW CURB, OR A MINIMUM OF TWELVE INCHES (12') AWAY FROM ANY OTHER HARDSCAPE OR STRUCTURE. VALVE BOX SHALL BE LARGE ENOUGH TO ACCOMMODATE SERVICING VALVES INCLUDING DRIP FILTERS

#### IRRIGATION OPERATION

- 1 THIS SECTION IS PROVIDED AS A REQUIREMENT FOR MAINTENANCE DURING THE 120 DAY.
- Initial section is needed as recomment for maintenance down of the 120 AT ESTABLISHMENT PERIOD AND AS A RECOMMENDATION FOR FUTURE CONTINUED MAINTENANCE. IRRIGATION IS TO BE MAINTAINED AND OPERATED IN SUCH A MANNER AS TO PREVENT WATER 2 FROM COLLECTING ON OR RUNNING ACROSS CONCRETE OR ASPHALT OR FROM OVERSPRAYING ONTO BUILDINGS, FENCES, WALLS OR OTHER HARDSCAPE FEATURES.
- MAINTENANCE CONTRACTOR SHALL BE REQUIRED TO HAVE AVAILABLE AND LISE A SOLUTIBE OR 3 PROBE TO FREQUENTLY CHECK SOIL MOISTURE BEFORE AND AFTER OPERATION OF THE IRRIGATION SYSTEM TO EVALUATE THE NECESSITY FOR IRRIGATION SCHEDULING ADJUSTMENTS CONTRACTOR SHALL ADJUST SYSTEM TIMING AND COVERAGE PATTERNS ON AN ONCOING BASIS TO COMPENSATE FOR REDUCED WATER REQUIREMENTS AS PLANTS MATURE AND PATTERN DEELECTION AS PLANTS GROW
- MAINTENANCE CONTRACTOR SHALL BE REQUIRED TO FREQUENTLY TEST THE IRRIGATION SYSTEM TO ENSURE THAT ALL HEADS OPERATE CORRECTLY AND THAT NO BREAKS OR LEAKS EXIST. THE MAINTENANCE CONTRACTOR SHALL NOT PERMIT THE IRRIGATION SYSTEM TO OPERATE WITH BROKEN EQUIPMENT. REPAIRS TO THE SYSTEM SHALL BE MADE WITH ORIGINALLY SPECIFIED MATERIALS IN ACCORDANCE WITH THE LANDSCAPE ARCHITECT'S PLANS TO ENSURE PROPER COVERAGE AND PRESSURE WITHIN THE IRRIGATION SYSTEM. FAILURE TO MATCH ORIGINALLY SPECIFIED MATERIALS MAY RESULT IN AN INOPERABLE SYSTEM WITH SIGNIFICANT WATER WASTE

JECT ADDRES

EAST DIVISION MF

335 N. QUINCE STREET

ESCONDIDO, CA 92025

- 11. ALL PRESSURE MAINLINES SHALL BE A MINIMUM OF EIGHTEEN INCHES (18") DEEP AND MARKED WITH INDICATOR TAPE ABOVE PIPE. ALL PVC LATERALS SHALL BE A MINIMUM OF TWELVE INCHES (12") DEEP. TRENCH BACKFILL SHALL BE FREE OF ANY MATERIAL THAT MAY DAMAGE IRRIGATION PIPE OR EQUIPMENT INCLUDING ROCKS IN EXCESS OF ONE INCH (1\*) IN DIAMETER. IN THE EVENT OF BACKFILL SETTLEMENT, CONTRACTOR SHALL PERFORM REQUIRED REPAIRS AT HIS OWN COST. REFER TO DETAILS AND SPECIFICATIONS FOR MORE INFORMATION 12.
- ALL MAINLINE, WIRING AND LATERAL LINES SHALL BE SLEEVED WITH PVC SCHEDULE 40 TWO (2X) TIMES THE DIAMETER OF THE SI FEVED LINE WHERE IT PASSES UNDER PAVED AREAS OR THROUGH MULLS. (SEE SLEEVING DETAIL). IRRIGATION CONTRACTOR SHALL COORDINATE WITH CONCRETE AND A.C. PAVING CONTRACTOR TO ENSURE ALL SLEEVING IS SET PRIOR TO CONCRETE POURS AND ASPHALT PLACEMENT. CONTRACTOR IS TO LOCATE AND UTILIZE EXISTING SLEEVES UNDER DRIVEWAY AND WALKS, IF AVAILABLE. UNDER NO CIRCUMSTANCES SHALL NEW IRRIGATION LINES BE INSTALLED LINDER ASPHALT OR CONCRETE WITHOUT SLEEVING
- MAINLING SHALL BE SLEEVED EXTENDING 10 FEET TO EITHER SIDE OF HARDSCAPE. PRIOR TO BACKFILLING TRENCHES, THE FOLLOWING PROCEDURES SHALL BE IMPLEMENTED:
- A. ALL MAINLINES IN THE SYSTEM SHALL BE CAPPED AND PRESSURE TESTED AT 125 PSI FOR A PERIOD OF FOUR (4) HOURS. ANY LEAKS FOUND SHALL BE CORRECTED BY REMOVING THE LEAKING PIPE OR FITTINGS AND INSTALLING NEW MATERIAL IN ITS PLACE
- CONTRACTOR SHALL NOT ALLOW NOR CAUSE ANY OF HIS WORK TO BE COVERED UNTIL IT HAS BEEN INSPECTED. TESTED AND APPROVED BY THE OWNER'S AUTHORIZED REPRESENTATIVE.
- WHEN INSTALLATION OF THE IRRIGATION SYSTEM IS COMPLETED AND PRIOR TO PLANTING, THE CONTRACTOR, IN THE PRESENCE OF THE BUILDER/OWNER'S AUTHORIZED REPRESENTATIVE, SHALL PERFORM A COVERAGE TEST OF WATER AFFORDED ALL PLANTING AREAS TO ENSURE IT IS COMPLETE AND ADEQUATE. CONTRACTOR SHALL FURNISH ALL MATERIALS AND PERFORM ALL WORK REQUIRED TO CORRECT ANY INADEQUACIES OF COVERAGE AT HIS OWN COST
- CONTRACTOR SHALL FURNISH TO OWNER A COMPLETE "AS BUILT" DRAWING OF NEW AND EXISTING EQUIPMENT INSTALLED SHOWING EXACT SIZE, TYPE, AND DIMENSIONED LOCATIONS OF THE 16 FOLLOWING ITEMS:
  - A. POINT OF CONNECTION B. BALL VALVES
  - C. QUICK COUPLERS
  - D. CONTROL VALVES E. CONTROLLERS
  - . MAINLINE
  - G. CONTROLLER WIRE H. SLEEVING
- 17. THE "AS BUILT" DRAWING SHALL BE PREPARED ON BOND AND CONTRACTOR SHALL PROVIDE TWO PRINTS ALONG WITH ORIGINAL
- CONTRACTOR SHALL ALSO PROVIDE A REDUCED "AS BUILT" DRAWING (MAXIMUM 11X17 SIZE). COLOR-CODED. SHOWING AREAS IRRIGATED BY EACH STATION. THIS PLAN SHALL BE ENCASED IN PLASTIC UPON OWNERS APPROVAL OF DRAWING. CONTRACTOR SHALL ALSO PROVIDE IRRIGATION PROGRAMMING CHART. THESE ARE TO BE DELIVERED ON OR BEFORE FINAL INSPECTION.
- 19. IRRIGATION CONTRACTOR SHALL MAINTAIN THE SYSTEM FOR ONE HUNDRED AND TWENTY (120) DAYS UPON OWNER ACCEPTANCE OF CONSTRUCTION COMPLETION AND SHALL WATER AS REQUIRED TO ESTABLISH NEW PLANT MATERIAL.
- 20. CONTRACTOR SHALL PROVIDE CONTROLLER KEYS AND MANUALS, ONE (1) QUICK COUPLER KEY WITH HOSE SWIVEL, AND AN ADDITIONAL QUANTITY OF SIX OF EACH NOZZLE TYPE USED TO OWNER AT TURNOVER
- 21. IRRIGATION CONTRACTOR SHALL GUARANTEE IN WRITING THE ENTIRE NEWLY INSTALLED IRRIGATION SYSTEM TO BE FREE OF DEFECTS IN WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE (1) YEAR FROM FINAL ACCEPTANCE BY OWNER. 22. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT BY CONTACTING 'DIG ALERT' AT 811,
- BEFORE START OF CONSTRUCTION (14 CALENDAR DAYS PRIOR TO DIGGING)

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

		-a plannig
MICHELLE M. LANDIS	Michelle On fandt	7185 Navajo Rd., Suite A, San Diego
SIGNATURE	DATE: NOVEMBER 30, 2023	CA 92119
REGISTRATION NO. 5444	EXP. DATE: APRIL 30, 2024	858.598.5085

