

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7 p.m.
- B. **FLAG SALUTE**
- C. **ROLL CALL:**
- D. **MINUTES:** [November 8, 2022](#)

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

**Electronic Media:** Electronic media that members of the public want to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting. The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the applicable agenda item and the name and contact information of the person presenting the media.

The time used to present any electronic media will be considered as part of the maximum time limit provided to speakers. City staff will queue the electronic information when the applicable speaker is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and will be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same protocol regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so during the designated time for "Oral Communications." All persons addressing the Planning Commission are asked to state their names for the public record. If you wish to submit a written comment online please do so at <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>

**Availability of supplemental materials after agenda posting:** Any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who would need accommodations are invited to present their requests to the City by filling out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City's website at: <https://www.escondido.org/americans-with-disabilities-act>

**The Planning Division is the coordinating division for the Planning Commission.  
For information, call 760-839-4671.**

**E. 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.

**F. ORAL COMMUNICATIONS:**

Under state law, all items under Oral Communications can have no action, and may 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.

**G. PUBLIC HEARINGS:**

Please limit your testimony to three minutes.

1. [PL21-0269, PL21-0277 and PL22-0584: Tentative Subdivision Map, Grading Exemption, and Annexation](#)

**REQUEST:** A Tentative Subdivision Map and Grading Exemption for a 56-unit residential project. The project includes 47 residential lots comprised of 46 single-family lots, two of which have existing homes, and one multi-family lot which would accommodate five duplexes. An Annexation is also proposed for a 2.01 acre portion of project site that is currently in the County of San Diego. The request includes a density bonus and would provide 10 affordable housing units. The proposal also includes adoption of a Mitigated Negative Declaration prepared for the Project.

**PROPERTY SIZE AND LOCATION:** The approximately 14.07-acres site is located along Conway Drive, both sides of Stanley Avenue and north of Lehner Avenue, addressed as 916, 942, and 943 Stanley Avenue, and odd-numbered addresses between 2005 – 2175 Conway Drive (Assessor Parcel Nos. 224-141-23-00, 224-141-24-00, 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, and 224-142-33-00).

**ENVIRONMENTAL STATUS:** A Draft Initial Study and Mitigated Negative Declaration (IS/MND) was issued for a 20-day public review on October 28, 2022. Responses to comments received on the IS/MND have been incorporated into the Final IS/MND. Mitigation measures required under the California Environmental Quality Act (“CEQA”) have been developed to reduce potentially significant impacts related to air quality, biological resources, cultural and tribal cultural resources, geology/soils, hazards and hazardous materials, noise, and transportation/traffic. Pursuant to the provisions of the CEQA (Public Resources Code, Section 21000 et seq.), the City of Escondido has determined that the project will not have a significant effect on the environment with implementation of mitigation measures.

**APPLICANT:** Escondido North, LLC (Dylan Bird and John Kaye)

**STAFF RECOMMENDATION:** Approval

**COMMISSION ACTION:**

**PROJECTED COUNCIL HEARING DATE:** January 11, 2023



2. [PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128: Annexation, General Plan Amendment, Pre-zone, Tentative Subdivision Map, and a Master and Precise Development Plan](#)

REQUEST: A Tentative Subdivision Map, General Plan Amendment from Suburban (S) to Urban III (U3), Annexation of 7.7 acres, Pre-zone to Planned Development-Residential (PD-R 14.6), and Master and Precise Development Plan for the development of 102 air-space condominium units. The proposal also includes the certification of an Environmental Impact Report prepared for the project.

PROPERTY SIZE AND LOCATION: The 7.7-acre project site is generally located at the southwest corner of North Iris Lane and Robin Hill Lane. The site consists of five parcels addressed as 2039 N. Iris Lane through 2089 N. Iris Lane (Assessor’s Parcel Numbers 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00, and 224-310-20-00).

ENVIRONMENTAL STATUS: A Draft Environmental Impact Report (“DEIR”) was issued for 45-day public review on September 20, 2022. Responses to comments received on the DEIR have been incorporated into the Final EIR (“FEIR”). Mitigation measures required under the California Environmental Quality Act (“CEQA”) were developed to reduce the potential project impacts related to biology, cultural resources, hazards and hazardous materials, noise and traffic.

APPLICANT: Hallmark Communities (Mariana McGrain).

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: January 11, 2023

3. [PL22-0645: Zoning Code Amendment](#)

REQUEST: A series of amendments to the Escondido Zoning Code to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise); and the rescission of Article 22 (Heliport Overlay Zone).

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: The proposed code amendments are categorically or statutorily exempt from further environmental review pursuant to Public Resources Code section 21080.17 and CEQA Guidelines sections 15282(h), 15301, 15303, or do not qualify as a “project” under CEQA.

APPLICANT: Development Services Department

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: January 11, 2023

**H. CURRENT BUSINESS:**

Note: Current Business items are those that under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

**1. PL22-0010: 2022 General Plan Amendment: Community Protection (Safety Element) Update and Creation of an Environmental Justice Element**

REQUEST: The 2022 General Plan Amendment consists of an update to the Community Protection Chapter (Safety Element) and creation of an Environmental Justice Element. City staff will provide the Planning Commission with an update on the 2022 General Plan Amendment work effort's outreach and engagement process and preliminary public feedback.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: This item is not a "project" as defined in CEQA Guidelines section 15378(b).

APPLICANT: Development Services Department

STAFF RECOMMENDATION: XX

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

**I. FUTURE AGENDA ITEMS:**

**J. ORAL COMMUNICATIONS:**

Under state law, all items under Oral Communications can have no action and may be referred to 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.

**K. PLANNING COMMISSIONERS**

**L. CITY PLANNER'S REPORT**

**M. ADJOURNMENT**

**CITY OF ESCONDIDO**

**ACTION MINUTES OF THE REGULAR MEETING OF THE  
ESCONDIDO PLANNING COMMISSION**

**November 8, 2022**

The meeting of the Escondido Planning Commission was called to order at 7 p.m. by Chair Barba, in the City Council Chambers, 201 North Broadway, Escondido, California.

**Commissioners present:** Katharine Barba, Chair; Rick Paul, Vice-Chair; David Barber, Commissioner; Carrie Mecaro, Commissioner; Barry Speer, Commissioner; and Stan Weiler, Commissioner.

**Commissioners absent:** Dao Doan, Commissioner.

**Staff present:** Adam Finestone, City Planner; Dare Delano, Senior Deputy City Attorney; Jason Christman, Principal Engineer; Ivan Flores, Associate Planner; Jessica Engel, Minutes Clerk.

**MINUTES:**

Moved by Commissioner Barber and seconded by Commissioner Weiler, to approve the Action Minutes of the October 25, 2022, Planning Commission meeting. Motion carried (5-0).

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

Abstained: Barba

Absent: Doan.

**WRITTEN COMMUNICATIONS:** A letter opposing item G1 and an item provided by Commissioner Speer in regard to item H2 were left at the dais for the Commissioners.

**ORAL COMMUNICATION:** None.

**PUBLIC HEARINGS:**

**1. PL22-0325 and PL22-0326 - Starbucks Coffee**

**REQUEST:** A request for a Master Development Plan and Precise Development Plan to facilitate the construction of a 1,023 square-foot drive-through coffee facility, along with associated on-site improvements including, but not limited to, dual drive-through lanes, trash enclosures, off-street parking, landscaping, and signage.

**PROPERTY SIZE AND LOCATION:** 0.53 acres located on the south side of Tanglewood Lane, south of Auto Park Way and west of Interstate 15, addressed at 1525 Tanglewood Lane (APN: 235-090-35-00)

**ENVIRONMENTAL STATUS:** Categorical Exemption – CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects)

**APPLICANT:** NewMark Merrill Companies

**STAFF RECOMMENDATION:** Approval

**COMMISSION ACTION:** Voted 5-1 to approve.

**PROJECTED COUNCIL HEARING DATE:** December 7, 2022

**COMMISSION DISCUSSION:**

Commissioners discussed the project including driving access points, drive through overflow, the freeway sign, trip generation and the traffic study.

**PUBLIC COMMENTS:** Barret Bradley, applicant, provided additional information to the Commission and Renaldo Hill provided comments in opposition to the project.

**COMMISSION ACTION:**

Moved by Commissioner Weiler and seconded by Commissioner Barber, to approve PL22-0325 and PL22-0326. Motion carried (5-1).

Ayes: Barba, Barber, Mecaro, Speer and Weiler.

Noes: Paul

Absent: Doan

**CURRENT BUSINESS:**

**1. PL22-0357 Planning Commission Bylaws**

REQUEST: Minor Amendment to Planning Commission Bylaws

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: This item is not a “project” as defined in CEQA Guidelines section 15378(b).

APPLICANT: Development Services Department

STAFF RECOMMENDATION: Approve amended Planning Commission bylaws.

COMMISSION ACTION: Voted 6-0 to approve.

PROJECTED COUNCIL HEARING DATE: N/A

**COMMISSION DISCUSSION:**

Commissioners discussed the updates to the bylaws.

**PUBLIC COMMENTS:** None.

**COMMISSION ACTION:**

Moved by Commissioner Barber and seconded by Commissioner Speer, to approve PL22-0357. Motion carries (6-0). Ayes: Barba, Barber, Mecaro, Paul, Speer and Weiler.

Absent: Doan

**2. Policy Discussion: 2022/2023 Planning Commission Work Plan:**

REQUEST: Discussion of the 2022/2023 Planning Commission Work Plan

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: This item is not a “project” as defined in CEQA Guidelines section 15378(b).

REQUESTOR: Commissioner Speer

STAFF RECOMMENDATION: N/A

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

**COMMISSION DISCUSSION:**

Commissioners discussed the work plan and the role of the Planning Commission concerning the work plan. City Planner Adam Finestone updated the Commissioners that a report upcoming projects would be included in future agenda packets.

**PUBLIC COMMENTS:** None.

**COMMISSION ACTION:** None.

**FUTURE AGENDA ITEMS:** None.

**ORAL COMMUNICATION:** None.

**PLANNING COMMISSIONERS:**

Commissioners Weiler and Speer provided positive comments on the work done by staff.

**CITY PLANNER’S REPORT:**

City Planner Adam Finestone updated the Commissioners that the Planning Commission meeting scheduled for November 22, 2022 would be cancelled and that there are tentatively four items on the agenda for following Planning Commission meeting, scheduled for December 13, 2022. He further advised the Commissioners that the meeting scheduled for December 27, 2022 would be cancelled.

**ADJOURNMENT:**

Chair Barba adjourned the meeting at 9:13 p.m.

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Adam Finestone, Secretary to the  
Escondido Planning Commission

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Jessica Engel, Minutes Clerk

DRAFT



# PLANNING COMMISSION

Agenda Item No.: G.1  
Date: December 13, 2022

**PROJECT NUMBER / NAME: PL21-0269 / Conway Residential Subdivision**

**REQUEST:** A Tentative Subdivision Map and Grading Exemption for a 56-unit residential project. The project includes 47 residential lots comprised of 46 single-family lots, two of which have existing homes, and one multi-family lot which would accommodate five duplexes. An Annexation is also proposed for a 2.01 acre portion of project site that is currently in the County of San Diego. The request includes a density bonus and would provide 10 affordable housing units.

**LOCATION:** 916, 942, and 943 Stanley Avenue, and 2005 – 2175 Conway Drive (odd numbered addresses only)

**APN / APNS:** 224-141-23-00, 224-141-24-00; 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, & 224-142-33-00

**GENERAL PLAN / ZONING:** S (Suburban), E2 (Estate II) / R-1-10 (Single Family Residential), RE-20 (Estate Residential)

**APPLICANT:** Escondido North, LLC

**PRIMARY REPRESENTATIVE:**  
Dylan Bird & John Kaye (Argus Land Company, Inc.)

**DISCRETIONARY ACTIONS REQUESTED:** Tentative Subdivision Map, Grading Exemption and Annexation

**PREVIOUS ACTIONS:** The City Council authorized the intake and processing of the annexation request on April 6, 2022

**PROJECT PLANNER:** Adam Finestone, City Planner

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

**STAFF RECOMMENDATION:** Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2022-15

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

- Andrew Firestine, Director of Development Services
- Adam Finestone, City Planner

**A. BACKGROUND:**

The project site totals 14.07 acres, including approximately 12.06 acres in the City of Escondido, and 2.01 acres in the County of San Diego that would have to be annexed into the City of Escondido. The property consists of seven parcels containing a total of 13 residential units, and is generally located west of Conway Drive on both sides of Stanley Avenue and north of Lehner Avenue, addressed as 916, 942, and 943 Stanley Avenue, and odd-numbered addresses between 2005 – 2175 on Conway Drive (“Property”), and is more particularly described in Exhibit “A” to draft Planning Commission Resolution 2022-15, which is attached to this staff report as Attachment 4. The area consists of existing suburban and semi-rural residential neighborhoods, as well as vacant land. Rincon Middle School is located southwest of the site.

The portion of the project site to the north of Stanley Avenue is zoned RE-20 (estate residential, 20,000 square foot minimum lot size) and has a General Plan land use designation of Estate II. The portion of the project site to the south of Stanley Avenue is zoned R-1-10 (single-family residential, 10,000 square foot minimum lot size) and has a General Plan land use designation of Suburban. The 2.01 acre parcel currently within the County of San Diego is on the north side of Stanley Avenue, east of Weiss Way, and was previously assigned a pre-zoning designation of RE-20, consistent with its Estate II General Plan land use designation. A location map, General Plan land use map and zoning map are included as Attachment 1 to this staff report.

**B. SUMMARY OF REQUEST:**

Escondido North, LLC (“Applicant”) submitted an application for a Tentative Subdivision Map, Grading Exemption, and Annexation to subdivide the Property into 46 single-family residential lots and one multi-family lot (“Project”), as depicted on Exhibit “B” (“Plans”) to Attachment 4. The single-family lots would accommodate 44 new single-family residences, with two existing single-family residences to remain, each being accommodated on its own lot. Lot sizes would range from 6,515 square feet to 14,071 square feet, with the two existing residences situated on 31,689 square foot and 12,384 square foot lots. The two existing residences currently occupy one 2.01 acre lot which is currently within the County of San Diego and would be required to annexation into the City of Escondido, subject to approval by the Local Agency Formation Commission (“LAFCO”). The 10 multi-family units would be in the form of five duplexes on one 31,368 square foot lot, and would be mapped for condominium ownership. Two lettered lots would also be provided for open space and stormwater detention basins.

Underlying zoning and General Plan land use designations for the Property would typically accommodate 40 dwelling units. However, Article 67 of the Escondido Zoning Code, and State Density Bonus law, allow an increase in residential density for projects that restrict a percentage of those base units as affordable housing units. In the case of the Project, restricting 10 units for affordable housing to low-income households (those making less than 80% of the area median income) would allow the Applicant to develop the Project as designed. The project is also entitled to up to three density bonus incentives/concessions, and can request other waivers to development standards that are necessary to accommodate the construction of the affordable units. In order to provide the required number of affordable housing units, the Applicant has proposed to construct five duplexes (10 units) which would be restricted for sale to low-income households. Additional information on the requested density bonus is provided in the Analysis section later in this staff report.

The Property is on the west side of Conway Drive, running approximately 1,500 feet from Lehner Avenue to the south, to a point approximately 775 feet north of Stanley Avenue. The Property has approximately 500 feet of frontage on the north side of Stanley Avenue, and 380 feet on the south side. Frontage on Lehner Avenue is approximately 380 feet on the north side only. Conway Drive and Stanley Avenue are classified as Local Collector roadways in the Mobility and Infrastructure chapter of the Escondido General Plan, with Lehner Avenue being an unclassified residential street. All three roadways would be improved with curb, gutter and sidewalk along their frontages in conformance with the General Plan and City of Escondido design standards. Access onto the Property would be via new public roads on the north sides of Lehner and Stanley Avenues (Streets “F” and “H,” respectively) for the new single-family lots, and a new private drive toward the north end of the Property along Conway Drive for the multi-family lot. Internal circulation would include the aforementioned streets, as well as an additional public street (Street “G”), all of which would terminate in cul-de-sacs. The two existing homes would continue to take access from Stanley Avenue.

Existing topography of the Property generally slopes downward to the northeast and southeast from a high point at the western Property boundary on Stanley Avenue. A natural draining course runs westerly along the northern boundary of the Property. Grading for the Project would include a combination of cut and fill slopes, and would require approximately 41,000 cubic yards of imported dirt. A Grading Exemption has been requested for a fill slopes up to approximately 17.5 feet in height (including a six foot retaining wall) along backyard of Lot 10, and for a cut-slope (approximately 20 feet high) with a grade exceeding 2:1 at the southwest corner of Lot 24, as shown on the Plans. Stormwater detention basins would be provided in the northwestern and southeastern corners of the Property and have been designed in accordance with City and regional standards.

As noted, the unincorporated 2.01 acre parcel would need to be annexed into the City of Escondido. Approval of the Project by the City of Escondido would authorize the applicant to make application to LAFCO for the annexation of this portion of the Property on behalf of the City. LAFCO is responsible for ensuring the logical expansion of jurisdictional boundaries, including ensuring that territory involved in annexation is physically contiguous to city boundaries and that the annexation configuration assures the efficient provision of municipal services.

**C. SUPPLEMENTAL DETAILS OF REQUEST:**

1.	Property Size:	Gross: 14.07 acres Net: 12.63 acres	
2.	Number of Lots:	<u>Existing</u> 7	<u>Proposed</u> 47
3.	Number of Units:	15	Single-family (new): 44 Single-family (existing): 2 <u>Multi-family (new): 10</u> Total 56

4.	Density:	4.43 units/acre (net)	
		<u>Required</u>	<u>Proposed*</u>
5.	Lot Size:	R-1-10: 10,000 sq. ft. (min) RE-20: 20,000 sq. ft. (min)	Single-family: 6,516 – 31,689 sq. ft. Multi-family: 31,368 sq. ft.
6.	Lot Coverage (max):	R-1-10: 40% RE-20: 30%	50%
7.	Setbacks – R-1-10 Zone (min):	Front: 15' to building 20' to garage Side: 5' / 10' Rear: 20'	Front: 10.5' to building 15' to garage Side: 5' Rear: 20'
8.	Setbacks – R-1-10 Zone (min):	Front: 25' Side: 10' Rear: 20'	Front: 10.5' to building 15' to garage Side: 5' Rear: 20'
9.	Floor Area Ratio:	0.5	0.6
10.	Height (max):	35'	35'
11.	Lot Width (min):	R-1-10: 80' RE-20: 100'	60'
12.	Parking:	2 covered spaces/unit	2 covered spaces/unit

\* Deviations proposed as part of density bonus request

**D. PROJECT ANALYSIS:**

1. General Plan Conformance:

a) Land Use and Community Form:

The City's General Plan land-use designation for the project site is Suburban (S) south of Stanley Avenue and Estate II (E2) north of Stanley Avenue, allowing single-family residential development of up to 3.3 and 2.0 dwelling units per acre, respectively and is permitted within the Suburban land-use designation and up to 2.0 dwelling units per acre permitted within the Residential Estates (E2). Based on the size of the Property (14.07 acres), the underlying land-use designation would allow up to 40 units. The request to subdivide the Property site into 47 lots to accommodate 56 units with a resulting net density (excluding dedicated rights-of-way) of 4.43 dwelling units per acre is consistent with the similar land use density in the vicinity.

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

b) Housing:

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

Three of the seven parcels that make up the Project site are identified in the City's 6<sup>th</sup> Cycle Housing Element inventory of sites suitable for residential development, and contain nine dwelling units. The remaining four parcels have a total of six dwelling units, though those parcels are not identified in the inventory. All parcels in the Project site would be assumed to accommodate housing for above-moderate income households based on the type of development that typically occurs on properties with Estate II and Suburban General Plan land use designations. Because the provision of "no net loss" applies to housing located on any site listed in the City's Housing Element, the City is required to determine if this Project or a decision related to this Project would be subject to No Net Loss provisions and its remedies. Geographically, at least 31 of the new units, including the 10 affordable units, will be on the three suitable sites inventory parcels. Therefore, the Project would result in no net loss pursuant to the Government Code.

Therefore, the provisions of the Government Code related to no net loss are not applicable because the City would still have adequate capacity to provide housing in the amount and at the income levels identified in the Housing Element. In fact, the Project would provide housing at a significantly higher rate than that specified in the Element. Findings required by the Government Code have been included in Exhibit "D" to Attachment 4.

2. Zoning Conformance:

As noted, the project consists of the construction of single- and multi-family residential units, street improvements, stormwater basins, and common open space areas. While no zone change is proposed, lot sizes will be smaller than those otherwise required in the subject property's R-1-10 and RE-20 zones, pursuant to State Density Bonus law. Modifications to other development standards and zoning code requirements necessary to make the provision of affordable housing units feasible have been requested, as described below. Pursuant to Government Code section 65915(e)(1), a city may not "apply any development standard that will have the effect of physically

precluding the construction of a development...at the densities or with the concessions or incentives permitted” by Density Bonus law.

### 3. Density Bonus and Residential Incentives

Article 67 of the Escondido Zoning Code is intended to encourage and incentivize the production of housing affordable to all segments of the population, consistent with State Density Bonus law. At a high level, a density bonus project is permitted to build more units than would otherwise be permitted on a particular property in exchange for restricting a percentage of those units for moderate, low, or very-low income households. The increase in density is based on the percentage of units restricted and the income level at which they are restricted for. A density bonus project is also entitled to up to three incentives or concessions, which are defined in Government Code section 65915(k), in part, to include “[a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements... that results in identifiable and actual cost reductions...” A density bonus project is allowed a maximum increase in density of 50% and a maximum of three incentives or concessions. Additionally, density bonus projects are entitled to waivers from development standards which would have the effect of physically precluding the construction of a density bonus project. For reference, Article 67 of the Escondido Zoning Code can be found at the following link: [https://library.qcode.us/lib/escondido\\_ca/pub/municipal\\_code/item/chapter\\_33-article\\_67?view=all](https://library.qcode.us/lib/escondido_ca/pub/municipal_code/item/chapter_33-article_67?view=all).