BREEZE OPERATIONS EAST

SITE EXPANSION

IRRIGATION

CALCULATIONS, NOTES

SHEET TITLE



CALE

HEET NO

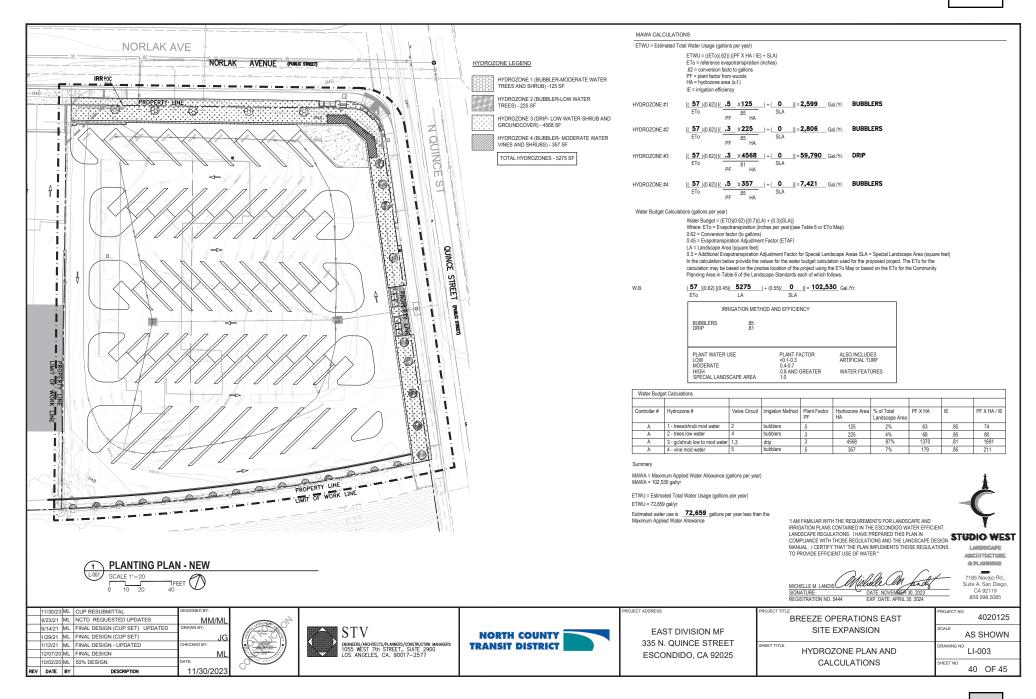
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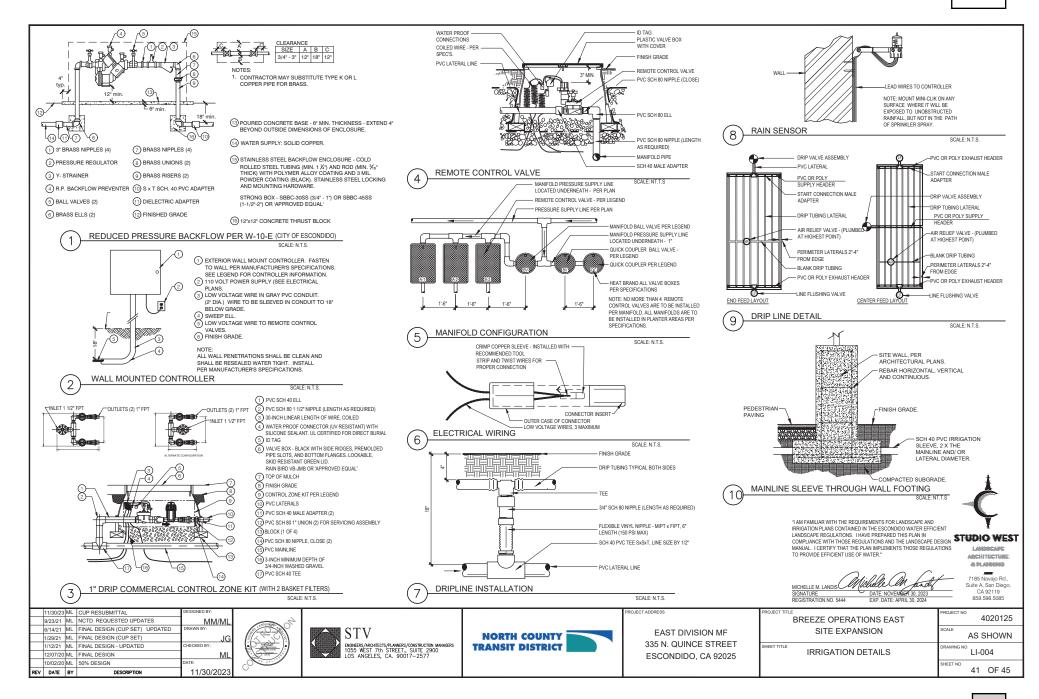
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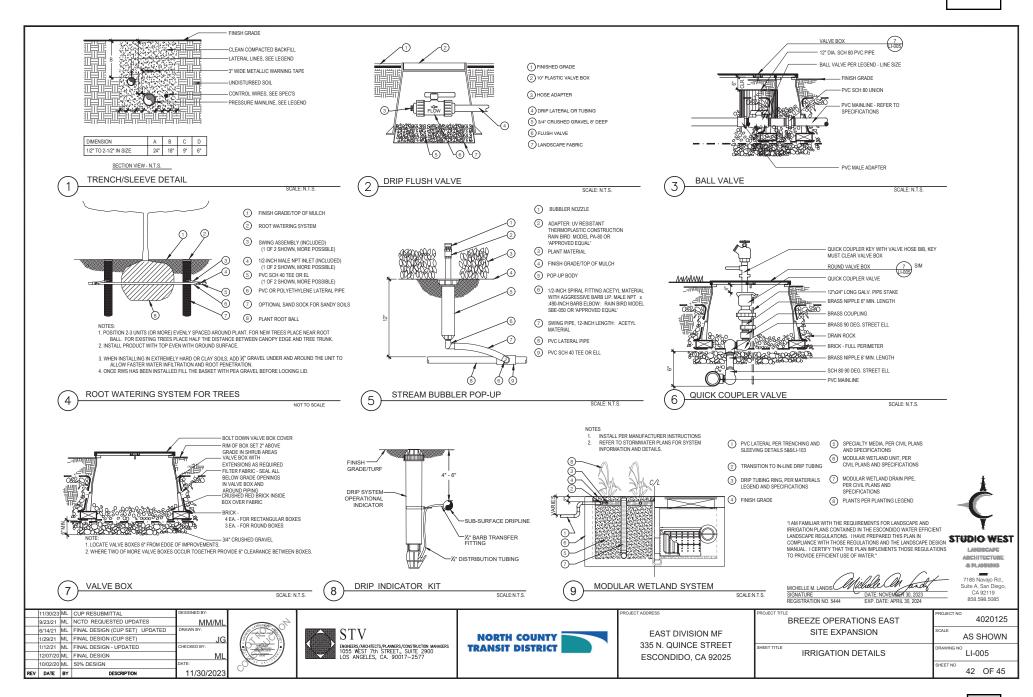
39 OF 45

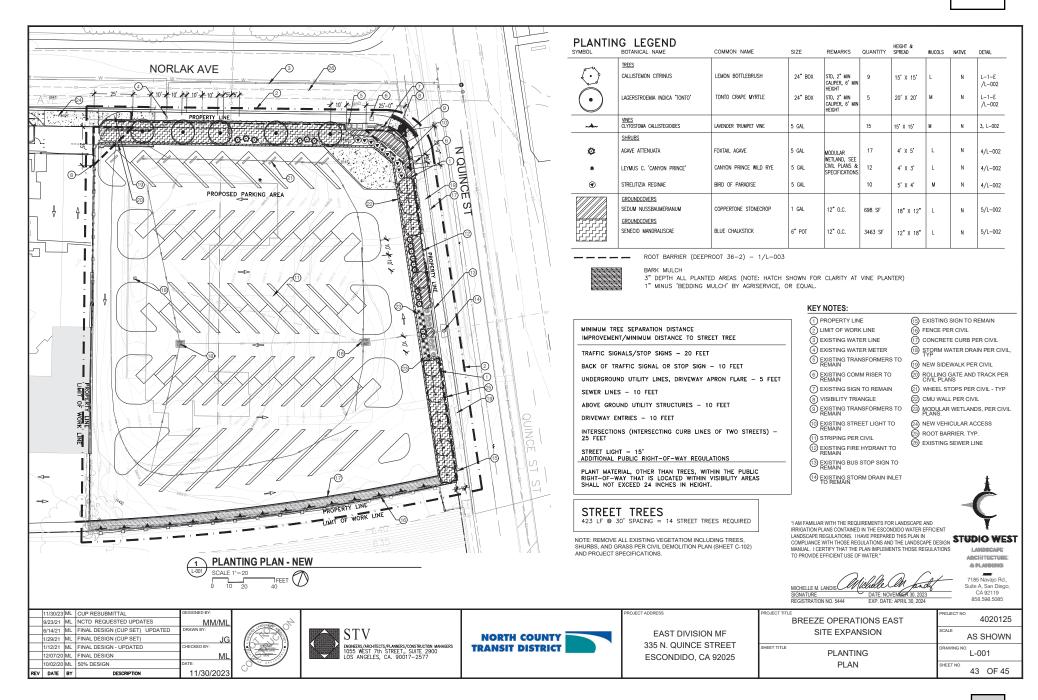
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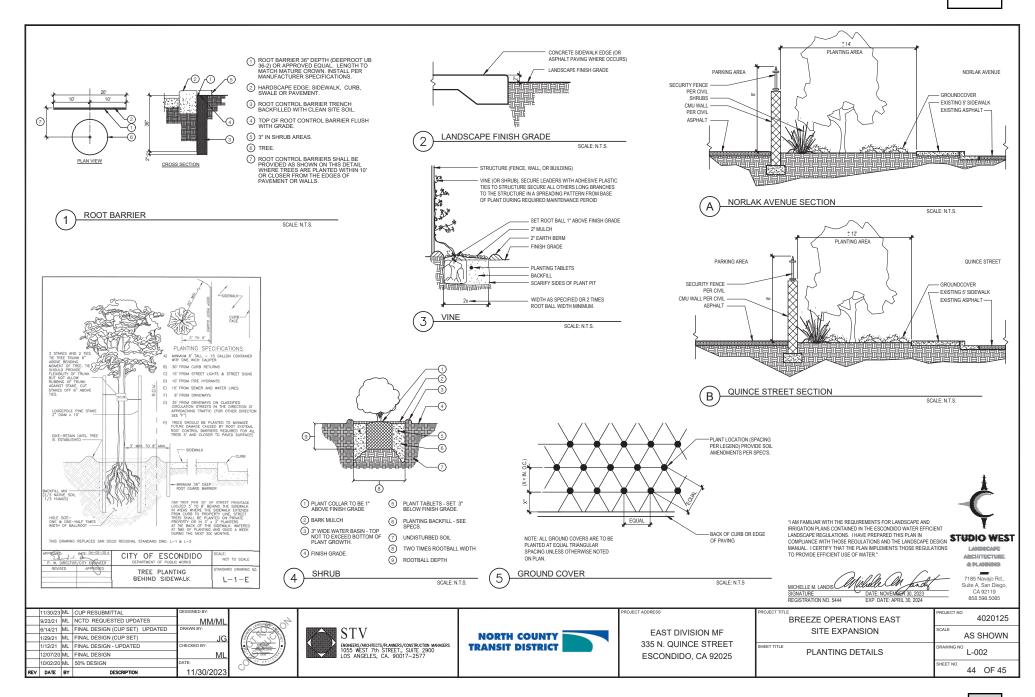