The Applicant has submitted a *Density Bonus Project Proposal* (“Proposal”) which outlines their request. It has been updated several times, most-recently on December 1, 2022, to address issues that have been identified through the entitlement process, and is included as Attachment 2 to this staff report. The Proposal includes a density bonus calculation which identifies the density that could be achieved on each parcel based on the General Plan land use designation, and how many density bonus units could be achieved on each lot as well as the number of affordable housing units that would be required. The numbers are then added up to determine the maximum yield derived from the Property, the number of affordable housing units that would be provided, and the number of bonus units. As shown in the Proposal, the Property could accommodate 40 dwelling units, and by reserving 10 of them (25%) as affordable units for low-income households (those making less than 80% of the area median income, adjusted for household size), the project could ultimately yield up to 18 bonus units. While this would allow the Applicant to provide up to 58 units, the Project only proposes 56 units, two of which are existing units.

It should be noted that the density bonus calculation provided by the Applicant was done in a different manner than has been the case on other density bonus projects in the City. While the Applicant determined the density bonus calculation separately for each parcel and then added up the total number of units, staff would typically add up the size of the parcels first, then determine the number of units which be attained. Certain provisions of Article 67 of the Escondido Zoning Code could lend credence to the Applicant’s methodology, including the requirement for any density calculations to be rounded up (Section 33-1412(b)), and the requirement that the Article be interpreted liberally in favor of producing the maximum number of total housing units (Section 33-1423(b)), both of which are consistent with State Density Bonus law.

The applicant has also requested one incentive or concession for the Project (although they are entitled to up to three). Specifically, they have requested the ability to construct duplex units in the RE zone instead of detached single-family residences. In addition, they have identified a series of waivers of development standards that would otherwise preclude the construction of the density bonus project as designed. These waivers include setback reductions, lot size reductions, increases in lot coverage and floor-area ratio, lot width reductions, modifications to street standards and alternative Fire Department turn-around, grading exemptions, and modifications to storm drain standards. Staff has reviewed the requested waivers and determined that they would not create an adverse impact upon the health, safety or the physical environment.

Density Bonus law requires that any rental unit occupied by a lower income household which is demolished in order to accommodate the new project be replaced and deed-restricted as part of the new project. In other words, any density bonus project must provide at least the same number of affordable housing units, at the same level of affordability, as currently exists. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

The Property consists of 15 existing dwelling units. Two of those are to-remain, one is owner-occupied, and the remaining 12 are rental units. In Escondido, 78.2 percent of renter households are occupied by lower income renters. As such, 10 of the 12 rental units to be demolished can be assumed to be occupied by lower income renters. Because the Project would provide 10 affordable housing units, it meets the requirements of the relevant Density Bonus law provisions.

#### 4. Annexation:

As noted previously, the Project includes seven existing parcels, one of which is currently in the County of San Diego. That lot is approximately 2.01 acres and contains two single-family residences. The homes on the lot are to remain, however the Project will create new property lines such that each home will be on its own lot. Combined, the two new lots will comprise 1.01 acres, with the remaining 1 acre being wrapped into the new subdivision and accessing from the proposed internal roads. Both existing homes would continue to be accessed directly from Stanley Avenue, and would be tied into the existing City sewer in that street as well.

As part of the annexation process, the Applicant surveyed other property owners in the nearby unincorporated County of San Diego to determine if they had any interest in annexing into the City along with the parcel that would be annexed as part of the project. Responses were received from three neighbors, with zero stating that they would be interested in joining the annexation request. Should the Project be approved by the City Council, annexation would be subject to approval by LAFCO prior to Final Map recordation. The City Council's approval would authorize the Applicant to submit an application for annexation to LAFCO on the City's behalf.



5. Site Design:

a) Subdivision Design, Access and Parking:

The Applicant proposes to subdivide the Property into 46 single-family residential lots ranging in size from 6,515 – 31,689 square feet (including the two lots that would each accommodate one existing single-family residence), and one 31,368 square foot multi-family residential lot to accommodate five duplexes. Twenty-one of the new residential lots would take access via a new public street on the north side of Lehner Avenue and 23 would take access from a new public street on the north side of Stanley Avenue, in a typical suburban setting. Within the portion of the subdivision north of Stanley Avenue, a short private driveway would “T” off of the primary road, and all on-site roads would terminate in cul-de-sacs. The two existing homes to remain would continue to take access from Stanley Avenue, and the five duplexes would be accessed via a private drive toward the north end of the Property from Conway Drive. A 12 foot wide private driveway would be provided at the northern Property boundary to provide access to a detention basin.

The Project would be required to dedicate eight feet of land on the north side of Lehner Avenue as public right-of-way. Required public right-of-way along all other Project frontages already exists, and all streets would be improved to their ultimate half-street width with curb, gutter and sidewalk on the Project-side of the streets, consistent with City standards.

Even though Density Bonus law would allow for a reduction in the number of required on-site parking spaces, the Project would provide two covered parking spaces for each unit in accordance with Article 39 (Off-Street Parking) of the Escondido Zoning Code. Additional parking would be available in the driveways for most of the single-family residences. On-street parking within the Project site would be allowed (both sides of streets “F” and “H,” and on one side of street “G”) except along cul-de-sacs, where parking would be prohibited in order to provide necessary turning radii for fire trucks. Parking would also be prohibited along the private drive providing access to the duplexes, which would terminate in a hammerhead to allow fire truck turn-around. A condition of approval would be applied to the project requiring driveways on the internal streets to be located in a manner to allow the greatest number of on-street parking spaces possible. Parking would also be permitted on the external public streets (Conway Drive, and Stanley and Lehner Avenues).

b) Grading:

The existing high-point of the Property is at the western Project boundary on Stanley Avenue, with the Property generally sloping down to the northeast and southeast from that point. Grading would consist of a combination of cut and fill slopes to provide relatively flat pads for the new lots. The largest cut slope would be approximately 20 feet in height in the southwest corner of Lot 24, and the largest fill slope would be approximately 17.5 feet in height (including a six foot retaining wall) in the northwest corner of Lot 10.

Pursuant to Article 55 of the Escondido Zoning Code, grading exemptions are required for any fill slope within 50 feet of a property line that exceeds 10 feet in height and must include the height of any retaining wall in the calculation. The aforementioned fill slope in the northwest corner of Lot 10 meets these parameters, as does a fill slope (including retaining wall) in the northeast corner of the project site, adjacent to the access driveway to the detention basin. Grading exemptions are also required for any slopes greater than 2:1 which are determined by the Director to impact adjacent properties. The aforementioned fill slope at the southwest corner of Lot 24 may have such an impact so it is being included in the request as well.

The decision-making body is required to consider several factors when reviewing a requested grading exemptions, as follows: 1) the criteria contained within section 33-1066; 2) the stability of the slope; 3) the impact of the slope on surrounding properties; 4) the reason for the slope; and 5) whether reasonable alternatives to the proposed design are available. The cited Escondido Zoning Code section (33-1066) can be found here: [https://library.qcode.us/lib/escondido\\_ca/pub/municipal\\_code/item/chapter\\_33-article\\_55-sec\\_33\\_1066](https://library.qcode.us/lib/escondido_ca/pub/municipal_code/item/chapter_33-article_55-sec_33_1066).

In this instance, because the City cannot require compliance with zoning or other development standards which would physically preclude the construction of the proposed density bonus project, the Applicant is entitled to the requested grading exemptions unless an adverse impact upon the health, safety or the physical environment would occur. Therefore, the only item of those listed above that must be considered is the stability of the slopes; all others would be waived as a result of the density bonus request.

#### 6. Phasing of Development:

The Applicant has indicated to staff that they do not intend to construct the project themselves. Rather, they would sell the project for construction by a different entity. This is common for development projects due to areas of expertise, with some developers focusing on processing entitlements of land and others with more experience in actual construction.

As discussed in Attachment 2, the Applicant has stated that the affordable housing units would be developed by Habitat for Humanity, a non-profit organization with expertise in construction and management of affordable housing projects. Upon completion of construction, Habitat for Humanity would be responsible for identifying and qualifying prospective buyers of the affordable housing units. Deed restrictions would be placed on these units to ensure that future sales of the units are limited to low-income households for a period of 55 years. The restrictions would be included in an affordable housing agreement that would be recorded concurrently with the final map for the project.

Because the Project has requested an increase in allowable density pursuant to State Density Bonus Law and Article 67 of the Escondido Zoning Code, it is important to ensure that the affordable housing units be constructed in a timely manner. As a residential subdivision where the affordable units are anticipated to be constructed by a different developer than the market-rate units, assurances must be put in place to ensure that the City receives the benefits derived from

the provision of affordable housing prior to construction of the market-rate units in a quantity which exceeds that which would otherwise be permitted on the Property. Development of the Property could yield up to 40 units absent the density bonus. Because two existing units would remain, 38 new units could be constructed. As such, conditions would be placed on approval of the Project that would require the issuance of certificates of occupancy for the affordable housing units prior to issuance of the building permit for the 39<sup>th</sup> market rate unit.

## **E. FISCAL ANALYSIS**

The proposed Project is a private development project that will require the payment of fees in effect at the time permits are requested. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency's general fund and the city or county's ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself.

Community Facilities District ("CFD") No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020. The special tax that will be assessed on properties as a result of the development of new residential units is based upon the Fiscal Impact Analysis (FIA) that was prepared to support the creation of CFD No. 2020-01. Developers to whom these residential project entitlements are assigned are responsible to establish a funding mechanism to provide a source of funds for the ongoing municipal services required for the project. The benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project. This can be accomplished through either formation of a CFD, annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Should an applicant desire to utilize the streamlined process available through annexation into CFD No. 2020-01, they would be required to sign a Letter of Intent ("LOI") to do so, which serves as their authorization to annex. The Applicant declined to sign an LOI because they intend to sell the entitled Project to another developer. This would allow that developer an opportunity to decide whether they want to join citywide CFD No. 2020-1 or explore different options for the funding of on-going public services. A Letter of Intent to Offset and Fund Ongoing Public Services has been provided by the applicant to this effect and is included with this staff report as Attachment 3. Additionally, a condition of approval has been included as part of Exhibit "E" to draft Planning Commission Resolution No. 2022-15 to reflect the requirement to establish a funding mechanism as described above prior to recordation of the Final Map. (It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.)

If the future developer opts to annex into CFD No. 2020-01, the Project would fall into Category 1. The current rate for Category 1 is \$575.19 per unit through the end of this fiscal year (June 30, 2023), subject to annual adjustments which currently are based on the Consumer Price Index or 2%, whichever is greater. The total annual cost for the 56-unit Project would be approximately \$32,211. If annexation into CFD No. 2020-01 is the way by which the developer opts to provide the ongoing

funding source, the affordable housing units would be included in the annexation, however they would be eligible for a welfare exemption from the Franchise Tax Board. Should the developer opt to pursue a funding mechanism other than CFD No. 2020-01, such mechanism, including the assessment rate, would be subject to approval by City Council.

**F. ENVIRONMENTAL STATUS:**

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

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

A Draft IS/MND was released for a 20-day public review period on October 28, 2022. Nine comment letters were received which identified concerns in the areas of Density Bonus Law; traffic and circulation; interface between properties; displacement of bugs, wildlife, and rodents; associated grading activities, impacts, and construction noise; lack of residential architecture details or materials; street parking; demolition of existing homes; and land use applications. Responses to those comments were prepared and have been incorporated into a Final IS/MND. The Final IS/MND has identified no new environmental impacts which have not been addressed through the aforementioned mitigation measures. The Final IS/MND has been included as Exhibit "F" to Planning Commission Resolution No. 2022-15.

**G. PUBLIC INPUT:**

In addition to public notification provided when the Draft IS/MND was released for public review, notification of this public hearing was provided consistent with the requirements of both the Escondido Zoning Code and the State Law. Additionally, because the Project includes a request for annexation, surveys were provided to property owners in the surrounding unincorporated County of San Diego as described in the Annexation section above. Beyond those comments provided on the Draft IS/MND and “no” responses to the annexation survey staff has not received any correspondence from the public regarding the Project as of the publication of this report.

**H. CONCLUSION AND RECOMMENDATION:**

The Project proposes a residential subdivision that is compatible with the surrounding uses and makes efficient use of the Property. Additionally, the Project would include much-needed affordable housing and provide opportunities for home-ownership in a suburban setting where such housing is not typically available. The project is consistent with the provisions of Article 67 of the Escondido Zoning Code and State Density Bonus law.

Staff recommends that the Planning Commission adopt Resolution 2022-15, recommending City Council approval of the Tentative Subdivision Map, Grading Exemptions, and Annexation, based on the findings of fact and conditions of approval included as Exhibits “D” and “E,” respectively, to said Resolution, and adoption of the Mitigated Negative Declaration prepared for the Project included as Exhibit “F” to said Resolution.

**ATTACHMENTS:**

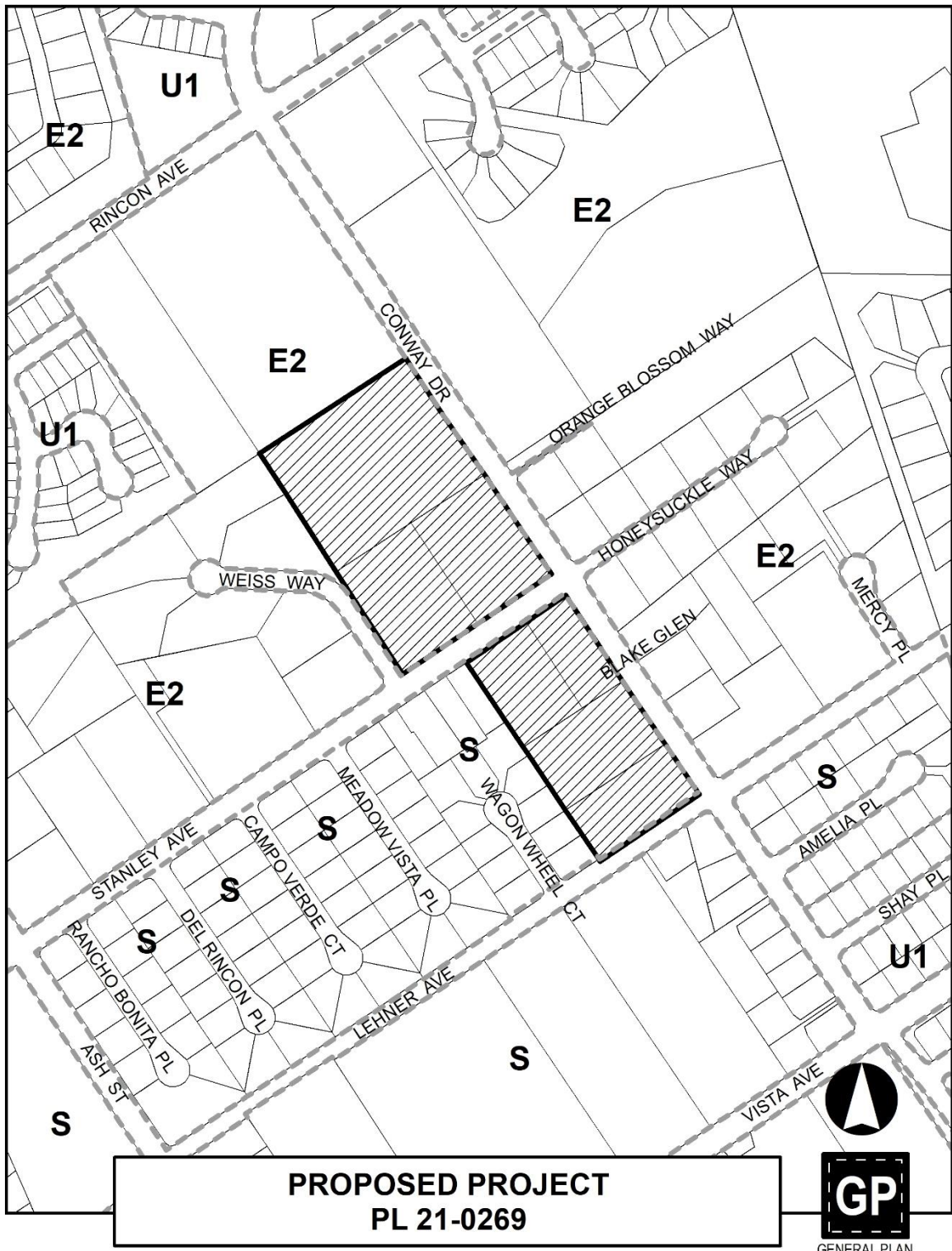
1. Location Map, General Plan Map, and Zoning Map
2. Density Bonus Project Proposal
3. Letter of Intent to Offset and Fund Public Services
4. Planning Commission Resolution No. 2022-15 with Exhibits “A” through F”



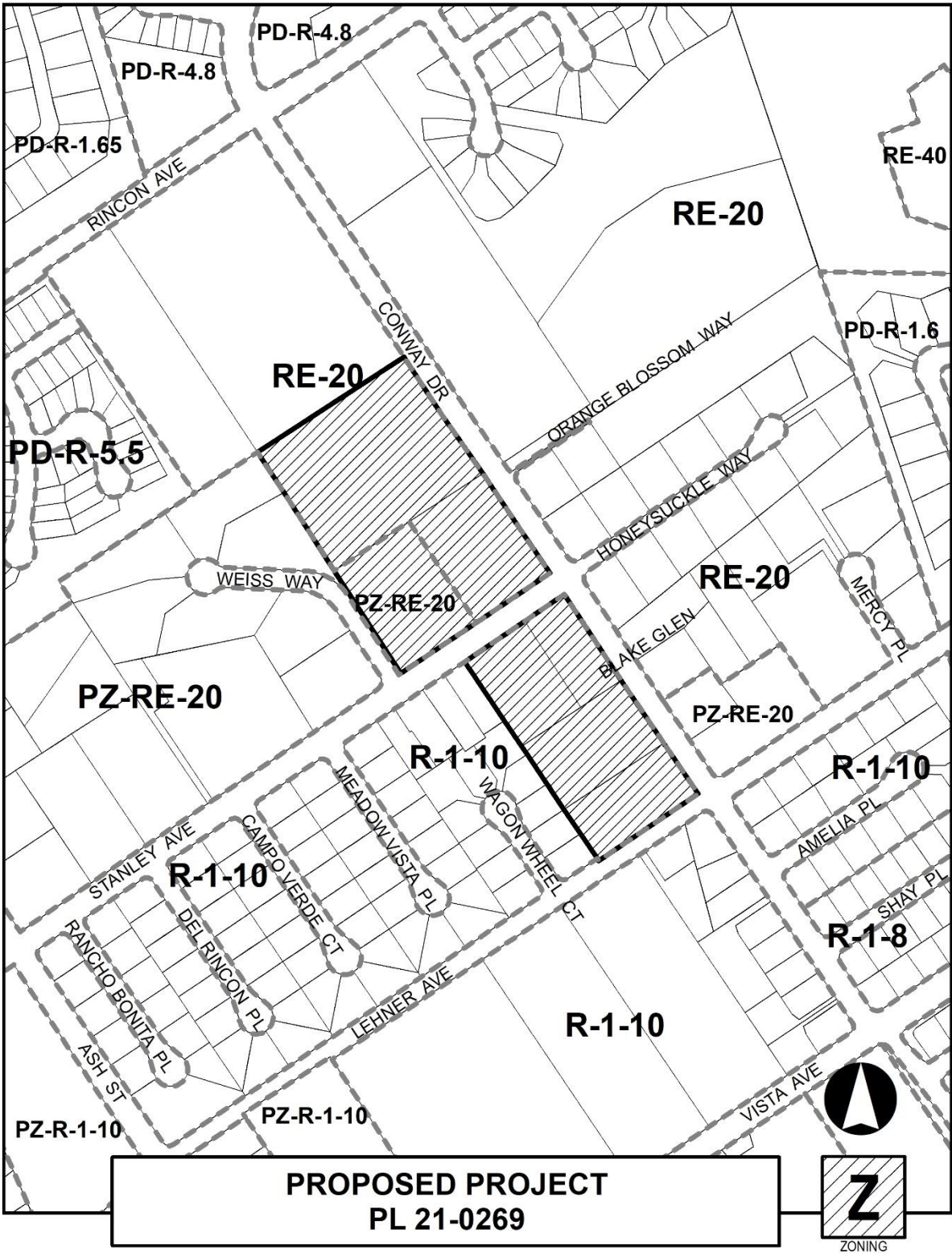
**Attachment 1**  
Location Map, General Plan, and Zoning Map











# Escondido North LLC

## Density Bonus Project Proposal

Revised 12/1/22

Escondido North LLC is proposing the development of a density bonus project consisting of 54 new residential units, as well as 2 existing residential units that will remain. Forty-four of the new housing units are to be market-rate single-family homes and ten are to be affordable duplex units which will be restricted to “low-income” households. The site is currently comprised of seven parcels with APNs as shown in the table below, and lies northwest of the intersection of Conway Drive and Lehner Avenue, extending north of Stanley Avenue. The site is surrounded by new homes as well as older housing stock.

Pursuant to Escondido Municipal Code Sections 33-1412 and 33-1413, the applicant for a density bonus project shall submit a written proposal for the project including the information provided below. This document is intended to satisfy the requirements therein.

Housing costs and market pricing depend on market conditions, including mortgage rates. As such, pricing for the market-rate units would be determined at the time they come to market. By law, pricing for restricted units is based on the area median income and depends on the size of the household. For “low-income” units, housing costs cannot exceed 30% of 70% of the area median income for a family of a given size. The restricted pricing would be set accordingly, depending on those factors at the time they are available on the market.

Habitat for Humanity has expertise in the construction of affordable housing, as well as the identification and qualification of, and sale to, buyers of affordable housing. They would manage and control the construction and sale of the affordable units, and would be responsible for identifying and qualifying the buyers.