LAVENDER TRUMPET VINE





NORLAK STREET -CREPE MYRTLE

STREET TREES (1)

QUINCE STREET -LEMON BOTTLEBRUSH



BIRD OF PARADISE



PARKWAY SHRUBS & SUCCULENTS



BARKWAY GROUNDCOVERS

BLUE CHALK STICK

SEDUM 'COPPERTONE'





7185 Navajo Rd., Suite A, San Diego, CA 92119

					REGISTRATION NO. 5444 EXP. DATE: APRIL 30, 2024	858.598.5085
11/30/23 ML CUP RESUBMITTAL 9/23/21 ML NCTD REQUESTED UPDATES	DESIGNED BY: MM/ML			PROJECT ADDRESS	PROJECT TITLE BREEZE OPERATIONS EAST	PROJECT NO 4020125
6/14/21 ML FINAL DESIGN (CUP SET) UPDATED 1/29/21 ML FINAL DESIGN (CUP SET)	DRAWN BY:	STV		EAST DIVISION MF	SITE EXPANSION	SCALE AS SHOWN
1/12/21 ML FINAL DESIGN - UPDATED 12/07/20 ML FINAL DESIGN	CHECKED BY:	ENGINEERS/ARCHITECTS/PLANNERS/CONSTRUCTION MANAGERS 1055 WEST 7th STREET., SUITE 2900 LOS ANGELES, CA. 90017–2577	TRANSIT DISTRICT	335 N. QUINCE STREET ESCONDIDO, CA 92025	SHEET TITLE PLANT MATERIAL	DRAWING NO L-003
10/02/20 ML 50% DESIGN	DATE: 11/30/2023					SHEET NO 45 OF 45

## Exhibit "C"

## Planning Case No. PL21-0057

#### Factors to be Considered/Findings of Fact

#### **Environmental Determinations:**

- Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the Project ("Project"), as the public agency with the principal responsibility for approving the Project.
- 2. The Project qualifies for an exemption from further environmental review pursuant an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32, (In-fill Development Projects) because such categorical exemption applies to proposed developments within city limits on sites of no more than five acres substantially surrounded by urban uses, where the site has no habitat value for special status species, can be adequately served by all required utilities and public services, and the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality (CEQA Guidelines § 15332(b)-(e)). Furthermore, the Project does not involve the use of significant amounts of hazardous substances. The proposed Project meets the following criteria:
  - a. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  - b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
  - c. The project site has no value as habitat for endangered, rare or threatened species.
  - d. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - e. The site can be adequately served by all required utilities and public services

The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.

3. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the January 9, 2024, Planning Commission Staff Report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all the requirements of CEQA have been met.

#### Public Notice and Outreach:

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the local newspaper on or around December 28, 2023. In addition, on or around December 26, 2023, notices were sent to owners within 500 feet of the project site. A public notice was also posted at the project site, on the City's website, and posted at City Hall.

#### Conditional Use Permit (CUP)

- This Conditional Use Permit is granted upon sound principles of land use and in response to services required by the community in that the proposed Project has been designed and conditioned to comply with all applicable zoning regulations and design standards. The Project is located within and is surround by similar industrial characteristics and uses. Further, the proposed Project serves a transit district which provides multimodal options, including bus services which serve community members with public transit options.
- 2. This Conditional Use Permit will not cause deterioration of bordering land uses or create special problems for the area in which it is located in that the proposed Project has been designed and conditioned to comply with all applicable zoning regulations and design standards. The Project is located within and is surround by similar industrial characteristics and uses. The Project will replace a vacant underutilized light industrial parcel and has been designed to reduce land use conflicts, consolidating entrances to minimize vehicular conflicts, and enhancing the visual presence. Conditions have been incorporated into the approval of the Project to ensure no conflicts will occur with surrounding uses.
- 3. The proposed Project is located within a designation light industrial area of the City's General Plan. The conditional use is located in in area surrounded by similar industrial/commercial uses. The proposed Project is located adjacent to the existing North County Transit District East Division Maintenance Facility, which will complement and support their current operations and use as a fleet vehicle storage area. Further, the project was reviewed by the City's Staff Development Review Committee for compliance with City requirements and conditioned the Project so as to preserve the public health, safety, and general welfare.

### Exhibit "D"

# Planning Case No. PL21-0057 335 N. Quince Street/NCTD Fleet Parking Conditions of Approvals

This Project is conditionally approved as set forth on the application received by the City of Escondido on January 29, 2021, and the Project drawings consisting of a Site Plan, Street Elevations, Civil/Grading, and Landscape Design Plans; all designated as approved on January 9 2024, and shall not be altered without express authorization by the Development Services Department.

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

#### A. General:

- 1. Acceptance of Permit. If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - **b.** Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
- 2. Permit Expiration. If the Permit was filed as or concurrent with a Site Plan and Conditional Use Permit, the Permit shall expire 24 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If <u>not</u> filed as concurrent with a Site Plan or Conditional Use Permit application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit. 3. Certification. The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

#### 4. Conformance to Approved Plans.

- **a.** The operation and 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. 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 terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

- 7. 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.
- 8. 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.

**9.** 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 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.

**10. 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.

#### 11. Clerk Recording.

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

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

- **b.** For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.
- **12. Legal Description Adequacy.** The legal description attached to the application has been provided by the Applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
- 13. Application Accuracy. The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.
- 14. Revocation, Suspension, Modification. At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Development Services for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

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

**a.** A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or

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

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

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

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

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

#### B. Construction, Maintenance, and Operation Obligations:

 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 undergrounded, or fee payment in-leu subject to the satisfaction of the City Engineer.
- **4. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- **5. Lighting.** If required, all exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
- 6. General Property Maintenance. The Applicant (NCTD) shall be responsible for maintaining the fleet vehicle storage area in good visual and functional condition. This shall include, but not be limited to, all exterior elements related to the screening walls, lighting, and gated access points. The internal site improvements include new paving, restriping, lighting, screening walls, and perimeter landscaping, shall be maintained for a safe, clean and efficient appearances.
- **7.** 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.
- 8. 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.

- Roof, Wall, and Ground Level Equipment. All fleet vehicle storage and maintenance equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- **10. Staging Construction Areas.** All staging areas shall be conducted on a pre-determined site only, subject to written 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 with the City.
- 11. 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 property owner or neighborhood concerns.
- 12. Construction Waste Reduction, Disposal, and Recycling. If any, the 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 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 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 for residential projects or portions thereof.
- **13. 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.

**14. 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.

#### C. Parking and Loading/Unloading:

- 1. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal items on private property without written permission of the Applicant. The written authorization shall be submitted to the City for file records.
- **D. Landscaping:** The Applicant assumes all responsibility for maintaining all on-site perimeter landscape pertaining to the installation of the screening walls, parkways improvements, and buffer areas in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
  - 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.
  - 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 landscape improvements 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 or site 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 or site plan 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. 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 Engineering Division Conditions:

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.

- 2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
- 3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
- 4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans 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. All improvements shall be completed prior to issuance of a Certificate of Occupancy or final Engineering inspections.
- 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 by the Developer to the satisfaction of the City Engineer.

#### STREET IMPROVEMENTS AND TRAFFIC

- 1. The project's access drive shall be constructed as an alley-type driveway apron per City's standard drawing G-5-E with a minimum throat width of thirty (30) feet.
- 2. All on-site driveways, and parking areas will be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director.
- **3.** All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
- 4. The developer shall remove and construct a new ADA pedestrian curb ramp at the corner of N. Quince Street and Norlak Avenue per San Diego Regional Standard Drawing G-29.
- 5. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy or final Engineering inspection.
- 6. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.

- 7. All gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
- 8. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.
- **9.** The Developer shall install trash capture devices on existing storm drain inlets along the project's frontage to the satisfaction of the City Engineer.
- **10.** The installation of all utilities and facilities (green street tree wells, fire hydrant, transformers, etc.) shall be constructed at the ultimate location and to the satisfaction of the City Engineer.

#### **GRADING and SITE IMPROVEMENTS**

- 1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a copy of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
- 2. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
- **3.** All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of asphalt Base (AB) or 7" Portland Concrete Cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
- 4. 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.
- 5. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
- **6.** A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
- **7.** All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.

#### 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.
- 3. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
- 4. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
- 5. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
- 6. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

# WATER SUPPLY

- 1. Fire hydrants, if required, together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main. Existing fire hydrants shall meet current City of Escondido standards.
- 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. All new or existing water meters shall have an approved reduced pressure backflow prevention devise per the 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. Backflow prevention assemblies are private and should

be located on private property. Backflows shall be located directly behind the public water meter.

- 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. 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.
- 7. 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.
- 8. 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. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
- 2. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
- **3.** All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.
- **4.** The project design shall be such that all existing or new sewer manholes are accessible at all times by City "Vactor" trucks for maintenance.
- 5. 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.

### LANDSCAPE

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

### **CASH SECURITIES**

 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.

#### E. Specific Fire Department Conditions:

1. An adequate water supply and approved paved access is required prior to any combustibles being brought to the site.



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## **STAFF REPORT**

### DATE: 01/09/2024 PL23-0304 – AT&T Wireless Service Facility

PROJECT NUMBER / NAME: PL23-0304 – 960 West El Norte Parkway/AT&T Wireless Communication Facility				
REQUEST: A request for a Conditional Use Permit to construct a 65'-0" high wireless service facility designed as a mono-eucalyptus. The facility consists of various antennas, surge suppressors, and cables to support the wireless facility. The request also includes the construction of a ground level enclosure surrounded by an 8'-0" tall CMU wall to house a diesel generator, and other accessory equipment for the wireless facility.				
PROPERTY SIZE AND LOCATION: The 1.09-acre site is located on the north side of W. El Norte Parkway within an existing commercial center and is addressed at 960 W. El Norte Parkway. (Assessor's Parcel No.: 226-350-65-00)				
GENERAL PLAN / ZONING: General Commercial (GC)/ PRIMARY REPRESENTATIVE: Harold Thomas Jr. (MD7) General Commercial (C-G)				
DISCRETIONARY ACTIONS REQUESTED: Conditional Use Permit				
PREVIOUS ACTIONS: N/A				
CEQA RECOMMENDATION: Categorical Exemption – CEQA Guidelines Section 15303, Class 3 (New Construction or Conversion of Small Structures)				
STAFF RECOMMENDATION: Approval				
REQUESTED ACTION: Approve Planning Commission Resolution No. 2024-01				
CITY COUNCIL HEARING REQUIRED:YES X NO				
REPORT APPROVALS:       X       Dare Delano, Senior Deputy City Attorney				
X Veronica Morones, City Planner				



STAFF REPORT

### BACKGROUND

The subject property is located within an approximately 11.34-acre commercial shopping center anchored by a Vons grocery store. The shopping center is comprised of various parcels and all are held under separate ownerships. The subject property is an approximately 1.09-acres parcel located at the southeast corner of the shopping center, and is developed with a drive-through facility (Wendy's).

### SUMMARY OF REQUEST

Harold Thomas Jr. ("applicant") on, behalf of AT&T Wireless, request approval of a Conditional Use Permit for construction of a 65'-0" high wireless communication facility designed as a mono-eucalyptus ("project"). At the antenna level, the project includes the installation of various panel antennas, surge suppressors, and DC cables. At the ground level, the applicant intends to construct an eight foot (8'-0") high CMU wall enclosure to house a diesel generator, emergency shut off switch, surge suppressors, and other various accessory equipment to support the wireless communication facility.

The project site is located on the north side of W El Norte Parkway (refer to Attachment 1), and is addressed at 960 W El Norte Parkway. The project site has a General Plan land use designation of General Commercial (GC), and is within the General Commercial (C-G) zoning district (refer to Attachment 2).

### SUPPLEMENTAL DETAILS OF REQUEST

- 1. Property Size: 1.09-acres
- 2. Height: 65'-0"
- 3. Wireless/Pole: Install faux mono-eucalyptus tree
- 4. Antennas: Install 12 antennas and 9 radio units
- 5. Materials/Colors: Antennas, and associated brackets would be painted to match tree branches and existing trees.
- 6. Equipment: All equipment will be located within an 8'-0" high CMU enclosure.
- 7. Hours of operations: 24-hour unmanned facility
- 8. Landscaping: Plans indicate the removal of two shrubs, and one tree. Applicant will be responsible for replacing shrubs and trees. New location of the tree and shrubs are shown on the plans.

### **PROJECT ANALYSIS**

1. General Plan Conformance:





STAFF REPORT

The General Plan land use designation on the site is General Commercial (GC), which allows for wireless communication facilities, subject to Article 34 (Communication Antennas) within the Commercial (C-G) zoning district.

2. Zoning Conformance:

The General Commercial zoning district permits for wireless communication facilities through the Conditional Use Permit process. As noted, the Project consists of the installation of a 65'-0" high monoeucalyptus tree. The C-G zoning district limits the height of buildings through the use of the Uniform Building Code. Pursuant to Section 33-1075 of Article 56, wireless masts or other similar structures (subject to the provisions of Article 34), may be erected above the height limits established for the various zones provided that no portion of the structure is in excess or be deemed as an excessive or unreasonable use of the space that creates an unnecessary aesthetic impact on surrounding properties, as determined by the Director of Development Services. The proposed height of the mono-eucalyptus tree is consistent with height of existing buildings, and landscaping and therefore does not create adverse aesthetic impacts to surrounding properties.

3. Conformance with FCC Emissions Requirements:

The operation of the wireless facility would generate radio frequency electromagnetic emissions (RF radiant). EBI Consulting prepared a Radio frequency (RF) and Nonionizing Electromagnetic Radiation (NIER) Analysis Report on June 06, 2023, to determine whether the proposed communication facility complies with the FCC Rules and Regulations for RF emissions for "Occupational" and "General Public" classifications per OET Bulletin 65, Edition 97-01. The study concludes the project is compliant with FCC rules and regulations.

- 4. Conformance with Section 33-703 (Personal wireless service facilities guidelines—Five General Principles) five general principles for consideration of new facilities:
  - (a) Height guidelines Utilize lowest profile technology

Given the FCC requirements related to the height of facilities to provide expanded service coverage, the design of the faux mono-eucalyptus tree is 65'-0". The structure is located in the C-G zoning district and is only limited in height by the Uniform Building Code. The project conforms with the zone's height standard, and is similar in height to the existing surrounding trees. The proposed design of the wireless communication facility is intended to look like a eucalyptus tree, and blends in with the strand of trees adjacent to W. El Norte Parkway as shown in the visual simulations (see Attachment 3).

## (b) Location Guidelines – Avoid proliferations that create or compound undesirable visual impacts, but also encourage co-location where appropriate.

The project site is located within a commercial zoning district, and is approximately 230 feet away from the nearest residential use. The design of the structure fully integrates the facility into the existing landscaping on-site in order to minimize visual impacts to surrounding properties. As of today, the subject property contains no other wireless service facility, and is not inundated with other antennas/structures.



### STAFF REPORT

### (c) Stealth Technology guideline – Encourage creative, unobstructive stealth technology

The structure is camouflage designed as a mono-eucalyptus, and is consistent with the height of the existing trees and landscaping on site. Telecommunication equipment, panels, wiring, and radio units within the tree will be visually compatible with natural colors of the surrounding trees.

### (d) Older facility guidelines - encourage older facilities to upgrade using less obtrusive technology

The project is for the construction of a new wireless communication facility. The proposed structure will consist of newer technology that is consistent with the five principles for wireless communication facilities.

### (e) Emissions guidelines – Ensure that emissions do not exceed federal thresholds

All the equipment and ongoing operations will meet all federal emissions and radiation standards and guidelines as discussed in the report prepared by EBI consulting.

### **FISCAL ANALYSIS**

The proposed project is consistent with the City of Escondido economic policies because it would provide support, updated communication services, expanded wireless coverage, and installation of new telecommunication systems for local residents and businesses. There are no direct fiscal impacts associated with the proposed telecommunications services.

### **ENVIRONMENTIAL ANALYSIS**

California Environmental Quality Act ("CEQA") Guideline's list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The Project qualifies for an exemption under CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structure). The required CEQA Notice of Exemption prepared for the project is incorporated into this staff report as Attachment 4. The Notice of Exemption demonstrates that the project qualifies for this exemption and will not have a significant effect on the environment.

### **PUBLIC INPUT**

The project was noticed consistent with the requirements of both the Escondido Zoning Code and the State Law. Staff has not received any correspondence from the public regarding the project as of the preparation of this report.

### CONCLUSION AND RECOMMENDATION

The proposed project is consistent with the Communication Antennas Ordinance (Article 34 of the Escondido Zoning Code), and the project design conforms to the five guiding principles for wireless communication facilities. The project would not result in any adverse visual impacts since the panels would be screened/camouflaged within the proposed tree structure, coordinated panel color, have no reflective surfaces, and be located within an existing stand native trees of similar height and texture. The proposed facility is located on a non-residential site in the C-G zone that is sufficient in size, and adequately buffered by existing buildings and distance without negatively impacting the adjacent residential properties. Further, the facility would be in conformance with FCC emission standards.



### STAFF REPORT

Based on the analysis contained in this staff report, staff recommends that the Planning Commission adopt Resolution 2024-01, approving the proposed Conditional Use Permit as described in this staff report, as detailed in Exhibits "A" through "D" of Resolution No. 2024-01.