### Density Bonus Calculations

The project parcels have two different General Plan designations as reflected in the table below. In addition to the information required (in bold), we have included additional information for clarity. Please note that given the number of affordable units, 18 Bonus DUs and 58 total DUs are allowed, but the project proposes only 16 Bonus and 56 total DUs.

<u>APN</u>	<u>Acres</u>	<u>GP DUs/Ac</u>	<u>GP DUs</u>	<b>Proposed Low</b> <u>Income Units</u>	<b>Low-Income DUs</b> <u>As Percent of GP</u>	<b>Density Bonus</b> <u>Permitted</u>	<b>Allowed Density</b> <u>Bonus DUs</u>	<b>Allowed</b> <u>Total DUs</u>	<b>Allowed</b> <u>DUs/Acre</u>
224-142-33	1.40	3.3	<b>5</b>	<b>1</b>	20%	<b>35%</b>	<b>2</b>	<b>7</b>	<b>5.0</b>
224-142-32	1.57	3.3	<b>6</b>	<b>1</b>	17%	<b>29%</b>	<b>2</b>	<b>8</b>	<b>5.1</b>
224-142-31	0.94	3.3	<b>4</b>	<b>1</b>	25%	<b>50%</b>	<b>2</b>	<b>6</b>	<b>6.4</b>
224-142-30	1.36	3.3	<b>5</b>	<b>1</b>	20%	<b>35%</b>	<b>2</b>	<b>7</b>	<b>5.1</b>
224-141-25	2.09	2.0	<b>5</b>	<b>2</b>	40%	<b>50%</b>	<b>3</b>	<b>8</b>	<b>3.8</b>
224-141-23	4.70	2.0	<b>10</b>	<b>3</b>	30%	<b>50%</b>	<b>5</b>	<b>15</b>	<b>3.2</b>
224-141-24	2.01	2.0	<b>5</b>	<b>1</b>	20%	<b>35%</b>	<b>2</b>	<b>7</b>	<b>3.5</b>
<b>Totals:</b>	<b>14.1</b>		<b>40</b>	<b>10</b>			<b>18</b>	<b>58</b>	<b>4.1</b>

There are currently 13 dwelling units on the property and there have been no other units on the property in the last five years. One dwelling unit is an owner-occupied 1,975 square-foot single-family home built in 1946. The other 12 dwelling units are multi-family rental units. Size of household and incomes of those units are not known. They were built between 1943 and 1995 and range between 725 and 2,688 square feet.

Title does not show any recorded covenant, ordinance, or law that has restricted rents on these parcels in the last five years.

This revision to the Density Bonus Project Proposal originally submitted by Escondido North LLC on June 1, 2021 and previously updated 9/2/21, 3/18/22, and 10/27/22 is a result of conversations with city staff and consultation with land use attorneys and the city attorney's office. Below are the updated proposed incentives and waivers based on those conversations. These incentives and waivers will help to provide much-needed housing, and in particular, affordable housing, to the city of Escondido.

**Concession/Incentives**

The proposed project provides 10 low income units of the General Plan-designated 40 units, or 25% low income units. Pursuant to Government Code section 65915(d)(2), a project that provides at least 24% of the units for lower income shall receive three concessions/incentives. However, at this time we propose only one concession/incentive which is for the construction of duplex product in the R-E zone. Cost savings include less dirt import, less paving, a smaller detention basin, as well as saving on architectural costs due to the use of existing plans, and construction savings due to the use of less windows and stucco.

**Waivers**

Pursuant to Government Code section 65915(e)(1), development standards may not be imposed that would preclude the construction of a project that is allowed under the density bonus law. The table below lists changes or waivers to development standards that, if not granted, would physically preclude the construction of the project as designed. All identified development standards below fall squarely under the definition of “development standards” in Government Code section 65915(o)(1) which includes “a site or construction condition... that applies to a residential development pursuant to any... [city] policy....”

<u>Waiver</u>	<u>Dev. Standard</u>	<u>Proposed</u>	<u>Justification</u>
Front Yard Setback	R-E zone: 25'  R-1 zone: 15' with a garage facing the street required to be setback 20'	10.5' (with street-facing garage to be setback 15')	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard without making backyards unfeasibly small. Therefore, the existing setback development standard would need to be reduced in order for the project to be constructed as designed.

Interior Side Yard Setback	R-E zone: 10'  R-1 zone: 5' on one side (and 10' on the other, unless abutting an alley)	5' on both sides	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. The existing development standard would need to be reduced in order for the project to be constructed as designed.
Accessory Building Setback Requirements	Front, side, and rear setback requirements as stated in EMC Sec. 33-102	Any reference in EMC Sec. 33-102 to "underlying" zoning shall be interpreted as the main building's actual setback which may have been reduced given the setback waivers herein, or less if state law allows.	As the primary dwelling unit may have reduced setbacks, the ADU's setback would need to be reduced as well. The existing development standard would need to be reduced in order for the project to be constructed as designed.
Min. Lot Area	R-E zone: 20,000 SF  R-1 zone: 10,000 SF	6,515 SF	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed.
Avg. Lot Width	R-E zone: 100'  R-1 zone: 80'	60'	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed.
Lot Width @ Street	R-E zone: 20'  R-1 zone: 35'	R-1 zone: 25'	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the R-1 standard. It would need to be reduced in order for the project to be constructed as designed.

Max Lot Coverage for Primary & Accessory Structures	R-E zone: 30% R-1 zone: 40%	50%	The existing standards would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard when potential ADUs are considered. The standards would need to be increased to a percentage more appropriate for lots of the proposed size.
Max FAR	0.5	0.6	The existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard when potential ADUs are considered. The standard would need to be increased to a ratio more appropriate for lots of the proposed size.
Suburban Residential Road (for "G" Street)	48' ROW with 28' paved Gutter on both sides 6 parking spaces on each lot, min. Sidewalk on 1 side upon approval Parking plan showing 1.5 on-street spaces per unit	34' ROW with 28' paved No gutter on south side 4 parking spaces on each lot, min. Sidewalk on 1 side (hereby w/approval) No parking plan required	The existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed. Gutter is not needed on the south side as the project design does not drain water along that edge.

Grading Along Weiss Way	Possible required setback for accommodation of possible future widening of Weiss Way to the east.	Reduced setback if Grading Exemption is not possible (as discussed with staff) since Weiss Way can not be widened to the east.	As discussed with City staff and as demonstrated on the exhibit provided in the Jan. 24 letter and provided again concurrent with this updated Density Bonus Project Proposal (all as part of the 4th submittal), Weiss Way cannot be widened to the east due to the existing house that abuts it at 916 Stanley Ave. As discussed with City staff, if the designed grading along Weiss Way cannot be approved under a Grading Exemption, the existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be reduced in order for the project to be constructed as designed.
Lot 13 Access per Fire-5 Comment	Cul-de-sac instead of hammerhead	Hammerhead	Fire has indicated this should be changed from a hammerhead to a cul-de-sac, but the standard (defined here as a cul-de-sac) would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. It would need to be waived in order for the project to be constructed as designed. Precedence for such is another Habitat for Humanity duplex project, TR 20-002, GP21-0003. As in that case, and per Fire's requirement, no parking will be provided on the hammerhead road.

<p>Conway Storm Drain Location</p>	<p>Not to be located under sidewalk or parkway</p>	<p>Small portion to be located under ROW</p>	<p>Pursuant to Jan. 5 conference call with Engineering &amp; Planning, site constraints dictate that to get the number of lots as designed, a small portion of the storm drain must lie under the parkway. To minimize the amount under the ROW, the project has been redesigned to bring the storm drain between lots 14 &amp; 15, as close as possible to the historical poing of entry. The Conway Dr. low point does not coincide with the historical entry point so some length is needed to connect the two, and crossing the SDCWA pipeline 2 is to be avoided.</p>
<p>Conway Storm Drain Easement</p>	<p>20' wide</p>	<p>10' wide, with no drivable surface, no access to interior Street "H"</p>	<p>The existing standard would preclude construction of the project as designed. The project makes efficient use of the site which results in limited physical area to meet the standard. Therefore, the standard would need to be reduced in order for the project to be constructed as designed.</p>

We look forward to providing additional housing, including affordable housing, to the city of Escondido.



ATTACHMENT 3

October 27, 2022

City of Escondido, Planning Department  
ATTN: Mr. Greg Mattson, AICP  
201 N Broadway  
Escondido, CA 92025

Re: Letter of Intent to Offset and Fund Ongoing Public Services

Dear Mr. Mattson:

Escondido North LLC declines to sign the above-referenced letter of intent ("LOI") because we plan to sell the entitled property and do not know how the buyer will want to approach the options for funding mechanisms. It makes most sense to let the builder decide whether they want to join citywide CFD 2020-1 or explore different options for the funding of public services.

Thank you,

Escondido North LLC

By: Argus Flatiron Management LLC, its Manager

By:   
Dylan Bird, Manager

ATTACHMENT 4

Planning Commission  
Hearing Date: December 13, 2022  
Effective Date: December 14, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A 56-LOT TENTATIVE SUBDIVISION MAP, GRADING EXEMPTION, AND ANNEXATION, AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT

APPLICANT: Escondido North, LLC (Argus Land Company, Inc.)

CASE NOS: PL21-0269, PL21-0277, and PL22-0584

WHEREAS, Escondido North, LLC (“Applicant”), filed a land use development application, Planning Case Nos. PL21-0296, PL21-0277, and PL22-0584 (“Application”), constituting a request for A Tentative Subdivision Map and Grading Exemption for a 56-unit residential project. The project includes 47 residential lots comprised of 46 single-family lots, two of which have existing homes, and one multi-family lot which would accommodate five duplexes. An Annexation is also proposed for a 2.01 acre portion of project site that is currently in the County of San Diego. The request includes a density bonus and would provide 10 affordable housing units (“Project”). The Project site is located on along Conway Drive on both sides of Stanley Avenue and north of Lehner Avenue, in the R-1-10 (single-family residential, 10,000 square foot minimum lot size) and RE-20 (estate residential) zones; and

WHEREAS, the Project site consists of seven parcels totaling 14.07 gross acres located at 916, 942, and 943 Stanley Avenue, and odd-numbered addresses between 2005 – 2175 Conway Drive (APNs 224-141-23-00, 224-141-24-00, 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, and 224-142-33-00), and 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, single-family residential development is a permitted use within the R-1-10 & RE-20 zones, subject to the approval of a Tentative Subdivision Map, in accordance with Chapter 32 of the Escondido Municipal Code and Article 6 of the Escondido Zoning Code; and

WHEREAS, the ability to construct multi-family residential units on the Property has been requested as a density bonus incentive; and

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

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

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration ("IS/MND") was prepared, circulated, and notice made of its availability for public review and comment during the period from October 28, 2022, to November 17, 2022; and

WHEREAS, during the 20-day public comment period of the Draft IS/MND, the City consulted with and requested comments from responsible and trustee agencies, other regulatory agencies, and others. The City subsequently analyzed and considered any and all comments received during this public review comment period and has determined that they did not contain any significant new information within the meaning of CEQA Guidelines; and

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

WHEREAS, in addition to the Final IS/MND, a Mitigation Monitoring Reporting Program ("MMRP") has been prepared for the Project, attached as Exhibit "C" and incorporated herein by this reference, to ensure compliance with the required mitigation measures or project revisions during project implementation; and

WHEREAS, on December 13, 2022, 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 December 13, 2022, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.
2. The Planning Commission, in its independent judgment, has carefully reviewed and considered all environmental documentation comprising the Final IS/MND prepared for the project and has determined that the City has made a good-faith effort to

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

3. That the MMRP identifies mitigation measures necessary to reduce all impacts to a less-than-significant level, and assigns on-going responsibility for carrying out mitigation responsibilities which are appropriate to address and mitigate project-related impacts.

4. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the substantive findings and determinations attached hereto as Exhibit "D," 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 of the conditions hereinafter set forth in Exhibit "E," is hereby recommended by the Planning Commission for approval by the City Council. The Planning Commission expressly declares that it would not have made this recommendation 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 recommends that the City Council adopt the Final IS/MND, attached as Exhibit "F," which is incorporated herein as though fully set forth herein.

7. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is recommended for conditional approval by the City Council as set forth on the Application and Project drawings, all as shown on the development plans for the Project, 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 decision-making body.

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

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

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

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



PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 13th day of December 2022, by the following vote, to wit:

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

\_\_\_\_\_  
KATHARINE BARBA, Chair  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
ADAM FINESTONE, Secretary of the  
Escondido Planning Commission

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

\_\_\_\_\_  
JESSICA ENGEL, Minutes Clerk  
Escondido Planning Commission

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

# **EXHIBIT "A"**

## **Legal Description**

**PL21-0269, PL21-0277, PL22-0284**

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

ALL THAT PORTION OF LOT 4 IN BLOCK 415 OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892. EXCEPTING THE SOUTHEASTERLY 350 FEET (MEASURED ALONG THE NORTHEASTERLY AND SOUTHWESTERLY LINES) OF SAID LOT 4.

and

ALL THAT PORTION OF LOT 4 IN BLOCK 415 OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT A DISTANCE OF 250.50 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHWESTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT 4, 250.50 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE 350.00 FEET TO THE POINT OF BEGINNING.

and

ALL THAT PORTION OF LOT 4 IN THE BLOCK 415 OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 4 DISTANT NORTHEASTERLY THEREON 250.50 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE 260.00 FEET, MORE OR LESS, TO THE SOUTHEASTERLY CORNER OF SAID LOT 4; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE THEREOF 350.00 FEET; THENCE SOUTHWESTERLY PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 4 A DISTANCE OF 260.00 FEET TO POINT IN A LINE DRAWN PARALLEL WITH AND DISTANT 250.50 FEET NORTHEASTERLY FROM THE SOUTHWESTERLY LINE OF SAID LOT 4, SAID 400.00 FEET BEING MEASURED ALONG THE SOUTHEASTERLY, LINE THEREOF; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE 350.00 FEET TO THE POINT OF BEGINNING.

and

ALL THAT PORTION OF LOT H IN BLOCK 418 OF A RESUBDIVISION OF BLOCKS 418 AND 419, OF RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF SAID LOT H, DISTANT THEREON SOUTH 55° 36' 00" WEST, 138.00 FEET FROM THE MOST NORTHERLY CORNER THEREOF; THENCE SOUTH 55° 36' 00" WEST ALONG SAID NORTHWESTERLY LINE 200.00 FEET, MORE OR LESS, TO THE MOST WESTERLY CORNER OF SAID LOT H; THENCE SOUTH 34° 24' 00" EAST ALONG THE SOUTHWESTERLY LINE THEREOF 296.00 FEET; THENCE NORTH 55° 36' 00" EAST, PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT H, 200.00 FEET TO A LINE DRAWN PARALLEL WITH AND DISTANT 138.00 FEET SOUTHWESTERLY AT RIGHT ANGLES FROM THE NORTHEASTERLY LINE OF SAID LOT H; THENCE NORTH 34° 24' 00" WEST, ALONG SAID PARALLEL LINE 296.00 FEET TO THE POINT OF BEGINNING. APN: 224-142-30-00

and

THE NORTHEASTERLY 138.00 FEET OF THE NORTHWESTERLY 296.00 FEET OF LOT H IN BLOCK 418 OF A RESUBDIVISION OF BLOCKS 418 AND 419 IN RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913.

and

THE SOUTHEASTERLY 202.00 FEET OF THE NORTHWESTERLY 498.00 OF LOT H IN BLOCK 418 OF A RESUBDIVISION OF BLOCKS 418 AND 419, RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913.

and

LOT H IN BLOCKS 418 AND 419 IN RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JANUARY 21, 1913. EXCEPTING THEREFROM THE NORTHWESTERLY 498.00 FEET THEREOF.



STATEMENT OF FACTS

THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH THE APPLICABLE GENERAL OR SPECIFIC PLANS.

THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

THE DESIGN OF THE SUBDIVISION, OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS OR RECORD, OR EASEMENTS ESTABLISHED BY COURT JUDGEMENT, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF, PROPERTY WITHIN THE PROPOSED SUBDIVISION. IN THIS CONNECTION, THE DIRECTOR OF PLANNING AND BUILDING MAY RECOMMEND APPROVAL OF A MAP IF HE FINDS THAT ALTERNATE EASEMENTS, OR ACCESS FOR USE, WILL BE PROVIDED, AND THAT THESE WILL BE SUBSTANTIALLY EQUIVALENT TO ONES PREVIOUSLY ACQUIRED BY THE PUBLIC.

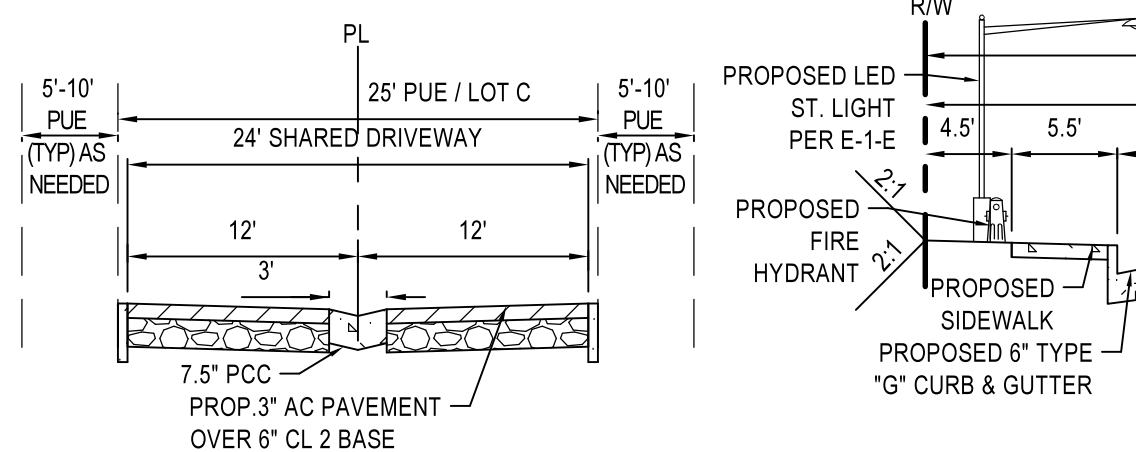
ALL REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT HAVE BEEN MET.

THE DESIGN OF THE SUBDIVISION HAS PROVIDED, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (NOTE: SPECIFIC EXAMPLES TO SUBSTANTIATE THIS FINDING MUST BE PROVIDED. EXAMPLES OF PASSIVE OR NATURAL OPPORTUNITIES IN SUBDIVISION DESIGN INCLUDE LOT SIZE OR CONFIGURATION, TO PERMIT ORIENTATION OF A STRUCTURE IN AN APPROPRIATE ALIGNMENT FOR SOUTHERN EXPOSURE, ETC.)

ALL OVERHEAD UTILITIES WITHIN THE SUBDIVISION BOUNDARY OR ALONG FRONTING STREETS SHALL BE RELOCATED UNDERGROUND IN ACCORDANCE WITH THE CITY'S SUBDIVISION ORDINANCE.

ANY PUE CONTAINING BOTH PUBLIC SEWER AND WATER MAINS SHALL BE 25' MINIMUM IN WIDTH WITH ADDITIONAL 5'X5' PUE AREAS FOR EACH WATER METER AND ARV, AND 10'X10' PUE AREAS FOR FIRE HYDRANTS, DDACS.

PUBLIC STORM DRAIN TO BE SIZED TO ACCOMMODATE THE 100 YEAR STORM EVENT.