### ATTACHMENTS

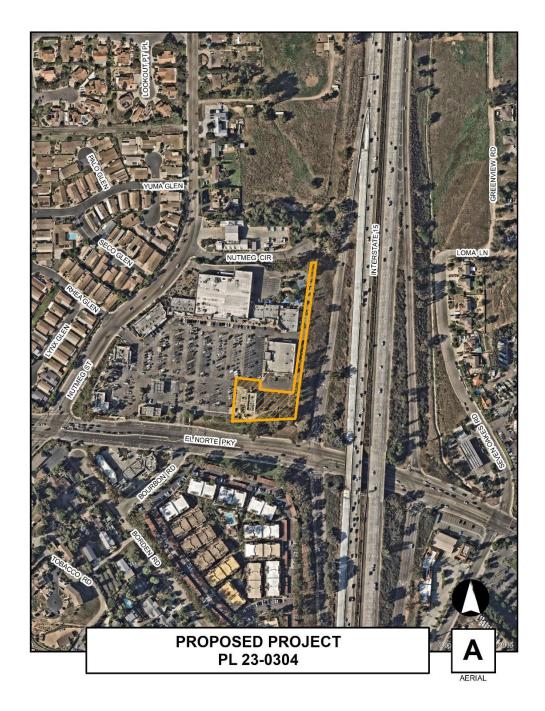
- 1. Location Map
- 2. General Plan Land Use Designation and Zoning District
- 3. Visual Simulations
- 4. CEQA Notice of Exemption
- 5. Draft Planning Commission Resolution No. 2024-01 including Exhibits A D



STAFF REPORT

### Attachment 1

**Location Map** 

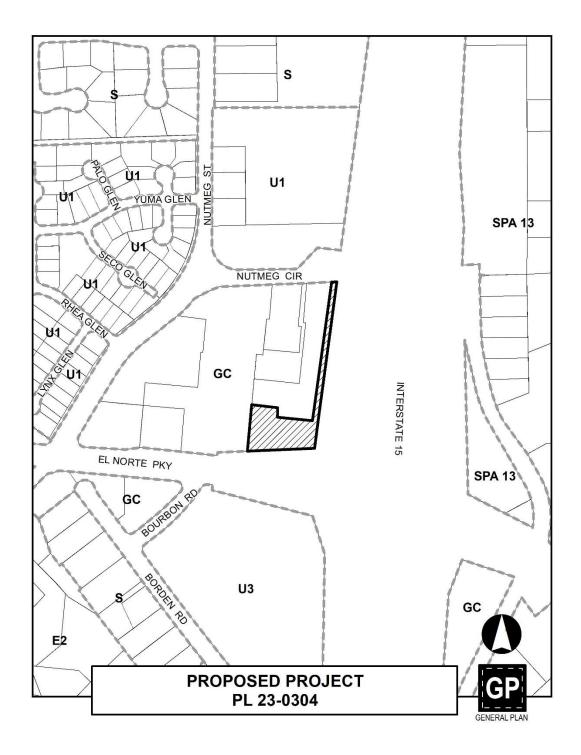




STAFF REPORT

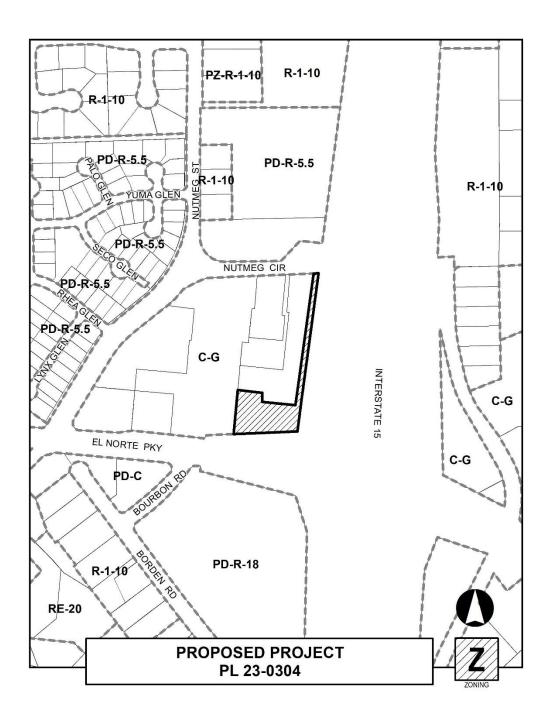
### Attachment 2

### **General Plan Land Use and Zoning District**





STAFF REPORT



Attachment 3

### **NEW SITE BUILD**

960 "1/2" WEST EL NORTE PARKWAY, ESCONDIDO, CA 92026









VIEW 1	NEW SITE BUILD 960 "1/2" WEST EL NORTE PARKWAY, ESCONDIDO, CA 92026 CAL03158 33.147419, -117.105844	Item 3.	
SITI	E LOCATION		
VIE'	W DIRECTION		







VIEW 2

### NEW SITE BUILD 960 "1/2" WEST EL NORTE PARKWAY, ESCONDIDO, CA 92026 CAL03158

33.147419, -117.105844





### VIEW: BEFORE







VIEW 3

### NEW SITE BUILD 960 "1/2" WEST EL NORTE PARKWAY, ESCONDIDO, CA 92026 CAL03158

33.147419, -117.105844



### VIEW: BEFORE





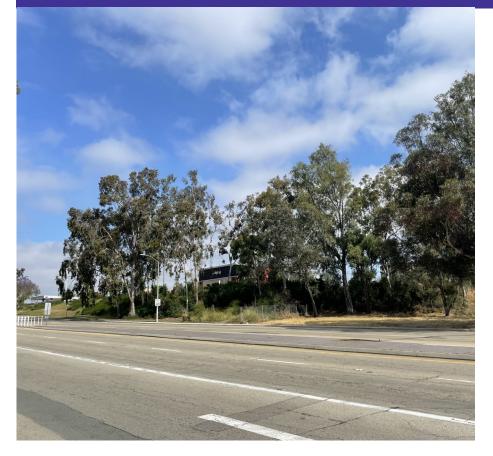




VIEW 3

### NEW SITE BUILD 960 "1/2" WEST EL NORTE PARKWAY, ESCONDIDO, CA 92026 CAL03158

33.147419, -117.105844









Item 3.



**ATTACHMENT 4** 

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

### **Notice of Exemption**

To: Assessor/Recorder/County Clerk Attn: Fish and Wildlife Notices 1600 Pacific Hwy, Room 260 San Diego, CA 92101 MS: A-33 From: City of Escondido Planning Division 201 North Broadway Escondido, CA 92025

Project Title/Case No: AT&T Mono-eucalyptus Wireless Communication Facility/PL23-0304

**Project Location - Specific**: The project site is located within an existing commercial shopping center at the northeast corner of W El Norte Parkway, and is bounded by an Interstate 15 off-ramp to the east and N Nutmeg street to the west, and is addressed at 960 W El Norte Parkway (APN: 226-350-65-00).

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

**Description of Project**: A request for a Conditional Use Permit to construct a 65'-0" high wireless communication facility designed as a mono-eucalyptus. The facility consists of various antennas, surge suppressors, and cables to support the wireless facility. The project also includes the construction of a ground level enclosure surrounded by an eight-feet (8'-0") tall CMU wall which will house a diesel generator, and other accessory equipment for the wireless facility.

Name of Public Agency Approving Project: City of Escondido

#### Name of Person or Agency Carrying Out Project:

Name: Harold Thomas Jr. (MD7), on behalf of AT&T Wireless

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Address:	10590 VV	Ocean Air Drive	Sulle 250	San Diedo	UA 97140 Tele	ennone (asa	1/30-	1798
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Private entity School district Local public Agency

State agency Other special district

#### Exempt Status:

The project is categorically exempt, as separate and independent basis, pursuant to CEQA Guidelines sections 15303 ("New Construction or Conversion of Small Structures").

**Reasons why project is exempt**: The project qualifies for this exemption because the project includes the removal and construction of a 65'-0" mono-eucalyptus that is approximately 400 square-feet in area. The exemption applies to the new construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities; additionally, it includes the operation repair, maintenance, or minor alteration of existing public or private structures, facilities, and mechanical equipment.

Lead Agency Contact Person: Ivan Flores, Senior Planner

Area Code/Telephone/Extension: 760-839-4529

Signature:

Ivan Flores, AICP Senior Planner Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

Planning Commission Hearing Date: January 09, 2024 Effective Date: January 19, 2024

### PLANNING COMMISSION RESOLUTION NO. 2024-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR A WIRELESS FACILITY

APPLICANT: Harold Thomas Jr. (MD7)

CASE NO: PL23-0304

WHEREAS, Harold Thomas Jr. ("Applicant"), filed a land use development application, Planning Case No. PL23-0304, ("Application") constituting a request for a Conditional Use Permit to allow for construction of a 65'-0" high mono-eucalyptus wireless communication facility ("Project") on a 1.09 gross acre site located at 960 W El Norte Parkway (APN: 226-350-65-00), in the General Commercial (C-G) 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, Wireless Communication Facilities are a conditionally permitted uses within the C-G Zone, subject to the approval of a Conditional Use Permit, in accordance with Section 33-706 of Article 34 (Communication Antennas) of the Escondido Zoning Code; and

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

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

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

WHEREAS, on January 9, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

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

- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated January 9, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.

 The Planning Commission, in its independent judgment, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structure).

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

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

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

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

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

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

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on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, <u>www.escondido.org</u>, and regularly monitor and/or review feerelated 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 9<sup>th</sup> day of January, 2024, 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

Property located in San Diego County, California

Parcel 1:

Parcel 5 of Parcel Map No. 10943, in the City of Escondido, in the County of San Diego, State of California, according to Map thereof, filed in the Office of the County Recorder of San Diego County, January 30, 1981, being a division of a portion of Section 8, Township 12 South, Range 2 West, San Bernardino Meridian, according to the Official plat thereof.

Excepting therefrom that portion described as follows:

Beginning at the Southeast corner of said Parcel 5; thence along the Easterly boundary thereof, North 05° 37' 56" East 378.41 feet to an angle point therein; thence leaving said Easterly boundary North 84° 22' 04" West 2.96 feet; thence parallel with and 2.96 feet Westerly of said Easterly boundary, South 05° 37' 56" West 378.83 feet to the Northerly line of El Norte Parkway as shown on said parcel map; thence along said Northerly line North 87° 28' 30" East 2.98 feet to the point of beginning.