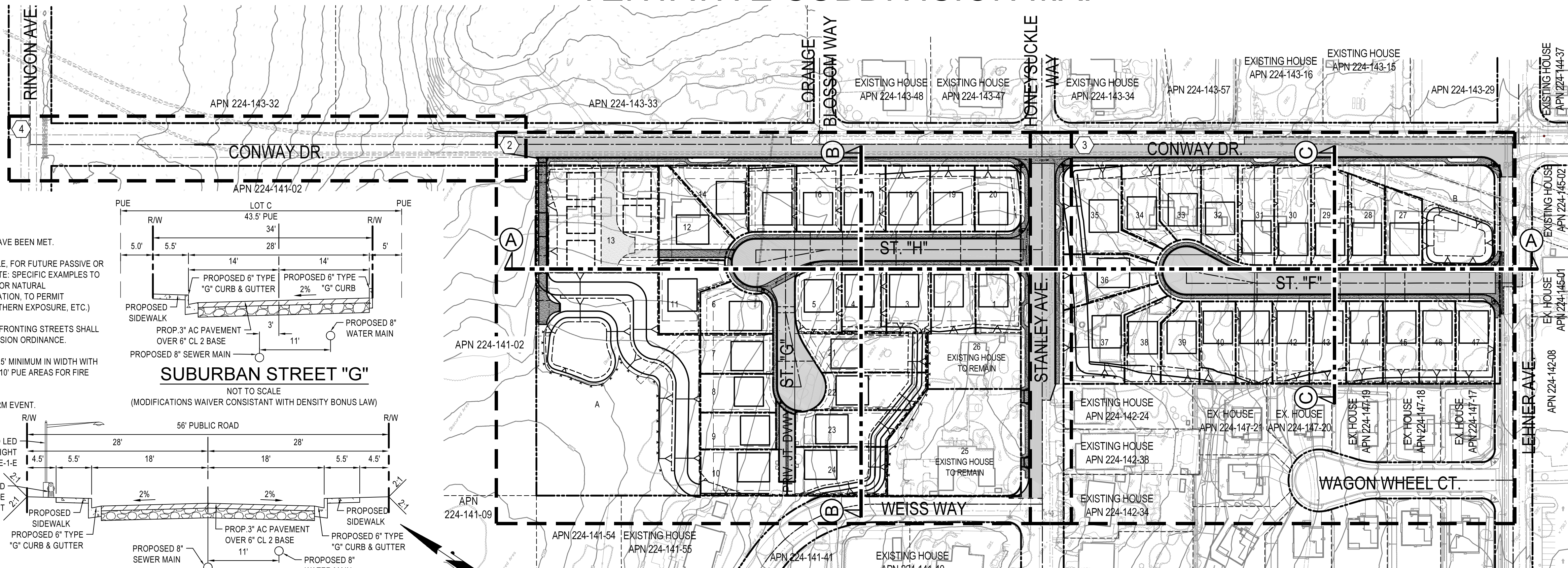


PRIVATE JOINT DRIVEWAY NOT TO SCALE

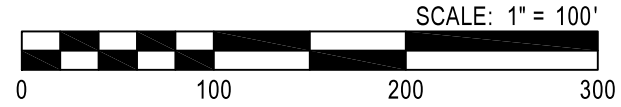
SUBURBAN STREET "G" NOT TO SCALE

STREET "F" AND "H" NOT TO SCALE

CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP

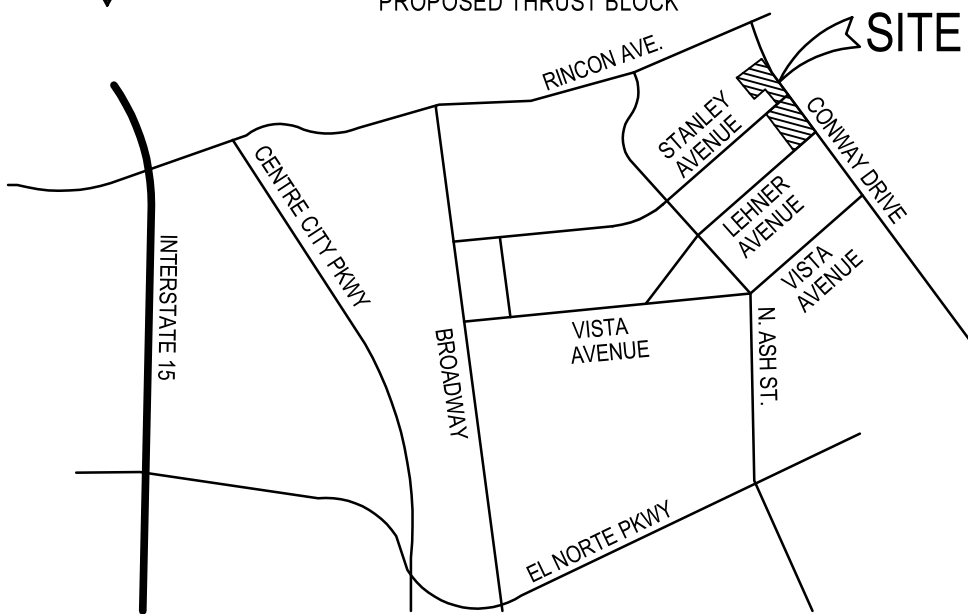


KEY MAP

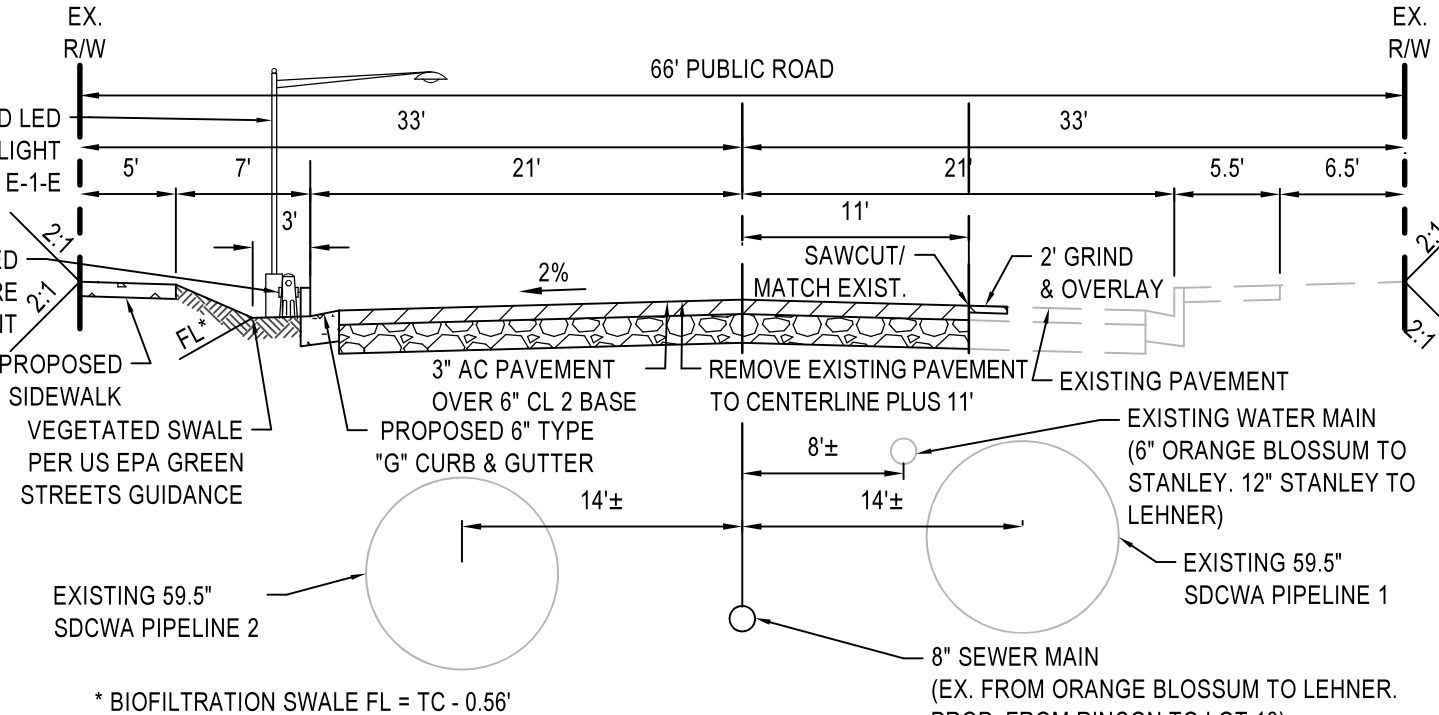


LEGEND

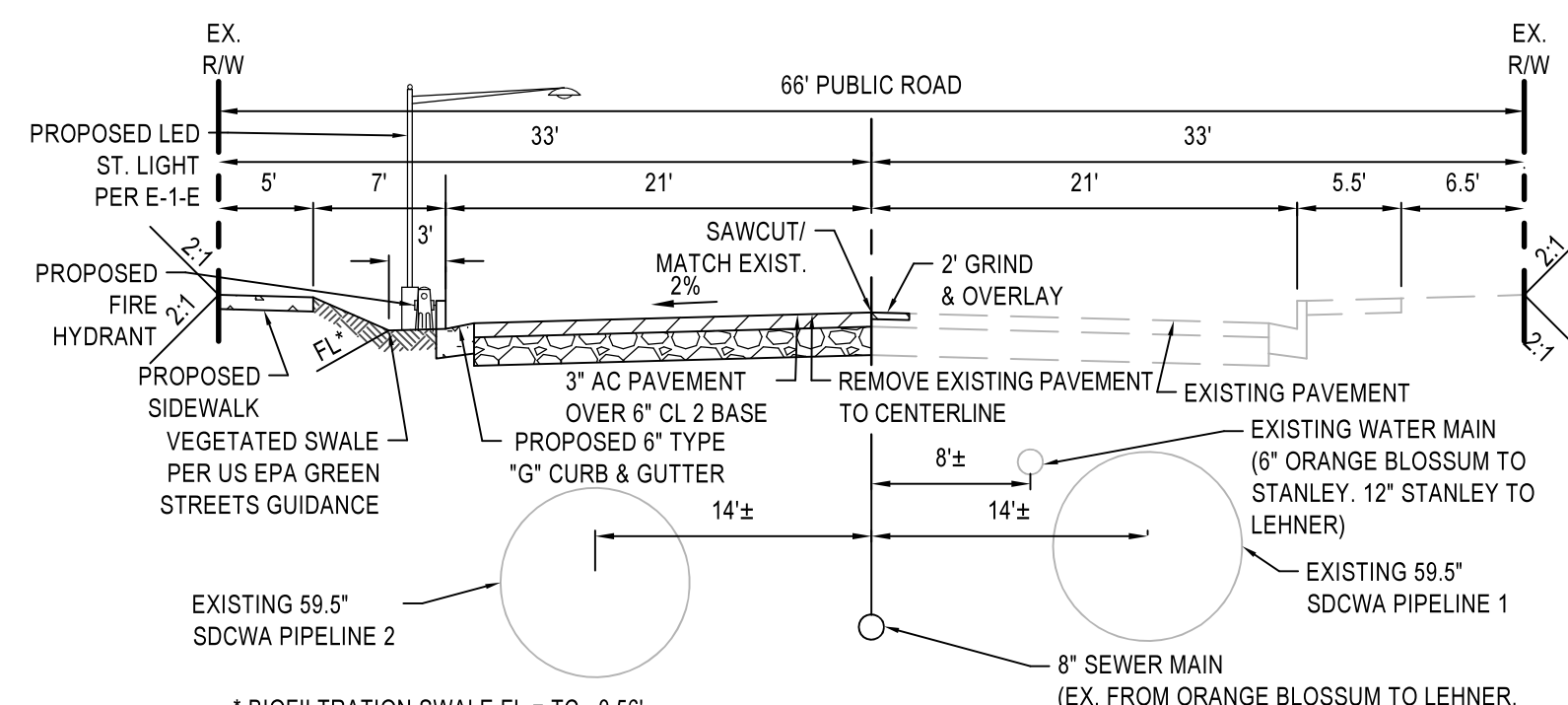
- Legend items: EXISTING RW OR PL, PROPOSED UNIT LINE, SETBACK LINE, PROPOSED LOT NUMBER, PROPOSED PAD ELEVATION, PROPOSED LOT AREA, EXISTING CONTOURS, PROPOSED CONTOURS, PROPOSED SLOPE (1.5:1 MAX), PROPOSED CUT/FILL LINE, EXISTING SEWER LINE, PROPOSED PUBLIC SEWER LINE, PROPOSED LATERAL (4" LAT. PER C.O.E. S-2-E), PROPOSED PUBLIC SEWER MANHOLE (PER C.O.E. S-1-E), PROPOSED CATCH BASIN, EXISTING STORM DRAIN DITCH, PROPOSED STORM DRAIN, EXISTING WATER LINE, PROPOSED WATER LINE, PROPOSED FIRE HYDRANT (PER C.O.E. W-3-E), PROPOSED WATER SERVICE & BACKFLOW ASSEMBLY (PER C.O.E. W-1-E, W-10-E), PROPOSED 4" BLOW-OFF ASSEMBLY (PER C.O.E. W-9-E), PROPOSED 2" COMBINATION AIR VALVE (PER C.O.E. W-5-E), PROPOSED GATE VALVE, PROPOSED THRUST BLOCK.



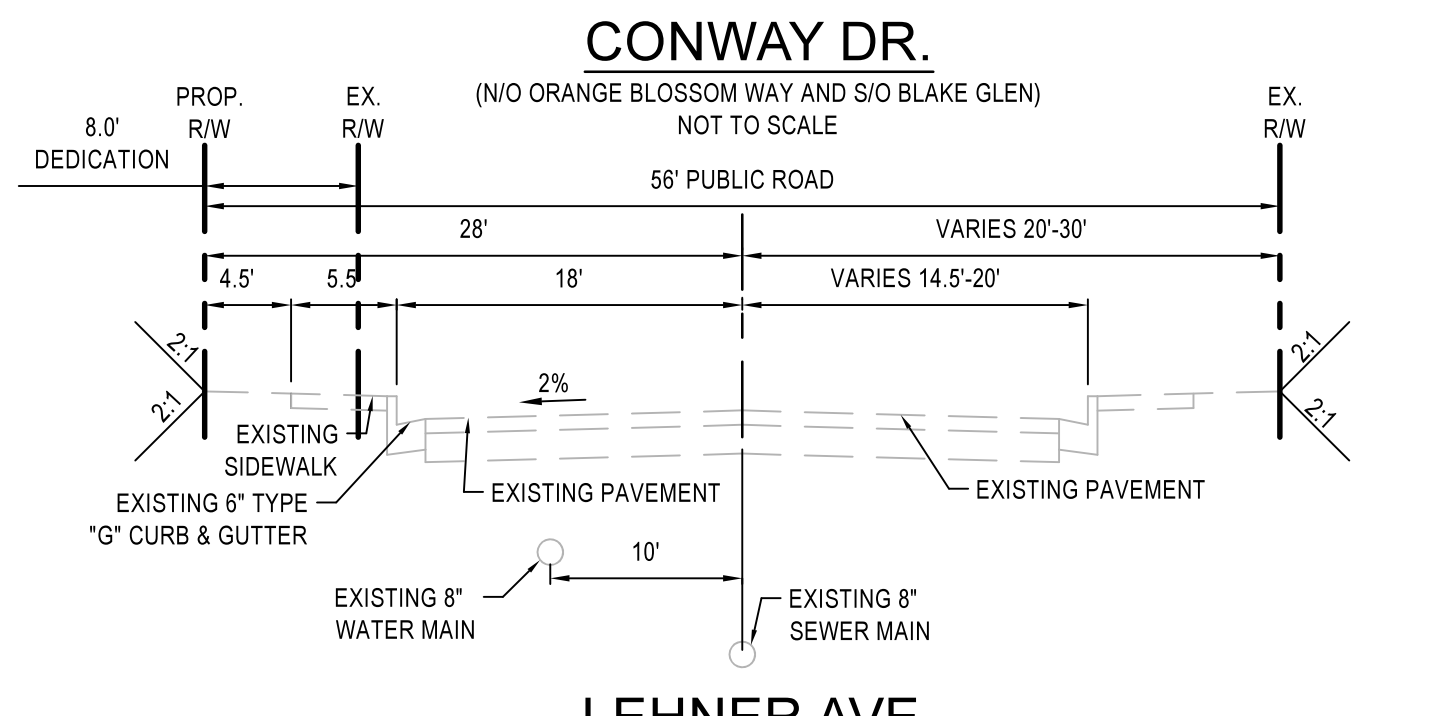
VICINITY MAP NOT TO SCALE



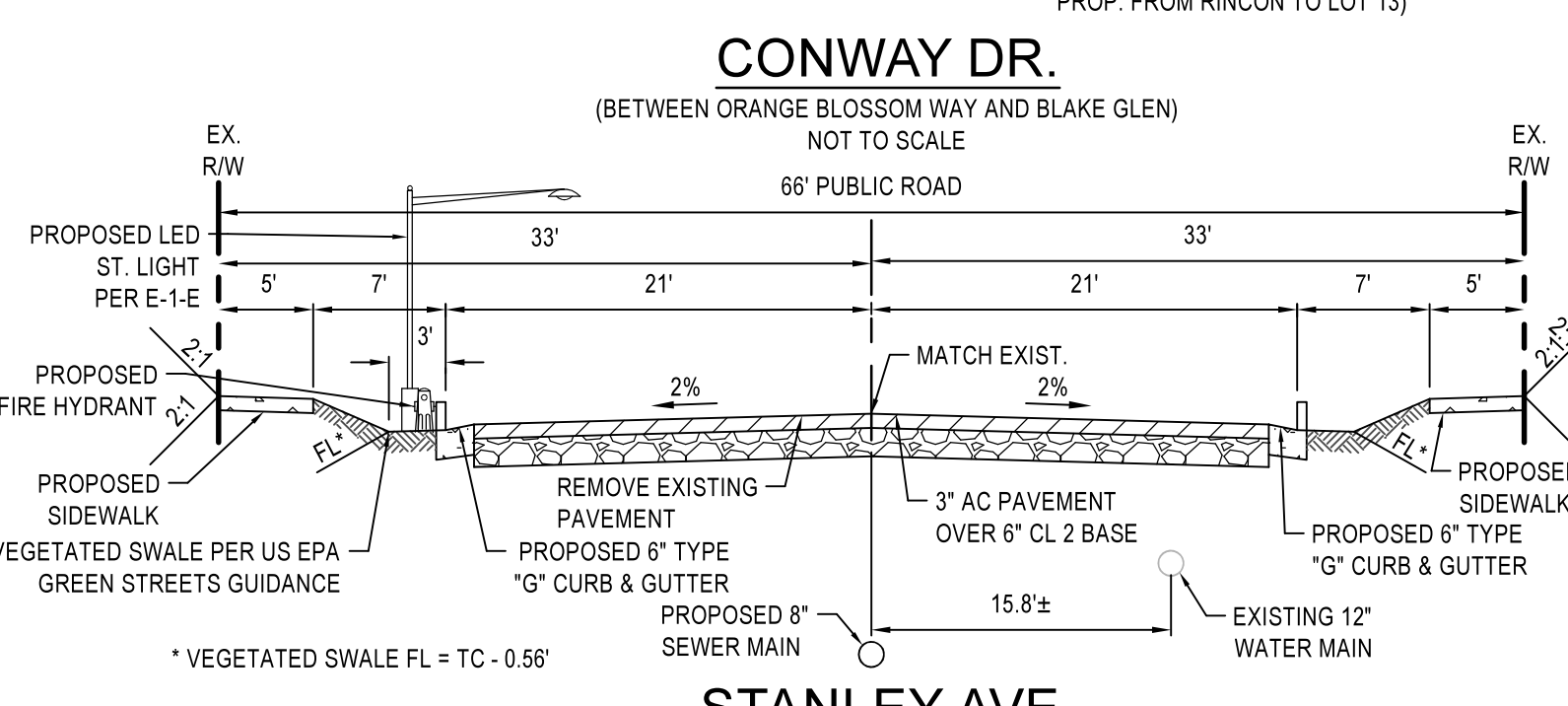
CONWAY DR. (N/O ORANGE BLOSSOM WAY AND S/O BLAKE GLEN) NOT TO SCALE



STANLEY AVE. (APN 224-142-24 TO CONWAY DR.) NOT TO SCALE



LECHNER AVE. (STREET "F" TO CONWAY DR.) NOT TO SCALE



STANLEY AVE. (WEISS WAY TO APN 224-142-24) NOT TO SCALE

PROPOSED DENSITY

Table with columns for Street, Gross Acreage, Density Calculation, Low Income Units, and Density Bonus Calculation. Includes data for Streets F, H, and Stanley Ave.

Table with columns for Street, Gross Acreage, Density Calculation, Low Income Units, and Density Bonus Calculation. Includes data for Streets F and H.

Table with columns for Street, Gross Acreage, Density Calculation, Low Income Units, and Density Bonus Calculation. Includes data for Streets F and H.

OWNERS CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THE TENTATIVE SUBDIVISION MAP AND THAT SAID MAP SHOWS ALL OUR CONTIGUOUS OWNERSHIP IN WHICH WE HAVE ANY DEED OR TRUST INTEREST, WE UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS-OF-WAY.

OWNER

CONWAY STANLEY PROPERTIES, LLC
C/O JOHN BAKER PROPERTY MANAGEMENT, INC
344 E. GRAND AVE
ESCONDIDO, CA 92026

SUBDIVIDER

ESCONDIDO NORTH LLC
30200 RANCHO VIEJO RD., SUITE B
SAN JUAN CAPISTRANO, CA 92675

MARK AND CRYSTAL BURT
943 STANLEY AVE.
ESCONDIDO, CA 92026

CHARLES R. AND COREAN TATE
916 STANLEY AVE.
ESCONDIDO, CA 92026

ENGINEER OF WORK

WILLIAM J. SUITER RCE NO. 68964



ASSESSOR'S PARCEL NO.

224-141-23-00, 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, 224-142-33-00, AND 224-141-24-00

LEGAL DESCRIPTION

PORTIONS OF LOT H IN BLOCK 418 OF RESUBDIVISION OF BLOCKS 418 & 419, AND PORTIONS OF LOT 4 IN THE BLOCK 415, OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1920

FIRE: CITY OF ESCONDIDO

SCHOOL: ESCONDIDO UNION SCHOOL DISTRICT
ESCONDIDO UNION HIGH SCHOOL DISTRICT

SEWER: CITY OF ESCONDIDO

WATER: CITY OF ESCONDIDO

TOPOGRAPHY: AERIAL TOPOGRAPHIC SURVEY PERFORMED BY DON READ CORPORATION ON APRIL 15, 2014.

SITE ADDRESS

0 CONWAY DR., 942 STANLEY AVE., 943 STANLEY AVE., 2045 CONWAY DR., 2019 CONWAY DR., 2005 CONWAY DR., AND 916 STANLEY AVE.
ESCONDIDO, CA 92026

GENERAL NOTES

- General Notes: ALL STREETS ARE PUBLIC. GRADING AND IMPROVEMENTS SHALL BE IN ACCORDANCE WITH CITY OF ESCONDIDO STANDARDS. EASEMENTS OF RECORD NOT SHOWN HEREON SHALL BE HONORED, ABANDONED AND/OR RELOCATED TO THE SATISFACTION OF ALL INTERESTED PARTIES, AND PUBLIC UTILITY EASEMENT NECESSARY TO SERVE THIS PROJECT WILL BE COORDINATED WITH SERVING UTILITY COMPANIES. LOT DIMENSIONS AND AREAS SHOWN HEREON ARE APPROXIMATE. THE DIMENSIONS MAY BE ADJUSTED TO BE CONSISTENT WITH THE FINAL MAP. TOTAL AREA OF SUBDIVISION: 14.07 AC. GROSS. TOTAL LOTS: 47 NUMBERED LOTS AND 2 LETTERED LOTS. LOT 13 OF THIS MAP IS A FUTURE CONDOMINIUM PROJECT WITH 10 PROPOSED CONDOS AND 1 OPEN SPACE LETTERED LOT. ZONE: R-1-10 (SINGLE-FAMILY RESIDENTIAL) AND RE-20 (RESIDENTIAL ESTATES). GENERAL PLAN: S: SUBURBAN (3.33 DUS/AC) AND E2: ESTATE II (2.00 DUS/AC).

PROPOSED SETBACKS:

Table showing setbacks for Single Family Lot and Multi-Family Lot: Front Yard (10.5' min), Side Yard (5.0' min), Rear Yard (10.0' min adj. to st., 20.0' min).

\*DEVIATIONS FROM SETBACKS TAKEN FOR DENSITY BONUS

ABBREVIATIONS

Table of abbreviations: Ø DIAMETER, AC ACREAGE, APN ASSESSOR PARCEL NO., BO BLOW-OFF, CAV COMBINATION AIR VALVE, CB CATCH BASIN, CL CENTERLINE, CY CUBIC YARDS, DU DWELLING UNIT, DWY DRIVEWAY, E EAST, ESMT EASEMENT, EX EXISTING, FF FINISHED FLOOR, FG FINISHED GRADE, FH FIRE HYDRANT, FL FLOW LINE, FS FINISHED SURFACE, FYSB FRONT YARD SETBACK, GB GRADE BREAK, GV GATE VALVE, H HEIGHT, INV INVERT, MAX MAXIMUM, MIN MINIMUM, MH MANHOLE, PL PROPERTY LINE, PROP PROPOSED, PUE PUBLIC UTILITY EASEMENT, RW RIGHT OF WAY, RYSB REAR YARD SETBACK, SD STORM DRAIN, SF SQUARE FEET, SFM SEWER FORCED MAIN, SMH SANITARY SEWER MANHOLE, SS SANITARY SEWER, SYSB SIDE YARD SETBACK, TR TREE, TOP-OF WALL, TYP TYPICAL, VCP VITRIFIED CLAY PIPE, W WATER, WITH WITH, WM WATER METER.

EARTHWORK

Table for Street F: CUT: 32,900 CY, FILL: 13,500 CY, NET: 19,400 CY (EXPORT)

Table for Street H: CUT: 26,300 CY, FILL: 86,100 CY, NET: 59,800 CY (IMPORT)

PROJECT NET: 40,400 CY (IMPORT)

SHEET INDEX

- 1 TENTATIVE SUBDIVISION MAP TITLE SHEET
2-3 TENTATIVE SUBDIVISION MAP SHEETS
4 TENTATIVE SUBDIVISION MAP SHEET & DETAILS
5 MAP SECTIONS
6 TENTATIVE SUBDIVISION MAP BUILDINGS PLOT

PASCO LARET SUITER & ASSOCIATES
San Diego | Solana Beach | Orange County
Phone 949.661.6695 | www.plsengineering.com

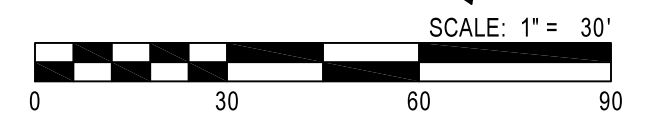
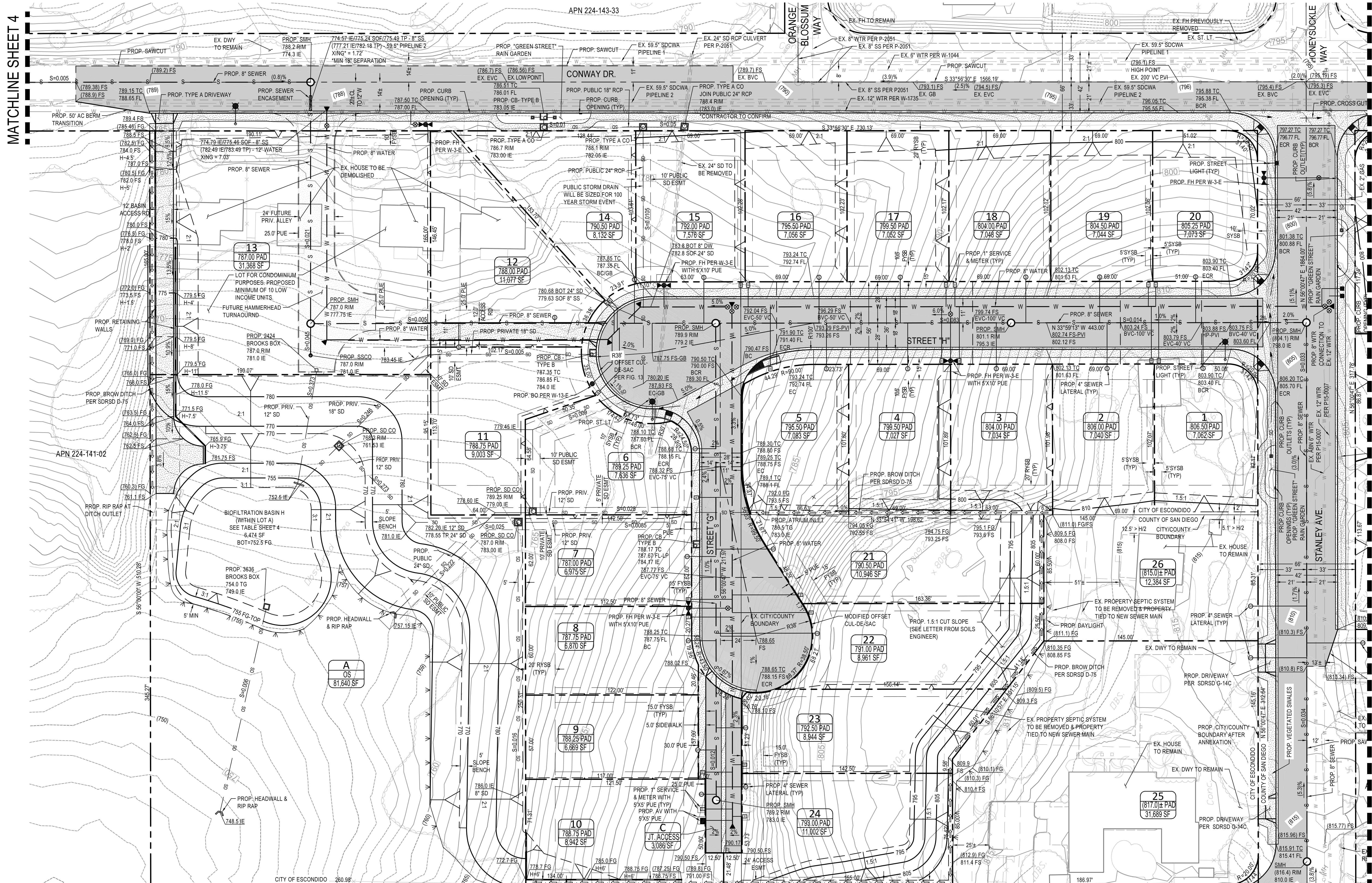
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# CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP

MATCHLINE SHEET 4

MATCHLINE SHEET 3



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 Phone 949.661.6695 | www.plsengineering.com

SAVE DATE: 05/09/22 ~ PLOT DATE: 05/12/22 ~ FILE NAME: J:\ACTIVE\0053537 ESCO\DRAWING\DISCRETIONARY PLANS\F&I\3537-F-H-PTM.dwg

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APN 224-141-55

APN 224-141-02

APN 224-143-33

APN 224-141-01

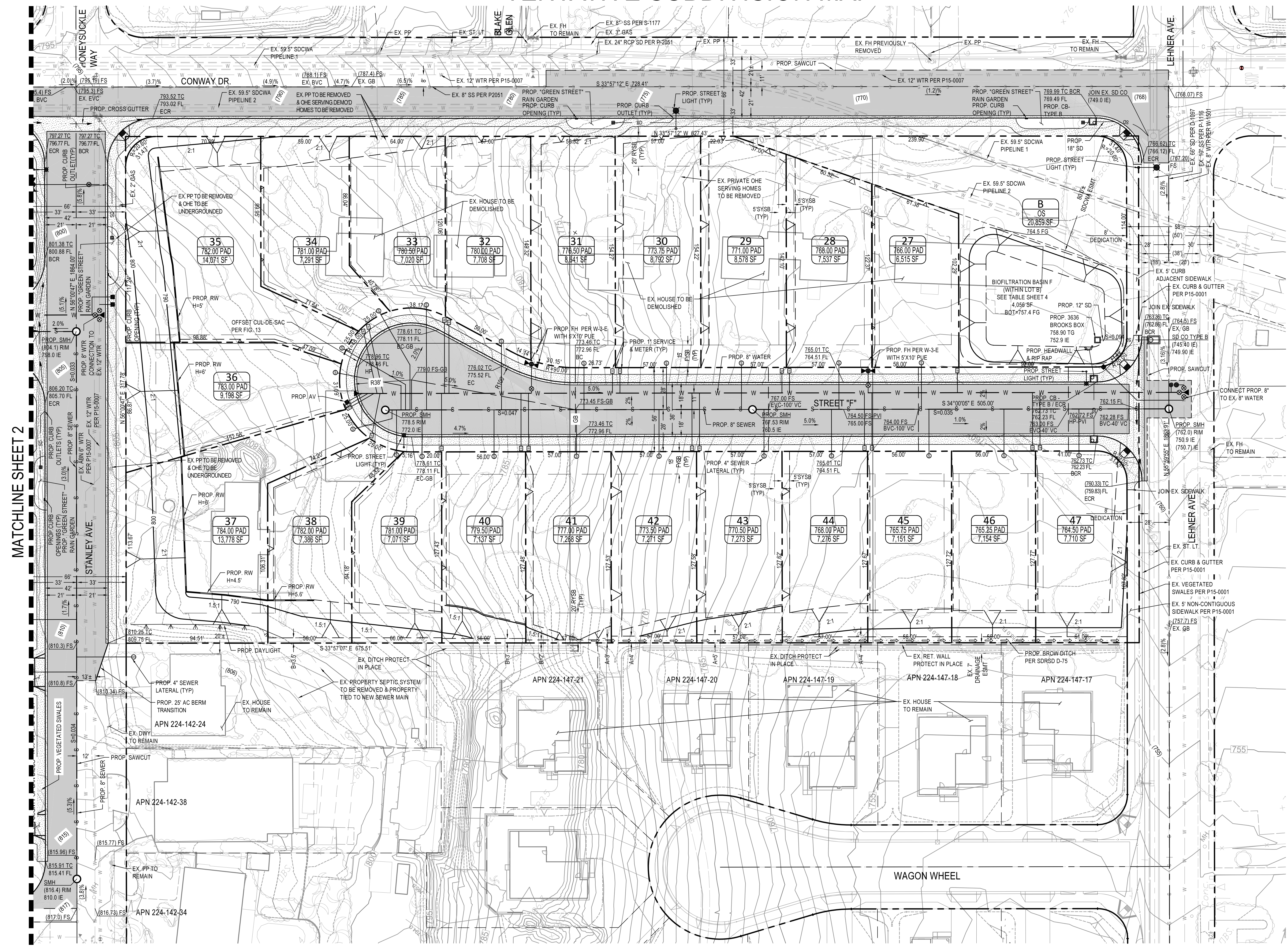
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APN 224-141-04

APN 224-141-05

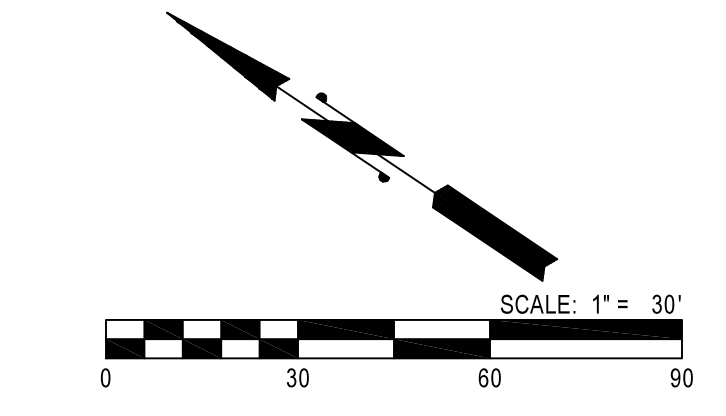


# CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



MATCHLINE SHEET 2

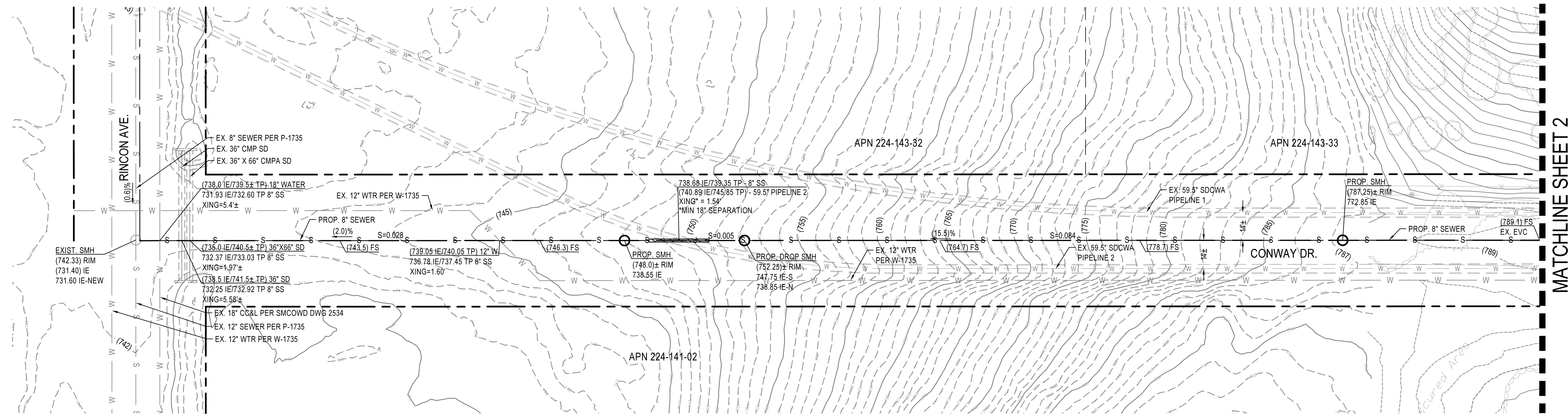
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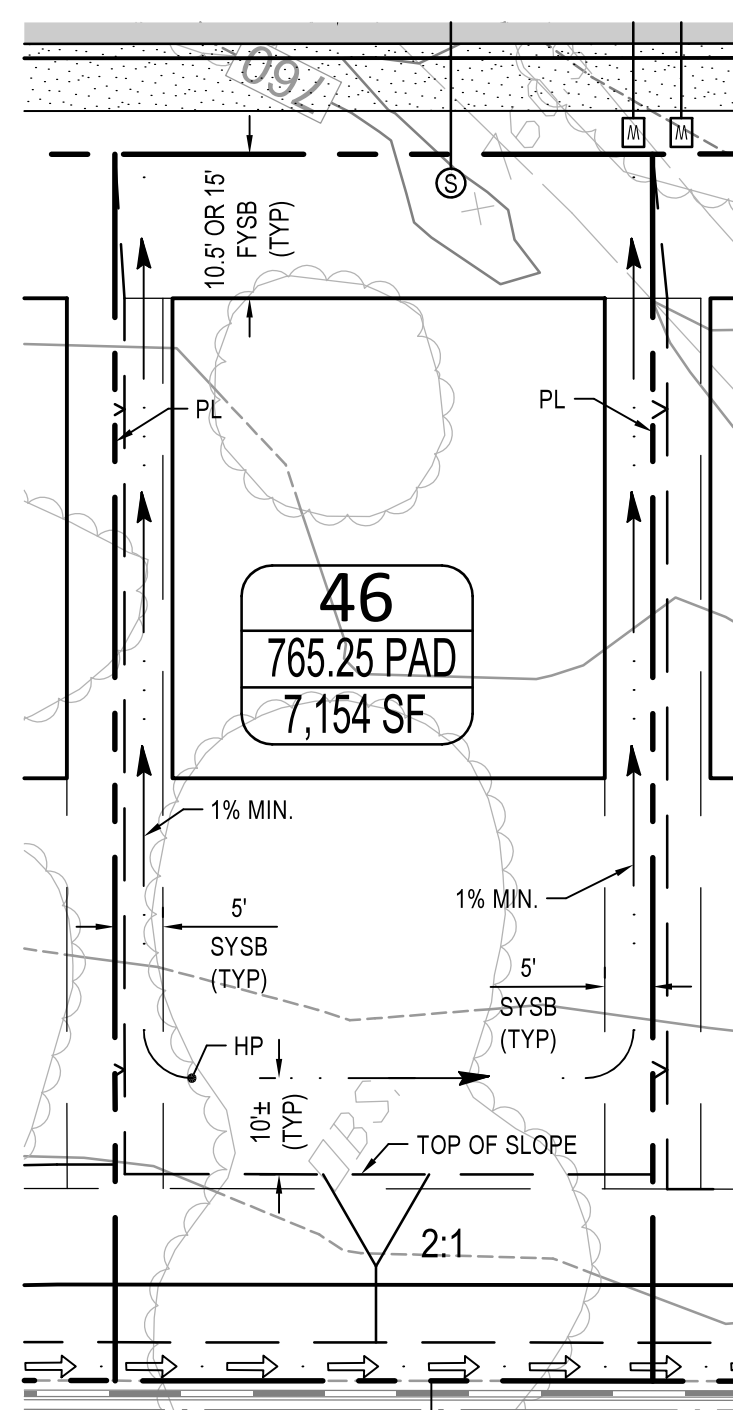
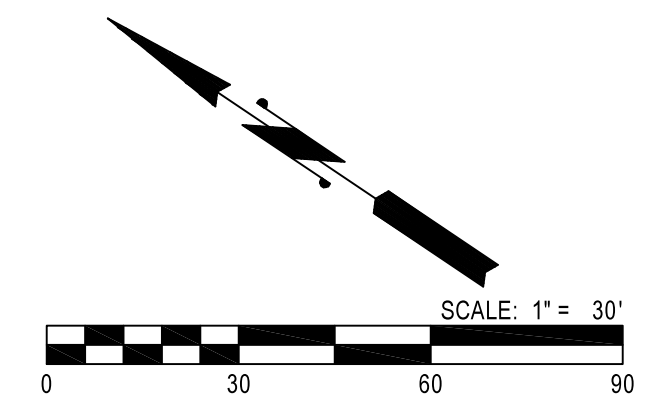
**PASCO LARET SUITER & ASSOCIATES**  
 San Diego | Solana Beach | Orange County  
 Phone 949.661.6695 | www.plsengineering.com



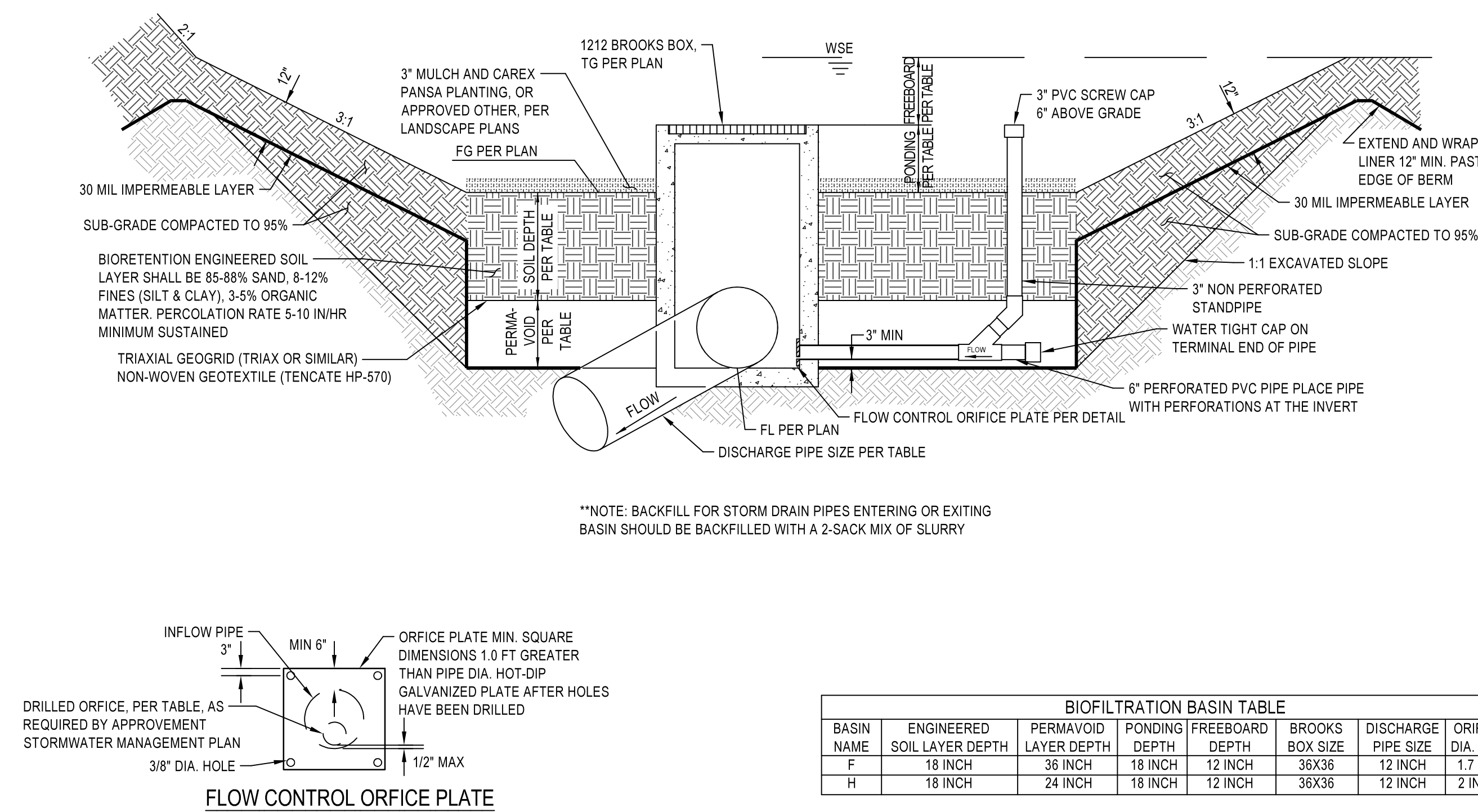
# CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



MATCHLINE SHEET 2



**TYPICAL LOT DRAINAGE**  
SCALE: NTS



\*\*\*NOTE: BACKFILL FOR STORM DRAIN PIPES ENTERING OR EXITING BASIN SHOULD BE BACKFILLED WITH A 2-SACK MIX OF SLURRY

BIOFILTRATION BASIN TABLE							
BASIN NAME	ENGINEERED SOIL LAYER DEPTH	PERMAVOID LAYER DEPTH	PONDING DEPTH	FREEBOARD DEPTH	BROOKS BOX SIZE	DISCHARGE PIPE SIZE	ORIFICE DIA. SIZE
F	18 INCH	36 INCH	18 INCH	12 INCH	36X36	12 INCH	1.7 INCH
H	18 INCH	24 INCH	18 INCH	12 INCH	36X36	12 INCH	2 INCH

**BIOFILTRATION BASIN DETAIL**  
SCALE: NTS

**BIORETENTION SOIL MEDIA (BSM) PROPERTIES:**

BSM SHOULD ACHIEVE A LONG-TERM, IN PLACE INFILTRATION RATE OF 5 IN/HR. BSM SHOULD HAVE AN APPROPRIATE AMOUNT OF ORGANIC MATERIAL TO SUPPORT PLANT GROWTH (E.G. LOAMY SAND MIXED THOROUGHLY WITH AN ORGANIC MATERIAL). THE BSM SHOULD BE A MIXTURE OF SAND, FINES, AND COMPOST. THE FOLLOWING COMPOSITION INCLUDES THE MEASUREMENTS FOR DETERMINING THE BSM BY VOLUME AND WEIGHT.