A non-exclusive easement for roadways, walkways, ingress and egress, the parking of motor vehicles and use of facilities installed for the comfort and convenience of customers, invitees, contractors, and employees of the common areas all as more particularly described in an instrument entitled easements with covenants and restrictions affecting land (ECR) by and between Safeways Store, Incorporated, a Maryland corporation and Santa Anita Development Corporation, a California corporation, recorded January 30, 1981, as File No. 81-031054 over that portion of Parcel 5 of Parcel Map No. 10943, in the City of Escondido, County of San Diego, State of California, according to Map thereof, filed in the Office of the County Recorder of San Diego County, January 30, 1981, being a division of a portion of Section 8, Township 12 South, Range 2 West, San Bernardino Meridian, according to the Official Plat thereof, described as follows:

Beginning at the Southeast corner of said Parcel 5; thence along the Easterly boundary thereof, North 05°37'56" East, 378.41 feet to an angle point therein; thence leaving said Easterly boundary North 84°22'04" West, 2.96 feet; thence parallel with and 2.96 feet Westerly of said Easterly boundary, South 05°37'56" West, 378.83 feet to the Northerly line of El Norte Parkway, as shown on said parcel map; thence along said Northerly line, North 87°28'30" East, 2.98 feet to the point of beginning.

The easement herein described is hereby declared to be appurtenant to and for the use and benefit of the present and future owners of all or any portions of Parcels A, B and C above.

Non-exclusive easements encumbering Parcels 1, 2, 5, 6, 7 and 8 of Parcel Map No. 10943 for roadways, walkways, ingress and egress, the parking of motor vehicles and use of facilities installed for the comfort and convenience of customers, invitees, contractors, and employees on the common areas all as more particularly described in an instrument entitled, easements with covenants and restrictions affecting land (ECR) by and between Safeway Stores, Incorporated, a Maryland corporation and Santa Anita Development Corporation, a California corporation, recorded in the Office of the County Recorder of San Diego County, State of California, on January 30, 1981, as File No. 81-031054.

AND BEING A PORTION of the same property conveyed to Regency Centers, L.P., a Delaware limited partnership from Regency Realty Corporation, a Florida corporation, successor-by-merger to pacific Retail Trust, a Maryland real estate investment trust by Grant Deed dated March 1, 1999 and recorded April 2, 1999 in Instrument No. 1999-0223400.

Tax Parcel No. 226-350-43-00

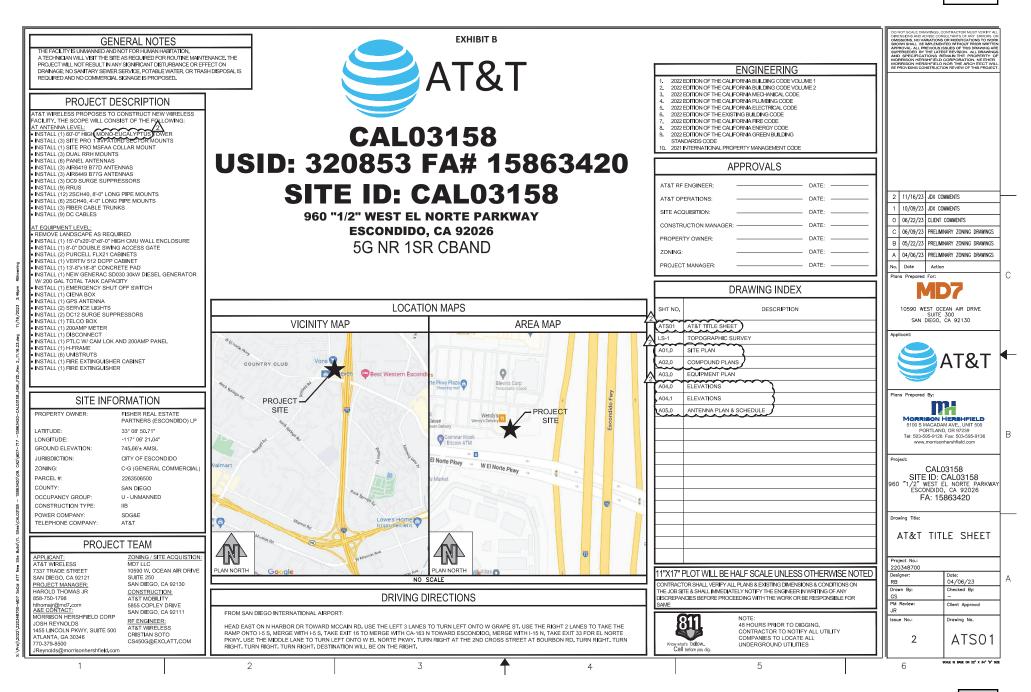
All that portion of Parcels 5 and 8 of Parcel Map No. 10943, in the City of Escondido, County of San Diego, State of California, according to Map thereof recorded in the Office of the County Recorder of San Diego County, January 30, 1981, more particularly described as follows:

Beginning at the most Northerly Northwest corner of said Parcel 7, said point being also in the Southerly line of Nutmeg Street, thence North 88°53'21" East along said Southerly line, 119.38 feet to the True Point of Beginning; thence South 7°50'06" West 539.73 feet; thence North 84°22'04" West 136.48 feet; thence North 5°37'56" East 38.54 feet; thence North 84°22'04" West 100 feet to the Easterly line of the land described in deed to School Employees Retirement Board of Ohio recorded December 15, 1982 as File No. 82-383488, of Official Records; thence along the boundary of said land South 5°37'56" West 185.00 feet to the Northerly line of El Norte Parkway as shown on said Parcel Map, thence along said Northerly line North 87°28'30" East 254.83 feet to the Southeasterly corner of said Parcel 8; thence North 7°50'67" East 652.49 feet to the Northeasterly corner of said Parcel 8; thence South 88°53'21" West 20.25 feet to the True Point of Beginning.

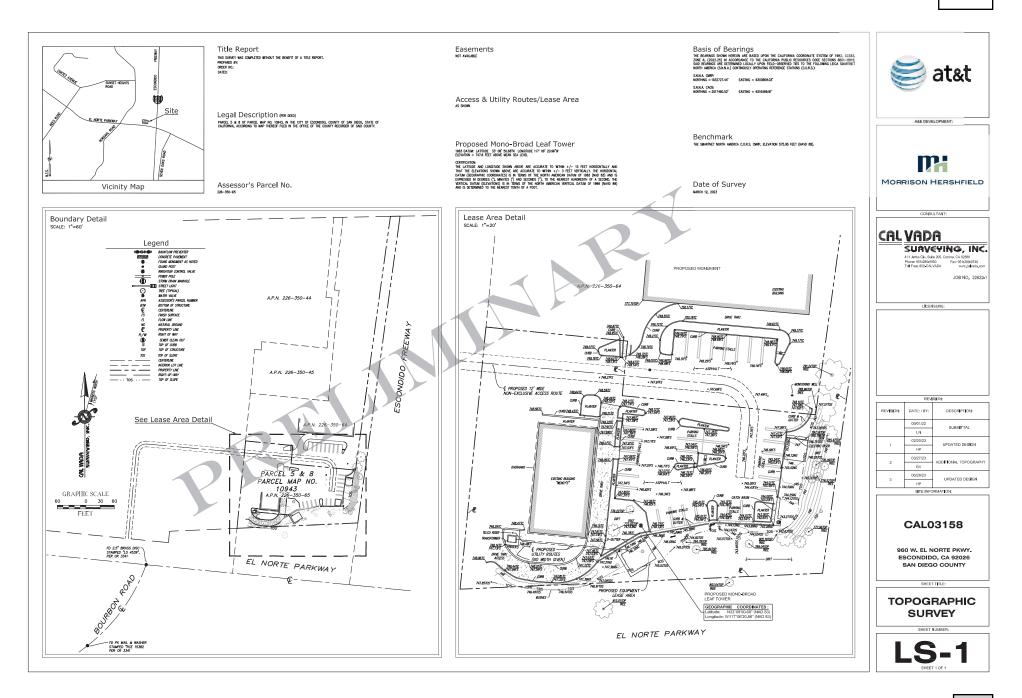
AND BEING the same property conveyed to Forest F.R. Fisher, as Trustee under Declaration of Trust dated July 31, 1972 from S.D.W., LP, a California limited partnership by Partnership Grant Deed dated June 22, 2000 and recorded June 27, 2000 in Instrument No. 2000-0337920; AND FURTHER CONVEYED to Forest F. R. Fisher, an undivided two percent (2%) of a one percent (1%) interest from Forest F. R. Fisher, as Trustee under Declaration of Trust dated July 31, 1972 by Grant Deed dated December 23, 2019 and recorded January 22, 2020 in Instrument No. 2020-0033948; AND FURTHER CONVEYED to Nigel N. F. Fisher and Forest F. W. Fisher, each an undivided one percent (1%) of a one percent (1%) interest from Forest F. R. Fisher, as to an undivided two percent (2%) of a one percent (1%) interest by Grant Deed dated December 23, 2019 and recorded January 22, 2020 in Instrument No. 2020-0033949; AND FURTHER CONVEYED to 44678 Valley Center, LLC, a California limited liability company, a total of an undivided one percent (1%) interest from Forest F. R. Fisher, as Trustee under Declaration of Trust dated July 31, 1972, as to an undivided ninety-eight percent (98%) of a one percent (1%) interest; Nigel N. F. Fisher, as to an undivided one percent (1%) of a one percent (1%) interest and Forest F. W. Fisher, as to an undivided one percent (1%) of a one percent (1%) interest by Grant Deed dated December 23. 2019 and recorded January 22, 2020 in Instrument No. 2020-0033950; AND FURTHER CONVEYED to Fisher Real Estate Partners (Escondido), L.P., a California limited partnership from Forest F. R. Fisher, as Trustee under Declaration of Trust dated July 31, 1972, as to an undivided ninety-nine percent (99%) interest and 44678 Valley Center, LLC, a California limited liability company, as to an undivided one percent (1%) interest by Grant Deed dated December 23, 2019 and recorded January 22, 2020 in Instrument No. 2020-0033951.

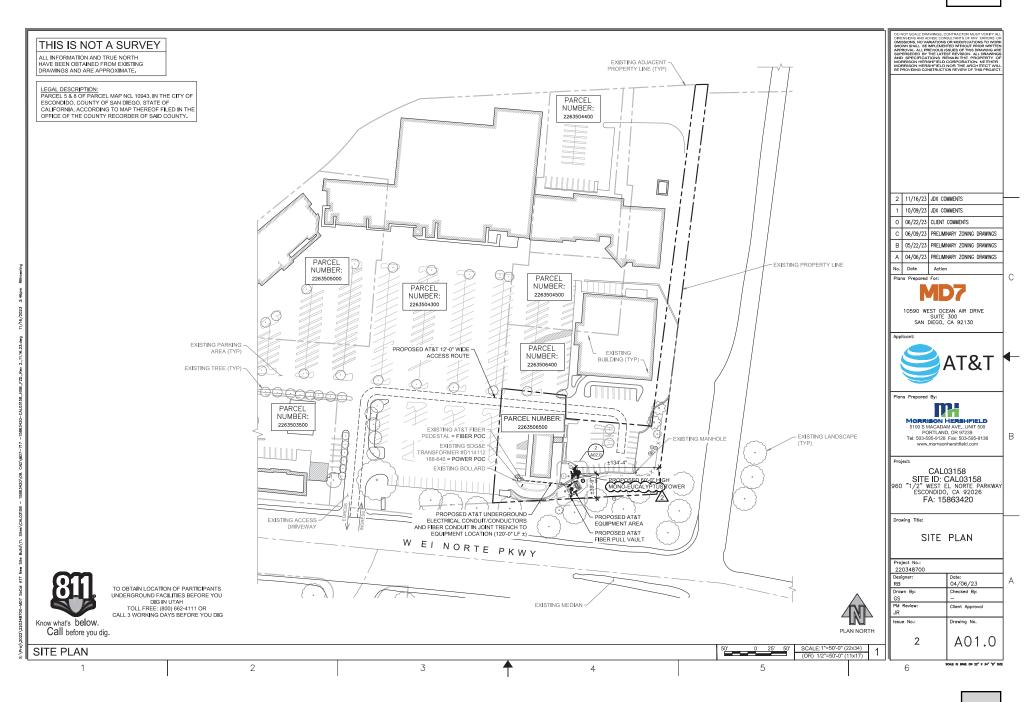
Tax Parcel No. 226-350-65-00

Exhibit "B" Project Plans

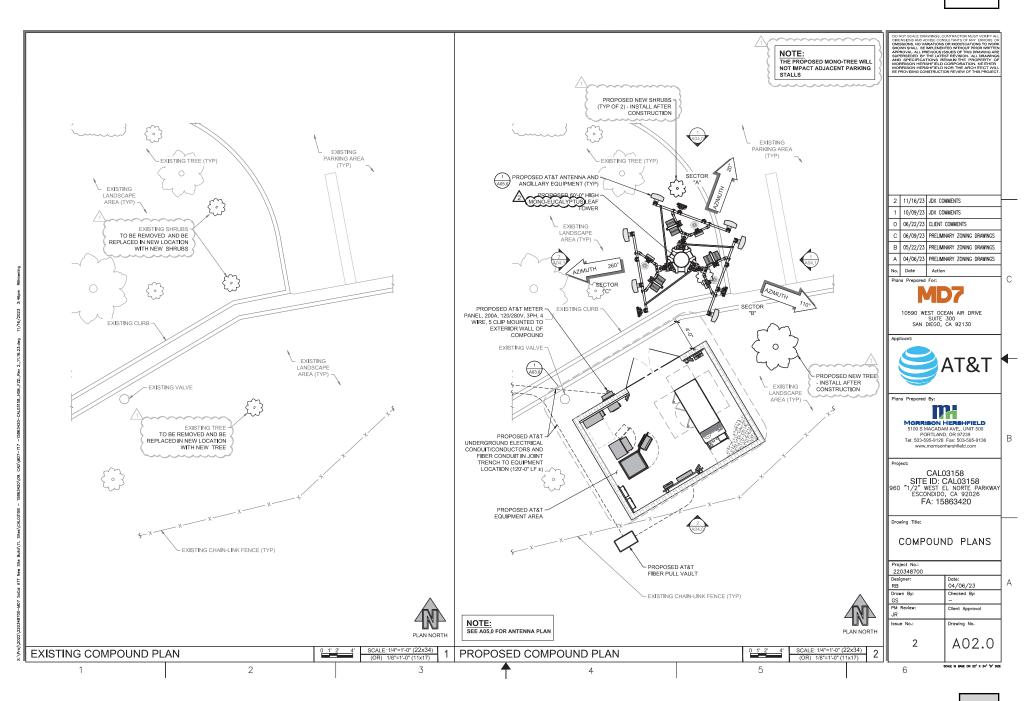


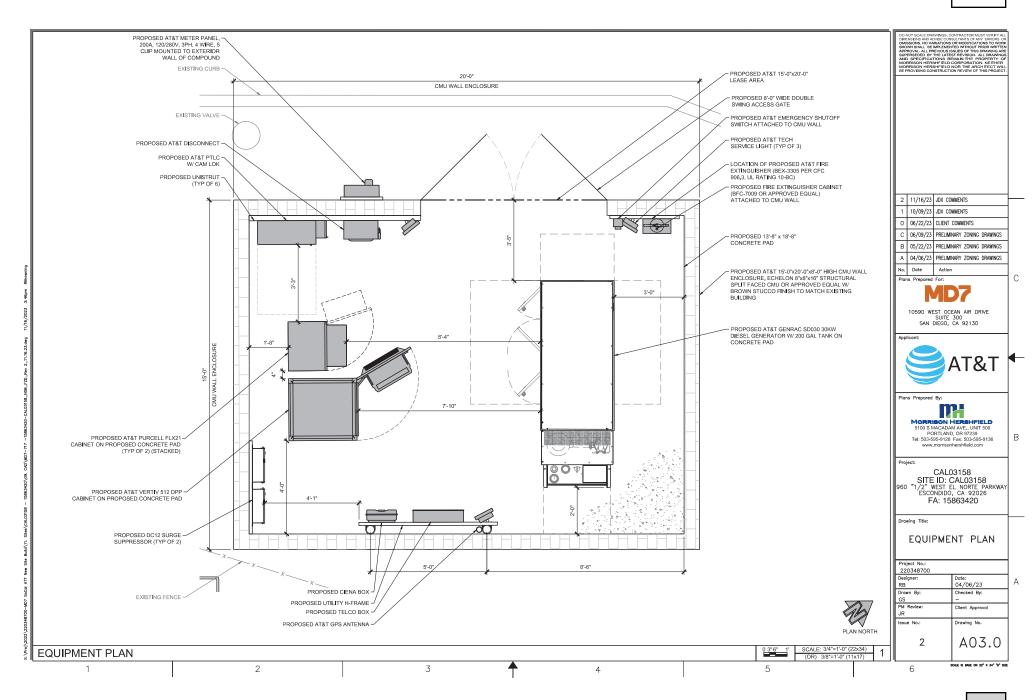
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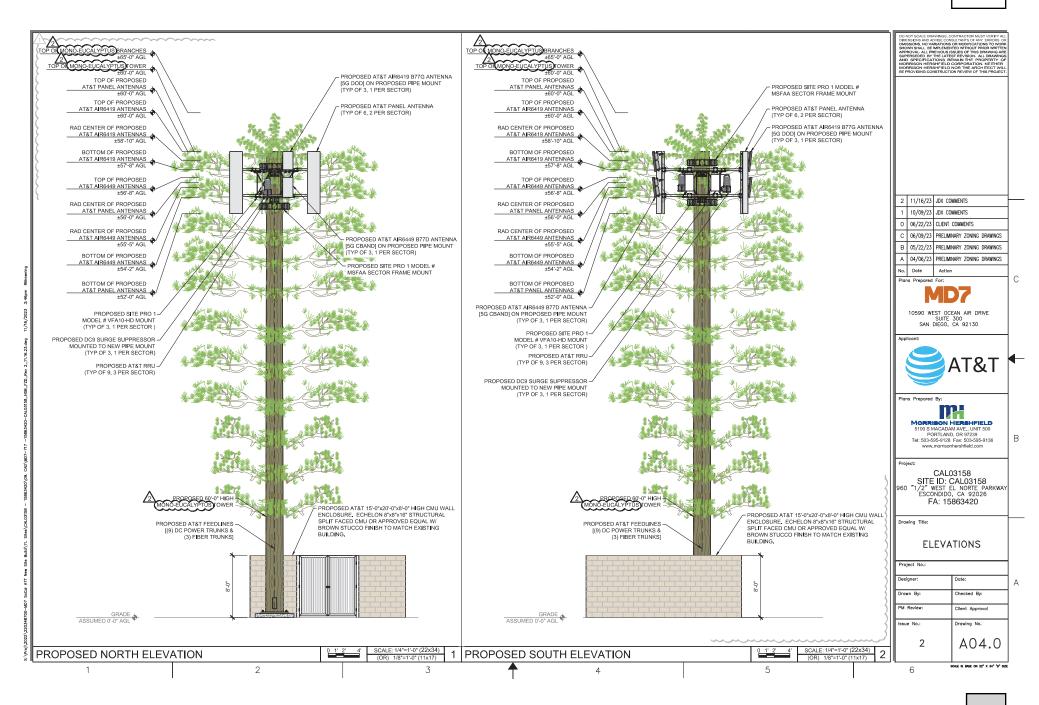