BSM COMPOSITION	SANDY LOAM		
	SAND	SILT	CLAY
VOLUME	65%	20%	15%
WEIGHT	75-80%	10%	3% MAX. 9% MAX*

\*9% COMPOST BY WEIGHT RESULTS IN APPROXIMATELY 5% ORGANIC MATTER BY WEIGHT.

IN ADDITION, THE BSM SHOULD MEET THE FOLLOWING STANDARDS:

ORGANIC CONTENT (OC) 2-5%, PH BETWEEN 6.0-8.0, CARBON-NITROGEN RATIO BETWEEN 10:1-20:1, CATION EXCHANGE CAPACITY (CEC) > 5 MILLIEQUIVALENT (MEQ)/100 G SOIL.

SOIL MEDIA THAT IS BROUGHT TO THE SITE MUST MEET THE STANDARDS SET FORTH IN THE COUNTY OF SAN DIEGO BMP DESIGN MANUAL: APPENDIX F.3- BIOFILTRATION SOIL MEDIA COMPOSITION, TESTING, AND INSTALLATION (NOV 2018), ALSO CONTAINED IN THE COUNTY OF SAN DIEGO LOW IMPACT DEVELOPMENT HANDBOOK: APPENDIX G- BIORETENTION SOIL SPECIFICATION (JULY 2014, UNLESS SUPERSEDED BY MORE RECENT EDITION).

**NUTRIENT SENSITIVE MEDIA DESIGN:**

IN CASES WHERE THE BMP DISCHARGES TO RECEIVING WATERS WITH NUTRIENT IMPAIRMENTS OR NUTRIENT TMDLS, THE BSM SHOULD BE DESIGNED TO MINIMIZE THE EXPORT OF NUTRIENTS FROM THE MEDIA. HIGH LEVELS OF PHOSPHORUS IN THE MEDIA HAVE BEEN IDENTIFIED AS THE MAIN CAUSE OF BIOFILTRATION AREAS EXPORTING NUTRIENTS. ALL BSM SHOULD BE ANALYZED FOR BACKGROUND LEVELS OF NUTRIENTS. TOTAL PHOSPHORUS SHOULD NOT EXCEED 15 PPM. THE CARBON-NITROGEN RATIO OF BSM SHALL BE BETWEEN 15 AND 40 TO REDUCE THE POTENTIAL FOR NITRATE LEACHING. IN ADDITION TO ADHERING TO THE COUNTY MEDIA SPECIFICATIONS, THE GUIDELINES SET FORTH IN THE COUNTY OF SAN DIEGO BMP DESIGN MANUAL: APPENDIX E.20- BF-2 NUTRIENT SENSITIVE MEDIA DESIGN (NOV 2018) SHOULD BE FOLLOWED.

**STRUCTURAL SOIL PROPERTIES:**

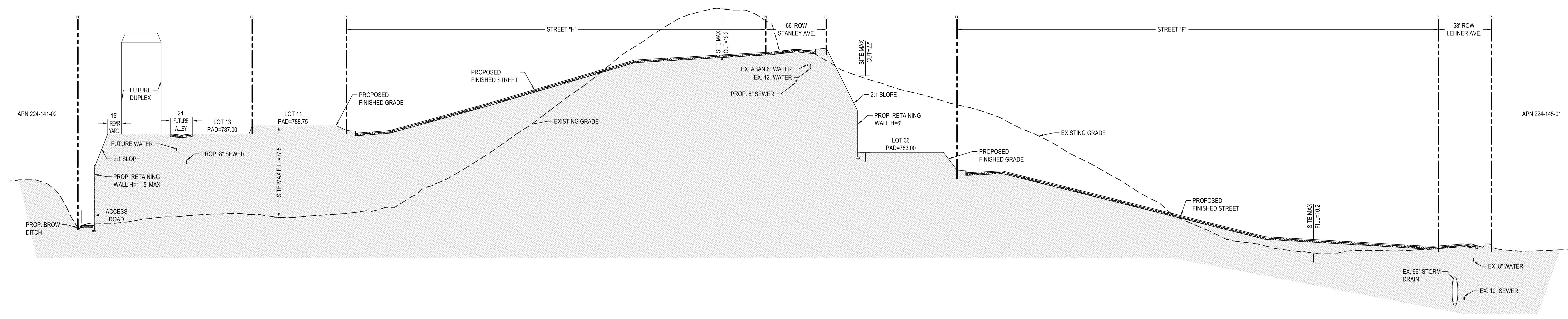
ORGANIC CONTENT (OC) > 5 PERCENT, PH BETWEEN 6-8, CATION EXCHANGE CAPACITY (CEC) > 5 MILLIEQUIVALENT (MEQ)/100 G SOIL. INFILTRATION RATES OF 0.5 IN/HR OR GREATER. SOIL MEDIA MUST HAVE AN APPROPRIATE AMOUNT OF ORGANIC MATERIAL TO SUPPORT PLANT GROWTH (E.G. LOAMY SAND MIXED THOROUGHLY WITH AN ORGANIC MATERIAL). IF THE EXISTING SOILS MEET THE CRITERIA, IT CAN BE USED AS THE SOIL MEDIA. IF THE EXISTING SOILS DO NOT MEET THE CRITERIA, A SUBSTITUTE MEDIA MUST BE USED. SOIL MEDIA THAT IS BROUGHT TO THE SITE MUST MEET THE STANDARDS SET FORTH IN COUNTY OF SAN DIEGO BMP DESIGN MANUAL AS WELL AS THE FOLLOWING CRITERIA:

- SOIL MEDIA CONSISTS OF 85 PERCENT WASHED COURSE SAND, 10 PERCENT FINES (RANGE: 8-12 PERCENT; 8 PERCENT = 2 IN/HR INFILTRATION RATE, 12 PERCENT = 1 IN/HR INFILTRATION RATE), AND 5 PERCENT ORGANIC MATTER.
- THE SAND PORTION SHOULD CONSIST OF CONCRETE SAND (PASSING A ONE-QUARTER-INCH SIEVE), MORTAR SAND (PASSING A ONE-EIGHTH-INCH SIEVE) IS ACCEPTABLE AS LONG AS IT IS THOROUGHLY WASHED TO REMOVE THE FINES.
- FINES SHOULD PASS A # 270 (SCREEN SIZE) SIEVE.
- ORGANIC MATTER IS CONSIDERED AN ADDITIVE TO ASSIST VEGETATION IN INITIAL ESTABLISHMENT AND CONTRIBUTES TO SORPTION OF POLLUTANTS BUT GENERALLY SHOULD BE MINIMIZED (5 PERCENT). ORGANIC MATERIALS WILL OXIDIZE OVER TIME CAUSING AN INCREASE IN PONDING THAT COULD ADVERSELY AFFECT THE PERFORMANCE OF THE BIOFILTRATION AREA. ORGANIC MATERIAL SHOULD CONSIST OF AGED BARK FINES, OR SIMILAR ORGANIC MATERIAL. ORGANIC MATERIAL SHOULD NOT CONSIST OF MANURE OR ANIMAL COMPOST. STUDIES HAVE ALSO SHOWN NEWSPAPER MULCH TO BE AN ACCEPTABLE ADDITIVE (KIM ET AL. 2003; DAVIS 2007).
- HIGH LEVELS OF PHOSPHORUS IN THE MEDIA HAVE BEEN IDENTIFIED AS THE MAIN CAUSE OF BIOFILTRATION AREAS EXPORTING NUTRIENTS (HUNT AND LORD 2006). ALL STRUCTURAL SOIL SHOULD BE ANALYZED FOR BACKGROUND LEVELS OF NUTRIENTS. TOTAL PHOSPHORUS SHOULD NOT EXCEED 15 PPM.

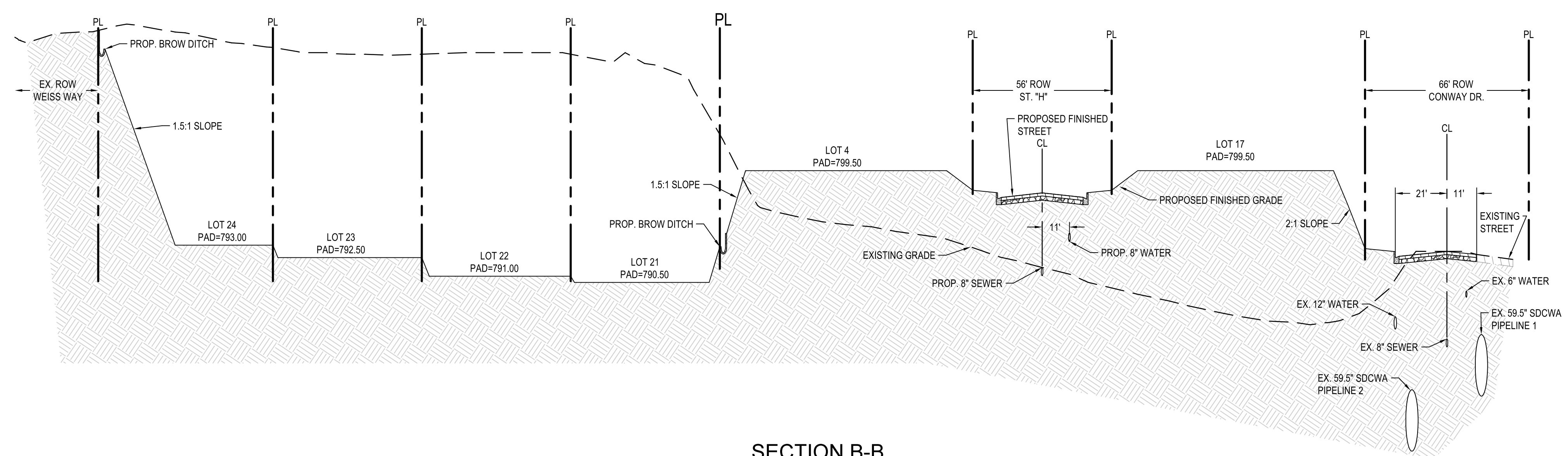
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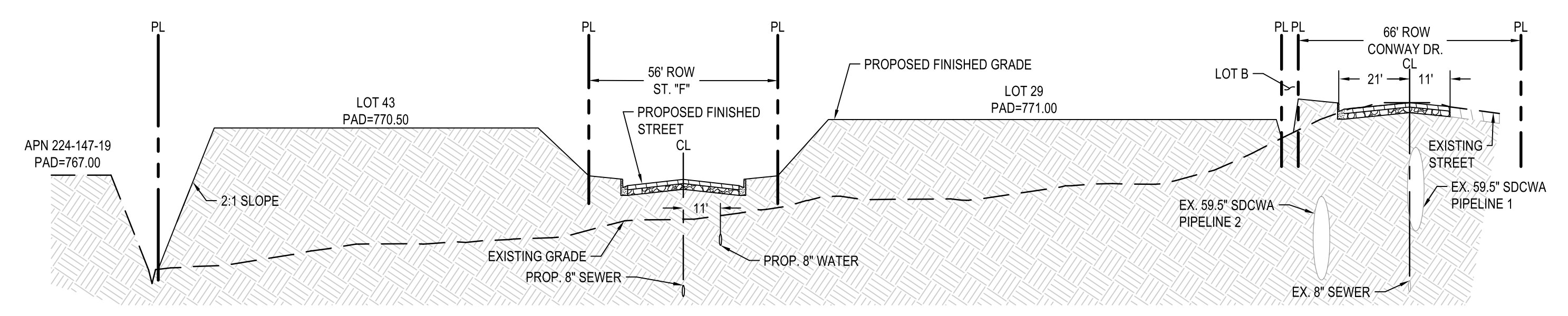
# CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



**SECTION A-A**  
HORIZ. SCALE: 1"=50'



**SECTION B-B**  
HORIZ. SCALE: 1"=50'

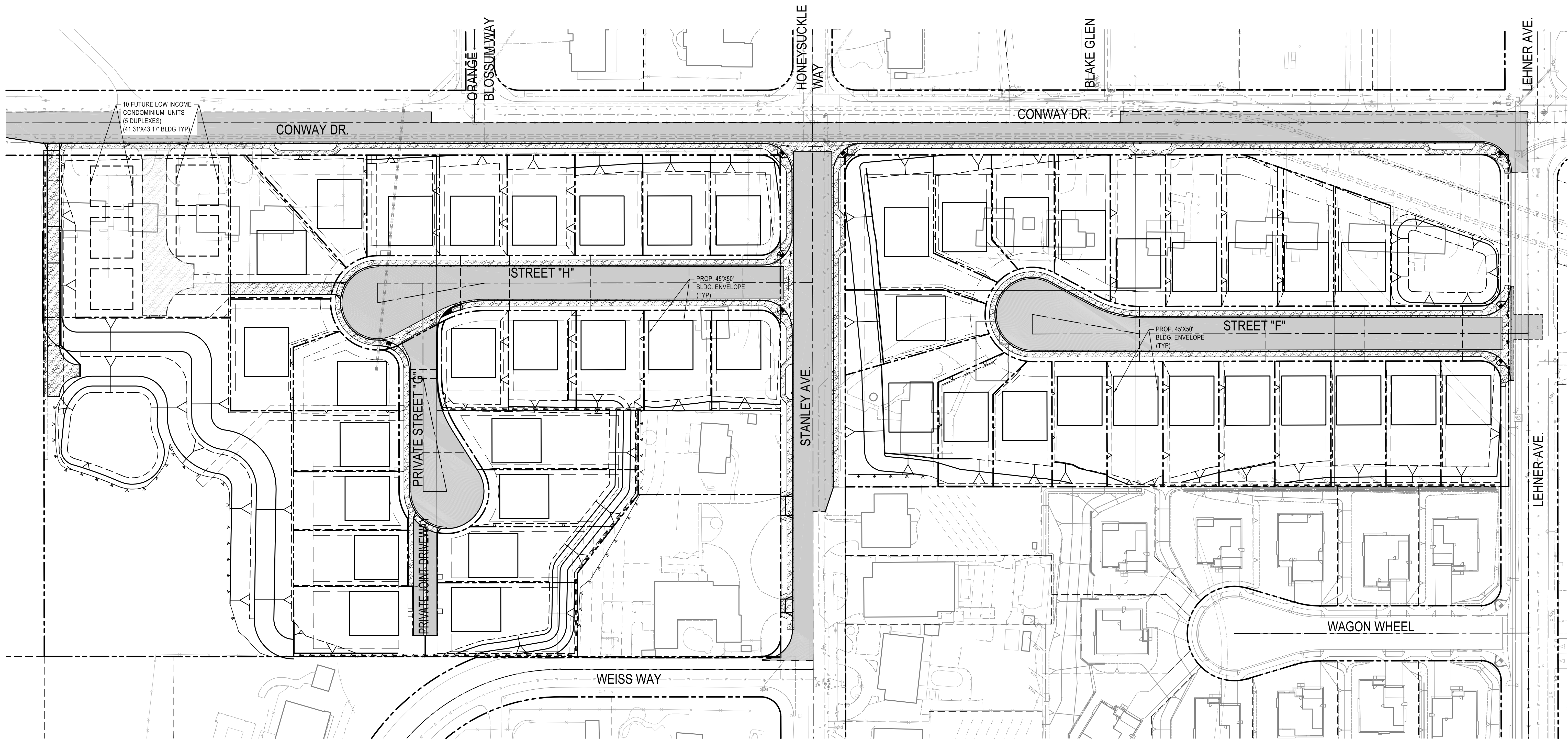


**SECTION C-C**  
HORIZ. SCALE: 1"=50'

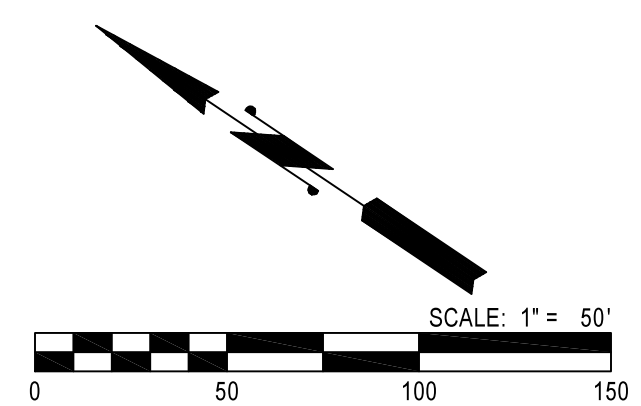
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# CITY OF ESCONDIDO TRACT NO. TENTATIVE SUBDIVISION MAP



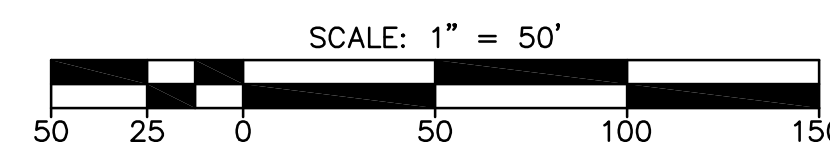
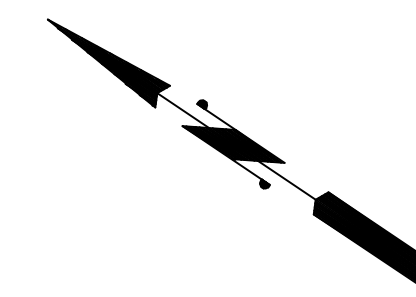
TYPICAL BUILDING FOOTPRINTS



SAVE DATE: 05/05/22 ~ PLOT DATE: 05/06/22 ~ FILE NAME: J:\ACTIVE\_JOBS\3537\_ESCO\_ASSEMBLAGE\_CIVIL\_DRAWING\DISCRETIONARY\_PLANS\4-H-3537-F-H-PTM.dwg



SAVE DATE: 12/06/22 -- PLOT DATE: 12/06/22 -- FILE NAME: J:\ACTIVE JOBS\5537 ESCO ASSEMBLAGE\CIVIL\DRAWINGS\DISCRETIONARY PLANS\F&H\SLOPE EXEMPTION EXHIBIT.B\H-TM-SLOPE EXEMPTION EXHIBIT.dwg



PREPARED BY:  
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 & ASSOCIATES  
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ESCONDIDO, CA  
**STREET F & STREET H**  
**GRADING EXEMPTION**  
**SLOPE ANALYSIS**  
 DATE: 12/06/2022  
 DRAWING:  
 SHEET 1 OF 1



**MITIGATION MONITORING AND REPORTING PROGRAM  
ENVIRONMENTAL DOCUMENT REFERENCE NUMBER (SCH 2022100635)**

**PROJECT NAME:** Conway Residential Subdivision

**PROJECT LOCATION:** 916, 942, and 943 Stanley Avenue, and 2005 – 2175 Conway Drive (odd numbered addresses only)  
Escondido, San Diego County, California 92026

**PROJECT DESCRIPTION:** The Proposed Project includes the construction of 44 new single-family detached residences, the construction of 10 new affordable attached duplex residences, retention of 2 existing single-family residences, 2 biofiltration basins, common open space areas, annexation to the City of 2.01 acres, and the demolition of 13 existing single-family residences on approximately 14.07 acres.

**LEAD AGENCY:** City of Escondido

**CONTACT PERSON/ TELEPHONE NO.:** Adam Finestone, City Planner

**APPLICANT:** Escondido North, LLC

**CONTACT PERSON/ TELEPHONE NO.:** Dylan Bird & John Kaye (Argus Land Company, Inc.)| (949) 233-4086

No.	Mitigation Measure	Time Frame for Implementation	Responsible Agency/Party	Verification of Compliance		
				Initials	Date	Remarks
<b>Air Quality</b>						
MM AQ-1	The Proposed Project shall utilize low emission “clean diesel” equipment with new or modified Tier 4 engines that include diesel oxidation catalysts, diesel particulate filters or Moyer Program retrofits that meet CARB best available control technology for all feasible off-road diesel powered construction equipment.	During all construction activities	Contractor			

Biological Resources						
MM BIO-1	<p>Prior to ground disturbances that would impact potentially suitable nesting habitat for avian species, the project applicant shall adhere to the following:</p> <ol style="list-style-type: none"> <li>1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the extent feasible to avoid potential impacts to nesting birds and/or ground nesters.</li> <li>2. Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat, on-site and within 300-feet surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist <b><u>within three days</u></b> before commencement ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries</li> </ol>	Prior to Grading/Ground disturbance	Project Biologist			

	and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.					
MM BIO-2	Prior to issuance of the grading permit, the Project Applicant shall purchase 3.33-acres (0.5:1 ratio to the 6.65 acres of NNG impacts) of Non-Native Grasslands at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.	Prior to grading permit	Project Applicant			
MM BIO-3	Prior to issuance of the grading permit, the Project Applicant shall purchase 0.78-acres, (2:1 ratio to the 0.39-acres of Oak Woodland impacts) of Coast Live Oak Woodland at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.	Prior to grading permit	Project Applicant			
MM BIO-4	The Project Applicant shall replace impacted mature trees at a minimum of 1:1 ratio, a total of 175 trees, unless other biologically equivalent or superior mitigation has been determined by the City. Trees may be replaced either on or off-site. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the Development Services	Prior to grading permit	Project Applicant			

	<p>Director pursuant to Escondido Municipal Code Section 33-1069.</p> <p>The Project Applicant shall replace impacted protected trees at a minimum of 2:1 ratio, a total of 22 trees, unless other biologically equivalent or superior mitigation has been determined by the City. Protected trees may be replaced on or off-site. The size of the replaced protected trees shall be a minimum of 24-inch box or as determined by the Development Services Director and shall be replaced in-kind with the same species as impacted.</p> <p>To avoid double counting mitigation of oak trees since Mitigation Measure MM BIO-3 requires mitigation for coast live oak woodland habitat that includes individual oak trees subject to this mitigation measure, the number of oak trees associated with the purchase of oak woodland habitat (either actual or estimate) mitigation credits may also be used to satisfy the individual tree replacement mitigation requirement found in this Mitigation Measure MM BIO-4.</p>					
<b>Cultural Resources</b>						
MM CUL-1	<p>If cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered during grading or construction activities in the Project area, work shall be halted immediately within 50 feet of the discovery, the City Planning Department shall be notified, and a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history shall be retained to determine the significance of the discovery.</p>	<p>During Grading/Ground Disturbances</p>	<p>Archaeologist / City Planning Department</p>			

	<p>The City shall consider mitigation recommendations presented by a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history for any unanticipated discoveries. The City and the Project applicant of the site where the discovery is made shall consult and agree on implementation of a measure or measures that the City deems feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The Project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.</p>					
MM CUL-2	<p>If human remains are encountered during excavation activities, all work shall halt and the County Coroner shall be notified (California Public Resources Code §5097.98). The Coroner will determine whether the remains are of forensic interest. If the Coroner, with the aid of the County-approved Archaeologist, determines that the remains are prehistoric, s/he will contact the Native American Heritage Commission (NAHC). The NAHC shall be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD shall make his/her recommendation within 48 hours of being granted access to the site. The MLD's recommendation shall be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials (California Health and Safety Code §7050.5). If the landowner</p>	During Construction	Project Archaeologist/ County Coroner			

	rejects the MLD's recommendations, the landowner shall rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (California Public Resources Code §5097.98).					
<b>Geology and Soils</b>						
MM GEO-1	The Project Applicant shall implement the recommendations contained in the Updated Geotechnical Due-Diligence Assessment, Parcel H, Assessor Parcel Numbers (APN) 224-141-23-00 and 224-141-25-00, Northwest Corner of Stanley Avenue and Conway Drive, City of Escondido, San Diego County, California, dated April 7, 2021, and Geotechnical Due-Diligence Assessment, Parcel F, Assessor Parcel Numbers 224-142-30-00; -31-00; -32-00 and -33-00, Adjacent Northwest Corner of Lehner Avenue and Conway Drive, City of Escondido, San Diego County, California, dated April 15, 2021) to reduce geologic hazards during implementation of the Proposed Project. Included in the reports are site-specific recommendations involving such topics as, grading and earthwork, slope stability, retaining walls, seismic design, construction materials, geotechnical observation, and testing and plan reviews.	During Grading	Project Geologist/ Public Works Department			
MM GEO-2	Prior to the issuance of a grading permit, the Applicant shall prepare a final geotechnical report based on the final rough grading plans and the final geotechnical report shall incorporate all of the recommendations included in the preliminary geotechnical reports included in Appendices D and E. The geotechnical reports included in Appendices D and E have established that the site is geotechnically suitable for	Prior to Grading Permit	Project Geologist/ Public Works Department			



	development and a final geotechnical report is required to ensure all construction-level geotechnical recommendations and design parameters are included on the final rough grading plans.					
<b>Hazards and Hazardous Materials</b>						
MM HAZ-1	Prior to the demolition of existing structures, a survey for asbestos containing materials (ACM), lead based paint (LBP), and polychlorinated biphenyl (PCBs) shall be conducted, and any such materials shall be removed and disposed of properly by qualified certified technicians in accordance with State regulations.	Prior to Demolition of Buildings	Project Applicant/ City Public Work			
<b>Noise</b>						
MM NOI-1	<p>Construction Noise. Prior to issuance of construction permits, the City's Building Division shall verify that all construction plans include the following measures. The measures may include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>▪ Staging areas should be placed as far as possible from sensitive receptors.</li> <li>▪ Place stationary equipment in locations that will have a lesser noise impact on nearby sensitive receptors.</li> <li>▪ Turn off equipment when not in use.</li> <li>▪ Limit the use of enunciators or public address systems, except for emergency notifications.</li> <li>▪ Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured to prevent rattling and banging.</li> </ul>	During Construction	Project Contractor/ City Public Works Department			

	<ul style="list-style-type: none"> <li>▪ Schedule work to avoid simultaneous construction activities that both generate high noise levels.</li> <li>▪ Use equipment with effective mufflers.</li> <li>▪ Minimize the use of backup alarms.</li> </ul>					
<b>Transportation/Traffic</b>						
MM TRANS-1	<p>Prior to the issuance of the 34th certificate of occupancy for new construction on the Project site, the Applicant shall complete construction of all the following improvements to reduce VMT below the threshold of significance. Prior to beginning construction of the improvements, the Applicant shall submit construction plans to the City for review and approval and obtain all necessary permits, such as an encroachment permit, for construction of said improvements. The Applicant shall make the following improvements and receive VMT reduction credits:</p> <ul style="list-style-type: none"> <li>• <u>N. Ash Street / Vista Avenue</u> – install high visibility crosswalks and accessible pedestrian signals on all four legs. VMT reduction equates to 60 VMT per measure – total reduction for this intersection is 120 VMT.</li> <li>• <u>N. Broadway / Rincon Avenue</u> – install high visibility crosswalks on the north, south and east legs, and install accessible pedestrian signals on all four legs. VMT reduction equates to 60 VMT per measures – total reduction for this intersection is 120 VMT.</li> </ul>	Prior to the issuance of the 34th certificate of occupancy	Project Applicant/ City's Public Works Department			

	<ul style="list-style-type: none"> <li>• <u>Stanley Avenue / Conway Drive</u> – install high visibility crosswalks on the west leg and curb ramps on the northwest and southwest corner. VMT reduction equates to 15 VMT for the high visibility crosswalk and 8 VMT per curb ramp – total reduction for this intersection is 31 VMT.</li> <li>• <u>Lehner Avenue / Conway Drive</u> – install high visibility crosswalks on the west and south legs, and curb ramps on the northwest corner. VMT reduction equates to 30 VMT for the high visibility crosswalks and 8 VMT for the curb ramp – total reduction for this intersection is 38 VMT.</li> <li>• <u>New sidewalk</u> – approximately 1 mile of new sidewalk equates to 303 VMT reduction. The Proposed Project proposes to construct approximately 2,111 feet of new sidewalk along its project frontage. Total VMT reduction for this improvement is 121 VMT.</li> </ul>					
<b>Tribal Cultural Resources</b>						
MM TRC-1	<p>Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and</p>	Prior to Grading Permit	Project Applicant/ Project Archaeologist/ Native American Monitor			

	<p>cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM TRC-2 through MM TRC-10, and the following information:</p> <ul style="list-style-type: none"> <li>• Parties entering into the agreement and contact information.</li> <li>• Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.</li> <li>• Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.</li> <li>• Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.</li> <li>• Treatment of identified Native American cultural materials.</li> </ul>					
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	<ul style="list-style-type: none"> <li>• Treatment of Native American human remains and associated grave goods.</li> <li>• Confidentiality of cultural information including location and data.</li> <li>• Negotiation of disagreements should they arise.</li> <li>• Regulations that apply to cultural resources that have been identified or may be identified during project construction.</li> </ul>					
MM TRC-2	<p>Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	Prior to Grading Permit	Project Applicant/ Project Archaeologist/ Native American Monitor			
MM TRC-3	<p>The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.</p>	Prior to Grading	Project Applicant/ Native American Monitor			
MM TRC-4	<p>During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals</p>	During Construction	Project Archaeologist/ Native American Monitor			

	<p>that the top soil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring would be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).</p>					
MM TRC-5	<p>In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource.</p>	During Grading	Project Applicant/ Project Archaeologist/ Native American Monitor			

	<p>If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected, and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.</p>					
MM TRC-6	<p>If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures would be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does</p>	During Grading	Project Archaeologist/ Native American Monitor			

	<p>not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.</p>					
<p>MM TRC-7</p>	<p>All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Development Services Department (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA</p>	<p>During Grading</p>	<p>Project Archaeologist/ Native American Monitor</p>			



	<p>Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>					
<p>MM TRC-8</p>	<p>As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner would notify the NAHC, which then will designate a Native</p>	<p>During Grading</p>	<p>Project Applicant/ Project Archaeologist/ Native American Monitor/ County Coroner</p>			

	<p>American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.</p>					
MM TRC-9	<p>If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the</p>	During Grading	Project Archaeologist/ Native American Monitor			

	<p>TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>					
<p>MM TRC-10</p>	<p>Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.</p>	<p>Post- Grading</p>	<p>Project Applicant/ Project Archaeologist/ Native American Monitor</p>			

## **EXHIBIT “D”**

### **Findings of Fact**

**PL21-0269, PL21-0277, PL22-0586**

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

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

6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

### **Tentative Subdivision Map Determination(s)**

1. The location, design, and residential density of the proposed 47-lot residential subdivision is consistent with the goals and policies of the Escondido General Plan because residential development is permitted and encouraged in the within the Suburban and Estate II land-use designation. As a result of a concession requested pursuant to State Density Bonus Law and the Escondido Zoning Code, the inclusion of multi-family dwelling on property with an Estate II land use designation does not necessitate an amendment to the General Plan, nor does the increase in density beyond what would otherwise be allowed in the Suburban and Estate II General Plan land use designations. Further, the proposed map would be in conformance with goals and policies in the Housing Element of the General Plan which detail the need to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs. The provision of 10 units for low-income households assists the City in meeting its affordable housing goals established by the Regional Housing Needs Assessment.
2. The proposed subdivision as designed encourages a compact, efficient residential form that promotes a variety of mobility forms, supports nearby commercial establishments and takes advantage of infrastructure improvements.
3. The Project site is physically suitable for the proposed density of development because the property is within the urban fringe area developed with a mixture of similar single-family residential subdivisions. The Suburban land use designation allows up to 3.3 dwelling units per acre and the Estate II land use designation allows up to 2.0 dwelling units per acre. While the subdivision would be developed at a net density of approximately 4.43 dwelling units per net acre, it is consistent with State Density Bonus Law and applicable provisions of the Escondido Zoning Code. Additionally, the subdivision has been designed to provide residential uses in a suburban setting, consistent with the surrounding area. Any deviations from zoning standards are consistent with State Density Bonus Law and the Escondido Zoning Code and are required to accommodate the affordable housing development.
4. The approval of the proposed Project would be based on sound principles of land use and is well integrated with its surroundings near similar residentially developed properties because adequate access, utilities, stormwater detention and landscaping would be provided, as

detailed in the staff report. The Project also would not be out of character for the area, which contains other suburban residential development. All vehicular traffic generated by the Project will be accommodated safely, enhanced with public improvements and without degrading the level of service on the adjoining streets or intersections.

5. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge. The proposed map has been designed to minimize impacts associated with grading, and findings required to allow exemptions from slope provisions of the Grading and Erosion Control Ordinance of the Escondido Zoning Code have been made.
6. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the Tentative Subdivision Map would not violate the requirements, goals, policies, or spirit of the General Plan. The site is suitable for this residential type of development and density as detail in the Planning Commission staff report dated December 13, 2022, and noted in the above sections.
7. The Project would be compatible with the surrounding uses because the subject site is within a suburban residential area developed with a variety of residential developments of varying density, lot sizes and design. All utilities will be installed underground, with water and sewer service provided by the City of Escondido. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. The proposed Project also would not result in a significant impact to biological or natural resources.
8. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot configuration; traffic and emergency access; and grading; were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage, would avoid injury to fish or wildlife, or their habitat due to the site's location. In addition, the site does not contain any sensitive or protected biological or natural resources.
9. The design of the Tentative Subdivision Map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
10. The design of the Tentative Subdivision Map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provide opportunities for passive/solar heating.

11. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code and the Conditions of Approval, included as Exhibit “E” to this resolution, will have been obtained prior to the recordation of the Final Map.
12. The proposed Tentative Subdivision Map and associated permits will not conflict with regional or local housing goals and the proposed Project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements. The proposed Project would not diminish the Quality-of-Life Standards of the General Plan as the Project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services will be provided to the site.
13. In consideration of the above, the Project meets all of the requirements of section 66474 of the California Government Code, and the proposed map meets all of the requirements or conditions imposed by the Subdivision Map Act and the Escondido Municipal Code, including the Escondido Zoning Code, as detailed in the staff reports, the Escondido General Plan, and above findings.

### **No Net Loss**

1. The purpose of Government Code section 65863 (“No Net Loss Law”), is to ensure development opportunities remain available throughout the planning period to accommodate a jurisdiction’s regional housing need allocation (“RHNA”), especially for lower- and moderate-income households. Jurisdictions also cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels “lost” as a result of the approval.
2. The Project site contains seven parcels, three of which are identified in the Housing Element’s suitable sites inventory. Those sites contain nine existing dwelling units and are capable of accommodating an additional six units. While the Project would demolish the nine existing units, as well as four additional units on parcels not identified in the suitable sites inventory, it would construct 54 new units for a net increase of 41 units. Geographically, at least 31 of the new units, including the 10 affordable units, will be on the three suitable sites inventory parcels. Therefore, the Project would result in no net loss pursuant to the Government Code.
3. The Project would assist the City in meeting its RHNA by providing more units than identified for the Project site in the suitable sites inventory, including 10 affordable housing units where none are identified.

### **Grading Exemption**

1. The Project includes a request for a Grading Exemption for two fill slopes greater than 10 feet in height which are closer than 50 feet to a property line, as well as a cut-slope greater than 2:1 which has been determined by the Director to have a potential impact on adjacent properties. Because the Project includes a request for various waivers, as permitted by Density Bonus Law and the Escondido Zoning Code, the only finding that must be made is related to health and safety considerations due to slope stability. The preliminary geotechnical report prepared for the Project has indicated that the slopes do not pose a health and safety risk. Detailed plans and technical reports will be reviewed by the City as part of the grading plan submittal to ensure that the information contained in the preliminary geotechnical report is adequately incorporated into the final design, and all slopes would be landscaped in accordance with the zoning code.

### **Annexation Determinations:**

1. The proposed annexation conforms to the annexation policies established in the Escondido General Plan Land Use and Community Form Element that are intended to guide development to meet present and future needs, achieve a vibrant community, and enhance the character of Escondido.
2. The one parcel proposed to be annexed into the City of Escondido is located within the Escondido Sphere of Influence and Escondido Planning Area.
3. The reorganization includes annexation to the City of Escondido and detachment from County Service Area No. 135 (Regional Communications).
4. The City of Escondido will provide fire and emergency response to the proposed annexation territory. City sewer service would be available to the subject parcel. The City of Escondido Police Department, which already patrols the general area and works cooperatively with the San Diego County Sheriff, would assume responsibility for law enforcement. The annexation would not introduce new service providers to the area or become a departure from the existing pattern of service delivery in this portion of Escondido.
5. The proposed annexation will not conflict with any specific development plans for the properties. Development will be subject to the provisions of the Escondido General Plan and Zoning Code upon annexation.
6. The public health, safety and welfare will not be adversely affected by the proposed change because the parcel has already been pre-zoned as RE-20, consistent with its General Plan land use designation.



7. The requirements of the California Environmental Quality Act (CEQA) have been met because it was determined the Project will not have a significant effect on the environment because mitigation measures and project design features will avoid or reduce potential impacts to less than a significant level, as demonstrated in the Final IS/MND prepared for the project.

**EXHIBIT “E”**  
**CONDITIONS OF APPROVAL**  
**PL21-0269, PL21-0277, PL22-0584**

This Project is conditionally approved as set forth on the application received by the City of Escondido on July 16, 2021, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all recommended for approval on December 13, 2022, 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, or its successors in interest, as may be applicable.

**A. General:**

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

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

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

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

**4. Conformance to Approved Plans.**

- a. The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. 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/grading permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.
- b. The Applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be

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

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

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

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

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

11. **Costs of Municipal Services.** In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with the special tax levy adopted annually by the City Council based on the project density, unless another amount is approved by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District ("CFD") or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. The provisions of the Public Services Funding Agreement shall specify

any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

**12. 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.

**13. Clerk Recording.**

- a. State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.
- b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

**14. 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.

**15. 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.

**16. 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.

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

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

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

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

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

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

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

condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

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

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

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



- 11. Trash Enclosures.** Appropriate trash enclosure(s) with roof or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation

provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

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

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

1. Each residential unit shall be provided with two covered parking spaces.
2. Parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
3. Parking for disabled persons (including "Van Accessible" spaces) and electric vehicle parking shall be provided in full compliance with the State Building Code.
4. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.
5. No parking shall be permitted on cul-de-sacs on Streets "F," "G," and "H," and parking shall only be permitted on one side of Street "G," as shown on the Project plans.
6. Driveways shall be placed in a manner that allows for the largest number of on-street parking spaces to be provided.

### **D. Landscaping**

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.

2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including retaining walls, stormwater improvements, right of way enhance and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
  - a. A final landscape and irrigation plan shall be submitted to the Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape (mixture of native, fire resistant & drought tolerant plants and trees) and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code and the Fire Protection Plan (Undesirable Plant Materials List), except where stricter requirements are imposed by the State of California.
  - b. Screen fencing, retaining walls, stormwater basin improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
  - c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

- d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.
- e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

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

1. The Applicant shall be responsible for ensuring that all mitigation measures identified in the Mitigation Monitoring and Reporting Program, included as Exhibit “C” to this resolution, are implemented.
2. The Project shall be managed by a professional management company. A self-managed Home Owners Association (“HOA”) shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project Covenants, Conditions, and Restrictions (“CC&Rs”).
3. The Project will be required to obtain a Vegetation/Tree Removal Permit from the Planning Division for any removal not undertaken in conjunction with a grading permit.
4. The Project will be required to obtain a demolition permit for the existing structures, and shall comply with construction waste management requirements.
5. Prior to issuance of building permits, the Project will be subject to the design review by the Planning Commission for the single-family residences on Lots 1 – 12, 14 – 24, and 27 – 47.
6. Prior to issuance of a precise grading plan for Lot 13, the Applicant shall submit and obtain approval for Plot Plan application for the proposed duplexes on that lot.
7. The Project shall be consistent with the approved design waivers included in Attachment 2 to the Planning Commission staff report, dated December 13, 2022.
8. The design and appearance of the target units shall be consistent or compatible with the design of the total housing development in terms of appearance, materials, and finished quality.
9. The market-rate developer shall provide assurances through inclusion of notes on the Final Map that the all affordable housing units are constructed prior to construction of market-rate units in a quantity which exceeds that which would otherwise be permitted on the Property, inclusive of the

two existing units to remain. Certificates of occupancy shall be issued for all of the affordable housing units prior to issuance of the building permit for the 39<sup>th</sup> market-rate unit.

10. The Applicant shall prepare a Vector Management Plan (VMP). The VMP shall include the following measures:
  - a. Trash and debris collection and removal shall occur continuously during all construction activities.
  - b. Temporary ponds or depressions shall be maintained by the routine removal of depressions, vegetation, sediment, trash, standing water and debris.
  - c. Application of standard BMPs in accordance with requirements of the City of Escondido.
  - d. The Applicant shall implement an active management plan to control mosquitos and vectors as described below:
    1. During the wet season (October through March) any biofiltration basins shall be visually inspected monthly by the Homeowner Association for the presence of vectors. If necessary, corrective measures shall be initiated, including more frequent inspections if vector issues are identified by the public and/or routine inspections.
    2. In the dry season (July through September) biofiltration basins shall be visually inspected weekly by the Homeowner Association for the presence of vectors, including more frequent inspections if vector issues are identified by the public and/or routine inspections.
  - e. Corrective Measures may include but not limited to:
    1. The removal of emergent vegetation (e.g., cattails, sedges, etc.).
    2. Emergent vegetation shall be controlled by hand labor, mechanical means or by frequent clear cutting, as the Proposed Project site is a recharge area for the groundwater aquifer.
    3. Vegetation clearing is intended to prevent habitat for mosquito larvae.
    4. Removal of the vegetation by hand shall be the preferred method in order to lessen the re-growth frequency and density.

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

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

## **G. Housing and Neighborhood Services Conditions:**

1. The Project shall provide a minimum of 10 affordable dwelling units for low income households (those earning less than 80% of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to issuance of a building permit, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements, and notes shall be added to the Final Map to this effect. It is anticipated that the affordable dwelling units will be for-sale units, however if they are rented, the affordable housing agreement shall require that the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits. If the affordable dwelling units are rented, the agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for all target units as described in Government Code section 65915(c)). Income-qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.
2. All affordability agreements shall run with the land and be binding on the applicant and its heirs, transferees, assigns, successors, administrators, executors, and other representatives, and recorded on the applicable property for the requisite period of time.