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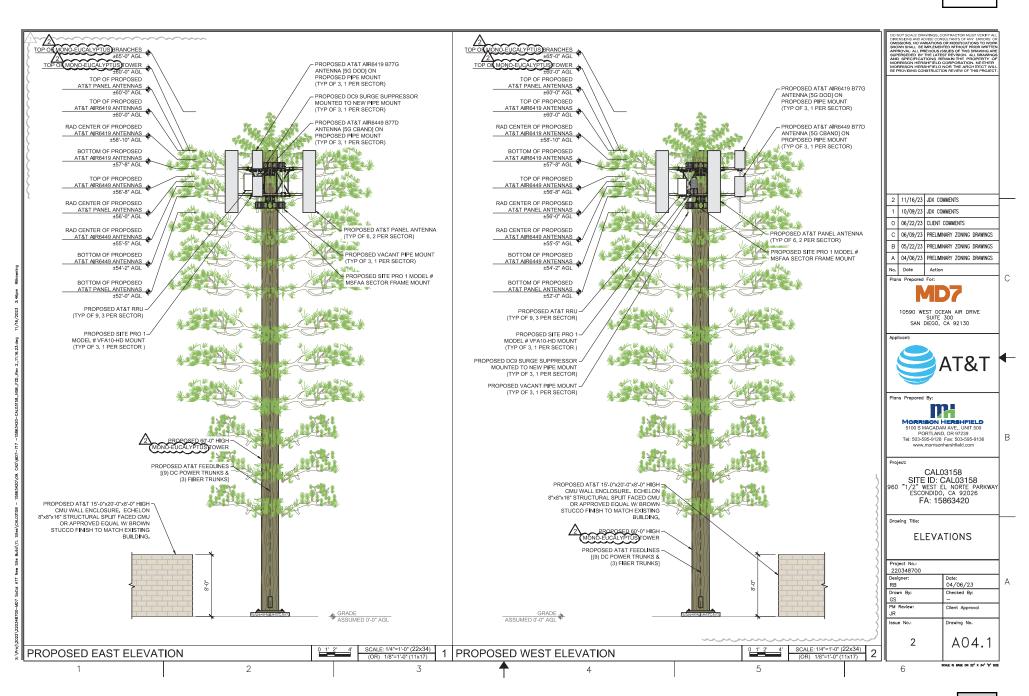


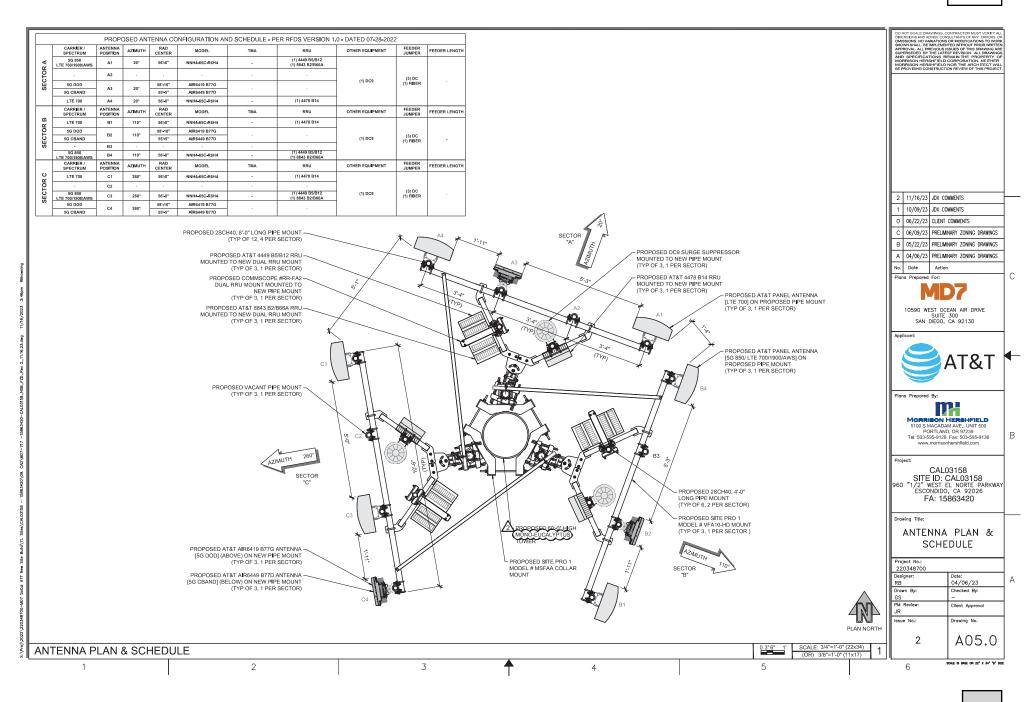


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### EXHIBIT "C"

### PLANNING CASE NO PL23-0304

### FACTORS TO BE CONSIDERED / FINDINGS OF FACT

### **Environmental Determinations:**

- Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
- 2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). Class 3 is defined as projects that consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The Project is to construct a 65' high mono-eucalyptus wireless communication facility.
- 3. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the January 9, 2024, Planning Commission Staff Report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

### Conditional Use Permit Findings (Escondido Zoning Code section 33-1203)

With respect to Planning Case No. PL23-0304, the Planning Commission finds the following:

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

The Project is a conditionally permitted use within the C-G zoning district as outlined in the land use matrix table in Article 16 (Commercial Zones). The subject site is developed with a drive-through commercial facility within a commercial shopping center. Based on a coverage map from the Applicant, the wireless communication facility would improve coverage in the area from "fair" to "good" allowing for reliable communication in this area.

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

The conditional use permit is for a wireless communication facility within the C-G zoning district. The subject site is located in a developed commercial shopping center and is bounded by an interstate ramp to the east, and residential uses to the south. A Radio Frequency and Nonionizing Electromagnetic Radiation report was submitted and finds that the proposed facility conforms to applicable FCC codes and regulations. The facility has been designed to minimize visual impacts to surrounding properties by being consistent in height with existing strand of trees, and with the buildings located on site. Furthermore, the project is consistent with the five guiding principles for wireless communication facilities in the community.

3. A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.

The subject site is located within a commercial shopping center in a northern portion of the City. The surrounding area consists of residential with smaller commercial sites to the south, and a commercial area to the east, across the Interstate 15. The conditional use permit would allow for construction of a wireless communication facility in a commercial zone instead of siting the facility on a residentially zoned property, or a nonresidential use in a residential zone. The siting of the site is a preferred location due to the commercial zoning of the site, and is encouraged by Article 34.

### EXHIBIT "D"

### PLANNING CASE NOS. PL23-0304

### **CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on **August 21, 2023**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on **January 9, 2024**, and shall not be altered without express authorization by the Development Service Department.

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

### A. General:

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

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

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

### 4. Conformance to Approved Plans.

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

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

### 7. Availability of Permit Conditions.

- **a.** Prior to building, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.
- b. The Applicant shall make a copy of the terms and 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. **Exemption.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final

approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

- **b.** For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.
- **13.Legal Description Adequacy.** The legal description attached to the application has been provided by the Applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
- **14. Application Accuracy.** The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.
- 15. 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.

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

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

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

### B. Construction, Maintenance, and Operation Obligations:

**1. Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code,

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

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

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

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

- **3. Utilities.** All new utilities and utility runs shall be underground, or fee payment inlieu 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 repaint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
- **8. Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
- **9. Anti-Litter**. The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
- **10.Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- **11. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 12. Disturbance Coordinator. The Applicant shall designate and provide a point-ofcontact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

- **13. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- **14. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of 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. 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.
- **2.** Any damaged parking stalls must be replaced and conform to off-street parking requirements as outlined in Article 39 (Off-Street Parking).
- **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-ofway, 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.

### E. Specific Planning Division Conditions:

**1.** The Applicant shall be responsible for maintaining the foliage in good condition, and must replace as necessary, if damaged.

- **2.** The Applicant shall show on the building plans the proposed material and color for the mono-eucalyptus tree. The proposed material shall be non-reflective, and is subject to approval by the Director of Development Services, or their designee.
- **3.** Existing adjacent trees shall remain and be protected at all times during the course of installation or modifications. In the event existing adjacent trees are damaged due to installation/construction and/or ongoing maintenance of the wireless communication facility, the Applicant shall be responsible for tree maintenance of the damaged tree(s) or replacement of damaged trees to the satisfaction of the Director of Development Services, or their designee.
- 4. All utility lines to the wireless communication facility shall be undergrounded.



## **STAFF REPORT**

DATE: January 9, 2024 Historic Preservation Commission

PROJECT NUMBER / NAME: Historic Preservation Commission					
REQUEST: Discussion related to the Historic Preservation Commission.					
PROPERTY SIZE AND LOCATION: N/A A	PPLICANT: N/A				
GENERAL PLAN / ZONING: N/A P	RIMARY REPRESENTATIVE: N/A				
DISCRETIONARY ACTIONS REQUESTED: N/A					
PREVIOUS ACTIONS: On December 12, 2023, Commissioner Barber requested, and Commissioner Barba concurred, that the Commission discuss the proposed future of the Historic Preservation Commission and related responsibilities.					
CEQA RECOMMENDATION: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).					
STAFF RECOMMENDATION: None.					
REQUESTED ACTION: None.					
CITY COUNCIL HEARING REQUIRED:YESNO					
REPORT APPROVALS: Chris McKinney Services	, Deputy City Manager/Interim Director of Development				
_X Veronica Moror	nes, City Planner				



STAFF REPORT

Agenda Item No. 5 January 9, 2024 Tentative Future Agenda Items

- DATE: January 9, 2024
- TO: Planning Commissioners

FROM: Veronica Morones, City Planner

SUBJECT: Tentative Future Agenda Items

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

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

Private Development Projects:

### Policy Work:

- General Plan Amendment EVSP Follow-Up
- Short-Term Rental Ordinance
- Pre-Approved Accessory Dwelling Unit Program

### Informational Presentations:

- North County Mall Permit History
- California Environmental Quality Act
- Short-Term Rental Ordinance
- Objective Design Standards