## **H. Specific Engineering Conditions of Approval**

### **GENERAL**

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering all subject properties.
2. The location of all existing on-site and adjacent utilities and drainage 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 and Improvement plans, and Final Map. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Grading Plan or Final Map.
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. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warranty (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Grading and Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

5. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Licensed Landscape Architect.
6. The Developer shall submit to the Planning Division a copy of the tentative map as presented to the Planning Commission and the City Council. The tentative map will be certified by the Planning Department that it is an accurate reproduction of the approved tentative map and must be uploaded with the first final engineering submittal to the Engineering Department.
7. This subdivision is contiguous to the facilities of the San Diego County Water Authority (SDCWA) and the SDCWA may be required to review and/or sign the improvement plans. It will be the responsibility of the developer to pay all SDCWA fees for plan checking and permit approval. All agency approvals shall be submitted to the City Engineer and verified prior to issuance of construction permits or map recordation.
8. No Building Permits shall be issued for any construction within this Subdivision until the Final Map is recorded and either:
  - a) All conditions of the Tentative Map have been fulfilled: or
  - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
9. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
10. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

**STREET IMPROVEMENTS and TRAFFIC**

1. Public street and drainage improvements shall be constructed to City Standards as required by the Subdivision Ordinance to the satisfaction of the City Engineer prior to first occupancy. Specific

details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.

2. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
3. Prior to first occupancy, the Developer shall construct street improvements, including but not limited to, concrete curb, gutter, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

<b><u>STREET</u></b>	<b><u>CLASSIFICATION</u></b>
Conway Drive	Local Collector (42' curb to curb)
Stanley Avenue	Local Collector (42' curb to curb)
Lehner Avenue	Residential Street (18' CL to curb)
Streets F and H	Residential Street (36' curb to curb)
Street G	Rural Residential (28' curb to curb)
Lots 9, 10, 23, 24 Access	Private Alley (25' wide)
Lot 13 (10 condo. units) Access	Private Alley (24' min. wide)

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

4. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards. The sidewalk will be allowed to be noncontiguous in the segments designated and constructed as "Green Street" storm water treatment areas.
5. All cul-de-sacs shall have a 38' curb face radius and shall conform to the current City of Escondido Design Standards.
6. Driveway access to the 10 condominium units on Lot 13 shall be improved with alley-type driveway apron in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
7. To mitigate the project's Vehicle Miles Traveled (VMT) impacts, the Developer has identified and shall design and construct prior to first occupancy, the following mobility improvements at their sole expense:
  - Intersection of N. Ash Street and Vista Avenue: Install high visibility crosswalks and accessible pedestrian signals on all four legs.
  - Intersection of N. Broadway and Rincon Avenue: Install high visibility crosswalks on the north, south and east legs, and install accessible pedestrian signals on all four legs.
  - Intersection of Stanley Avenue and Conway Drive: Install high visibility crosswalks on the west leg and curb ramps on the northwest and southwest corner.
  - Intersection of Lehner Avenue and Conway Drive: Install high visibility crosswalks on the west and south legs, and curb ramps on the northwest corner.



For these VMT mitigation improvements, the Developer shall submit separate traffic signal and signing and striping modification improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. Traffic signal modifications shall be per current City, Caltrans, and CaMUTCD Standards and shall include all necessary equipment, hardware, and software. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating the traffic signal modification and signing and striping work with the Developer's contractor(s) and equipment suppliers and City staff.

8. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved roadways including those within the adjacent school zone. The Developer will be responsible for removal of all existing and construction of all new signing and striping in compliance with the new CaMUTCD standards and to the satisfaction of the City Engineer.
9. The address of each dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer and Fire Marshal.
10. The Developer will be required to provide a detailed "Detour and Traffic Control Plan", for all construction within existing rights-of-way, to the satisfaction of the City Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
11. Construction in the public rights-of-ways may be restricted during school peak hours (typically 7:00 to 8:30 am and 2:00 to 3:30 pm), unless a traffic management plan that proposes no conflict between construction and school traffic is approved by the City Engineer prior to issuance of an Encroachment Permit.
12. The Developer may be responsible for additional overlay of Conway Drive, Lehner Avenue, and Stanley Avenue due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
13. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
14. The Developer is required to design, furnish and install LED street lighting per Escondido Standard Drawing E-1-E and in accordance with the City Design Standards and the requirements of the City Engineer.
15. Street lighting is required on all on-site private drives serving 3 or more lots or units. It shall be the responsibility of the Homeowner's Association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.

## **GRADING**

1. A "Site Grading and Erosion Control Plan" prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by a copy of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. The Developer will be required to pay for all required third party structural engineering review of these structural calculations and details. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Department plan review and Building Permit process.
3. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.
4. Slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls fencers, and/or brow ditches.
5. Increased cut slope setbacks may be required along the project boundary to avoid disrupting any existing septic systems in the adjoining residential areas and may be required to avoid encountering ground water problems. Actual setbacks to be used will be based on recommendations of the soils engineer. The requirements of the San Diego County Health Department should be consulted in this regard. In lieu of these requirements, or if the County Health Department requirements cannot be met, the Developer must arrange to connect adjoining existing dwelling units, now on private septic systems, to the public sewer system. In this regard, the developer will be required to make necessary arrangements for all main extensions, easements, and payment of all connection and permit fees. Any dwellings in the unincorporated areas must have special approval of the City Council before being connected to the City sewer system. This requirement shall also apply to off-site road and utility improvements where existing septic systems are jeopardized as a result of these improvements.
6. It shall be the responsibility of the Developer to pay all plan check and inspection fees required by the San Diego County Health Department.
7. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.

8. 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.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
10. The Developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
11. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.
12. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" Portland cement concrete over 6" aggregate base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with Portland cement concrete.
13. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

## **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a 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. Lot drainage shall meet the requirements of current Escondido Design Standards and the City Engineer and shall include the construction of necessary brow ditches.
3. The project shall limit peak drainage flows to their pre-construction rates. Details and calculations for this retention and attenuation shall be submitted and approved as part of the Drainage Study submittal and review.
4. A Final Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include calculations for treatment, hydromodification, and storage volumes. The SWQMP shall include detailed maintenance requirements and responsibilities for all onsite conveyance, diversion, treatment, and bio-retention facilities. The SWQMP shall demonstrate how any proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
5. All site drainage with emphasis on the roadway, parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The

City highly encourages the use of bio-retention basins as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.

6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement. A copy of this recorded Agreement will need to be included in the CC&Rs.
7. All on-site storm drains and stormwater treatment facilities are considered private. The responsibility for maintenance of these storm drains, storm water treatment facilities and any "Green Street" facilities constructed in the right-of-way to treat the street improvements required of project shall be that of the Homeowners Association (HOA). Provisions clearly dictating this responsibility shall be included in the approved Storm Water Quality Management Plan and ultimately in the recorded CC&Rs.
8. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H2O loading.
9. The Homeowner's Association shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third-party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The Homeowners Association will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system or will be required to transition the project to a priority storm water development project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.

## **WATER SUPPLY**

1. The Developer is required at their sole expense to design and construct looped 8-inch public water mains within the project. An 8-inch water main shall be designed and constructed to loop through the project beginning at the intersection of Lehner Avenue and proposed Street F and shall extend north in proposed Street F and shall connect to the existing 12-inch water main in Stanley Avenue. An 8-inch water main shall also be designed and constructed to loop through the project beginning at the intersection of Stanley Avenue and proposed Street H and shall extend north in Street H and continue through Lot 13 and then with a 90 degree bend to the east connect to the existing 12-inch water main in Conway Drive. These 8-inch water mains shall be designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.

2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main.
3. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Utilities Engineer and Fire Marshal.
4. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate plans and permit, all fire suppression lines shall be shown for reference and review on the various final engineering plan sets.
5. All on-site water lines and backflow prevention devices beyond the City water meter or DDCA shall be considered a private water system. The Homeowners Association shall be responsible for all maintenance of these water lines and appurtenances.
6. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or within paved private drive areas.
7. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.
8. There shall be no permanent structures located within the City's Public utility Easements.
9. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
10. Backflow prevention assemblies are private and should be located on private property. Backflow prevention assemblies shall be located directly behind the public water meter.
11. 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.
12. 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.
13. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.

## **SEWER**

1. The Developer is required at their sole expense to design and construct onsite and offsite 8-inch public sewer mains. An offsite 8-inch sewer main shall be designed and constructed to connect to the existing 8-inch sewer manhole at the intersection of Rincon Avenue and Conway Drive and extend south in Conway Drive and enter the project at the Lot 13 driveway off Conway Drive. Additional offsite sewer main shall be designed and constructed in Stanley Avenue from the intersection of Stanley Avenue and proposed Street H westerly to the intersection of Stanley Avenue and Weiss Way. On-site sewer mains shall be designed and constructed through the project to connect the two above noted offsite sewer mains. All 8-inch sewer main shall be designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. A private 4-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utility Easement or public right-of-way shall be designed and constructed for each single-family lot on the Improvement plans and shall be shown on the Grading plans. A private 6-inch minimum PVC sewer lateral for each multi-unit building on Lot 13 together with a standard clean-out within 18-inches of the Public Utility Easement or public right-of-way shall be designed and constructed on the Improvement plans and shown on the Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye or Inserta-Tee. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code for the portion outside of the public right-of-way or Public Utility Easement.
3. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All sewer laterals shall be considered a private sewer system. The property owner and/or Homeowners Association shall be responsible for all maintenance of sewer laterals to the public sewer main.
5. All sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
6. The project design shall be such that all existing or new sewer manholes are accessible at all times by City's "Vactor" trucks for maintenance.
7. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.

## **LANDSCAPE**

1. Project Landscaping and Irrigation plan(s) and Project Wall and Fencing Plan(s) shall be submitted to the Engineering Department with the second submittal of the grading plan for approval by the Planning, Engineering, and Fire Departments. The initial submittal of the landscape and fencing plans shall include the required Planning Division Review fees in effect at the time of the submittal.

2. The Developer shall install permanent landscaping and irrigation on cut and fill slopes within the project.
3. The Developer shall install permanent landscaping and irrigation along the project's Conway Drive, Stanley Avenue, and Lehner Avenue right-of-way frontages including the fill slopes facing Conway Drive on Lots 15-20.
4. The Developer shall install permanent landscaping and irrigation on the "below pad" fill slopes on Lots 42-47 that face the existing homes on Wagon Wheel Court. All fencing or walls associated with or on these lots shall be designed to prevent general public access to these slope and drainage facility areas while providing adequate controlled/gated access for the Homeowners Association to maintain these landscaped slopes and drainage facilities.
5. The Developer shall fully landscape with irrigation and install all required fencing and walls on Homeowners Association owned Lots A and B, as well as Lot 13 shall be subject to the same landscape and irrigation requirements.
6. All of the landscaping, irrigation, walls, and fencing identified in Landscape Conditions 3 through 5 above shall be maintained by the Homeowners Association. Language and exhibits clearly dictating the separation of maintenance responsibility between the Homeowners Association and individual property owners for all landscaping, irrigation, walls, and fences shall be included in the CC&Rs.

**FINAL MAP - EASEMENTS AND DEDICATIONS**

1. All easements, both private and public, existing and proposed, affecting subject property shall be shown and delineated on the Final Map and all project final engineering plans.
2. The Developer shall dedicate as public rights-of-way the following streets within the project to bring these streets to the indicated classification.

<b>STREET</b>	<b>CLASSIFICATION</b>
Streets F and H	Residential Street (56' R/W)
Street G	Rural Residential (34' R/W w/ 5' PUE beyond-both sides)

3. The Developer shall grant reciprocal private access easements (totaling 25' width) across Lots 9, 10, 23, 24 for the benefit of these 4 lots. These easement areas shall be plotted and identified on the Final Map and granted upon subsequent transfer of title.
4. The Developer shall dedicate to the public a 20-foot radius corner rounding at the following locations:
  - Northeast corner of Weiss Way and Stanley Avenue.
  - Northwest corner of Conway Drive and Stanley Avenue.
  - Southwest corner of Conway Drive and Stanley Avenue.
  - Northwest corner of Conway Drive and Lehner Avenue

5. Public Utility Easements shall be granted to the City of Escondido on the Final Map for any proposed public water and/or sewer mains proposed to cross private property including any Homeowner's Association property. In addition, Public Utility Easement areas not less than 5' x 5' shall be granted to the City for all fire hydrants, water meters and other public water appurtenance locations. The minimum public utility easement width shall be 20 feet for a single utility and 25' for areas with public sewer and water mains, or the full width of the private easement road, whichever is greater. A reduction in easement width will be allowed where the proposed public water main connects from the end of proposed Street F to the 12-inch water main in Stanley Avenue.
6. Public Storm Drain Easements shall be granted to the City of Escondido on the Final Map for any proposed public storm drains proposed to cross private property including any Homeowner's Association property. The minimum public storm drain easement width shall be 20 feet. A reduction in public storm drain easement width to no less than 15' will be allowed where a public storm drain traverses the side or rear yard of a private lot (Lots 6, 7, 15).
7. The Developer shall grant private drainage easements to the Homeowner's Association for all proposed drainage and stormwater pipes, ditches, and facilities to be owned and maintenance by the Homeowner's Association. The minimum width of these private drainage easements shall be 10 feet. This minimum width may be reduced to 5 feet with approval by the City Engineer and subject to adequate Homeowner's Association access language in the CC&Rs.
8. The Developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed project prior to issuance of Building Permits. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading plans. Building permits will not be issued for structures in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

## **REPAYMENTS AND FEES**

1. A water repayment of **\$17,231.00** per repayment file #137 for Assessor Parcel Nos. 224-141-23, 224-141-25, and 224-142-33 is due to the City of Escondido for existing water improvements that will serve this development.
2. A sewer repayment of **\$8,285.16** per repayment file #185 for Assessor Parcel No. 224-142-33 is due to the City of Escondido for existing sewer improvements that will serve this development.
3. A cash security deposit satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of **\$50,000**, unless a higher amount is deemed necessary by the City Engineer. The



balance of the grading work shall be secured by performance bonds or such other security as may be approved by the City Engineer and City Attorney.

4. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

### **CC&Rs**

1. Copies of the CC&Rs with all exhibits shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map. These City approved CC&Rs with all exhibits shall be executed and recorded with and immediately subsequent to the Final Map recordation.
2. The Developer shall make provisions in the CC&Rs for maintenance by the Homeowners' Association of all private roadways, driveways, parking areas, private utilities (including sewer and water), utility and basin access, all storm water treatment facilities and basins, drainage swales, private street lighting, private storm drains, any common open spaces, and all the landscaping, irrigation, walls, and fences identified in the Landscape Section of these Engineering Conditions of Approval. These provisions must be included, reviewed and approved by the Engineering and Planning Division prior to approval of the Final Map.
3. The CC&Rs must state that the Homeowners' Association assumes liability for damage and repair of City utilities in the event that damage is caused by an individual owner or the Homeowners' Association when repair or replacement of private utilities is done.
4. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the homeowners' association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.
6. The CC&Rs must contain parking restriction provisions for proposed Street G, the private access drive serving Lots 9,10,23,24, and the private access and parking areas within Lot 13, and shall clearly state that the Homeowner's Association will be responsible to manage and enforce the parking restrictions in these areas.

### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The Developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The Developer will be required to pay a waiver fee as adopted by City Council resolution.

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

**I. Specific Fire Department Conditions**

1. Provide an adequate water supply, show location(s), size of connection and approved access shall be provided prior to combustibles being brought to the site.
2. All vegetation clearing as per the approved Fire Protection Report shall be completed prior to combustibles being brought to the site.
3. Minimum hydrant spacing of 500 feet is required.

## **EXHIBIT “F”**

### **FINAL IS/MND**

**PL21-0269, PL21-0277, PL22-0584**

Due to the number of pages of Exhibit “F,” a link has been provided to review the document electronically on the City’s web site at:

<https://www.escondido.org/conway-drive-subdivision>



# PLANNING COMMISSION

Agenda Item No.: G.2  
Date: December 13, 2022

**PROJECT NUMBER / NAME:** PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

**REQUEST:** Tentative Subdivision Map and Master and Precise Development Plan for the development 102 air-space condominium units. General Plan Amendment from Suburban (S) to Urban III (U3), along with Annexation of 7.7 acres and Prezone to Planned Development-Residential (PD-R 14.6).

**LOCATION:** 2039, 2047, 2085 and 2089 N. Iris Lane

**APN / APNS:** 224-310-05-00, 224-310-06-00, 224-310-07-00, 24-310-08-00 and 224-310-20-00

**GENERAL PLAN / ZONING:** Suburban (S) / County Zoning VR24 (Village Residential, 24 dwelling units per acre)

**APPLICANT:** Hallmark Communities, Inc.

**PRIMARY REPRESENTATIVE:**  
Hallmark Communities (Mariana McGrain).

**DISCRETIONARY ACTIONS REQUESTED:** Tentative Subdivision Map, Master and Precise Development Plan, General Plan Amendment, Prezone and Annexation

**PREVIOUS ACTIONS:** The City Council authorized the intake and processing of the application on June 3, 2020 and modified request on November 18, 2020

**PROJECT PLANNER:** Jay Paul, Senior Planner

**CEQA RECOMMENDATION:** Certification of the Final Environmental Impact Report (EIR)

**STAFF RECOMMENDATION:** Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2022-14

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

- Andrew Finestine, Director of Development Services
- Adam Finestone, City Planner

**BACKGROUND:**

The approximately 7.7-acre (6.98 net acres) Project site is comprised of 5 parcels and has been previously developed with 4 single-family homes and an animal/horse corral. Before any application for a General Plan Amendment and Annexation may be submitted to the Planning Division, the City Council must consider the applicant’s initiation request, and authorize Planning staff to accept and process the application. On June 3, 2020, the City Council authorized staff to process an application to annex 5 parcels to the City of Escondido and change the General Plan land-use designation from Suburban (S) to Urban II (U2), facilitating the development of up to 12 dwelling unit per acre. On November 18, 2020 the City Council authorized a proposed modification to the request to change the General Plan land-use designation from Suburban (S) to Urban III (U3), facilitating the potential development of the property up to 18 dwelling units per acre. Authorizing the request does not reflect whether the City Council would ultimately approve the annexation or the project, as formal action would be taken at future public hearings after consideration of the appropriate environmental and project analysis with a recommendation from the Planning Commission.

**A. SUMMARY OF REQUEST:**

Hallmark Communities (“Applicant”) submitted an application on August 6, 2020 to develop the Project site to include Annexation and Prezone, General Plan Amendment and Tentative Subdivision Map, and Master and Precise Development Plan for the development of 102 air-space condominium units with a density of approximately 14.6 dwelling units per acre. The design includes 21 two and three-story buildings containing 14 two-bedroom, 30 three-bedroom and 58 four-bedroom units ranging in size from 1,228 square feet to 1,911 square feet. 230 parking spaces are proposed, which includes an enclosed two-car garages for each unit and up to 27 open parking spaces located throughout the development.

**B. SUPPLEMENTAL DETAILS OF REQUEST:**

1. Property Size: 7.7 acres (gross acres) 6.98 acres (net acres) includes dedication of 15’ Iris Lane right-of-way

2. Number of Units: 102 air-space condominium units

	<u>Required:</u>	<u>Provided:</u>
3. Unit Sizes:	N/A	Range from 1,228 sq. ft to 1,911 sq. ft.

4. Buildings/Types		52 two- and three-story interlocking alley type 50 two- and three-story with private rear yards
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5. Unit Types:		14 two-bedroom 30 three bedroom <u>58 four bedroom</u> 102 total units
6. Density:	18 du/ac maximum (based on Urban III land-use designation)	14.6 du/ac net acreage
7. Building Height:	Determined through PD process (Urban III and R-3-18 zoning allows up to 3 stories and 35 feet)	2 and 3 stories, up to 37' to ridgeline of certain roof elements.
8. Vehicle Parking:	228 required (Including one covered space per unit required)	230 provided includes a two-car garage per each unit (204 spaces) and up to 27 open guest (includes ADA and EV spaces per CBC).
9. Bicycle Parking:	Per CBC	Per CBC
10. Setbacks	R-3 code	Planned Development
a) Front Yard (Robin Hill Lane)	15' min.	15' min.
b) Street Side (Iris Lane)	10' min.	10' min.
c) Rear Yard (south)	10' min. Additional 5' for structures over two stories	10' min. The third-story element on select bldgs. set back 15' or greater from rear P/L
d) Interior Side Yard (west)	5' min. Additional 5' for structure over two stories	5' min. Third-story element on select structures set back min. 10' from P/L along west
11. Useable Open Space	90,400 SF min. (400 sq. ft. per unit plus 200 sq. ft. for every bedroom over one)	97,040 SF total  11,364 recreation areas 21,434 private patios/decks 64,242 common areas with grades less than 10%  Average 951 sq. ft. per unit

- |                              |                                                                                 |                                              |
|------------------------------|---------------------------------------------------------------------------------|----------------------------------------------|
| 12. Signage:                 | Wall signs                                                                      | Per R-3 side code allowances<br>(Article 66) |
| 13. Trash:                   | Individual trash pickup per unit to be provided                                 |                                              |
| 14. Heating and Ventilation: | Ground-mounted HVAC units with appropriate screening<br>proposed for each unit. |                                              |

**C. PROJECT ANALYSIS:**

1. General Plan Conformance:

The City's General Plan land-use designation for the Project site is Suburban (S) which is a single-family residential designation that allows a density of up to 3.3 dwelling units per acre with a maximum height of two stories and 35 feet. Based on the property size of 6.98 net acres, the site could support a theoretical yield of up to 23 single-family lots. The provisions of SB9 and City Ordinance No. 2022-19R ("Two-Family Dwellings) could allow the development of up to 4 units per lot (2, two-family units and 2 Accessory Dwelling Units) or a theoretical maximum of 92 separate units on 23 traditional single-family lots. The applicant is requesting a General Plan Amendment to Urban III (U3) that allows a maximum density of up to 18 dwelling units per acre, which would allow a theoretical yield of up to 125 units. The applicant is requesting an actual yield of 102 unit or 14.6 dwelling units per acre. The underlying County zoning designation of VR-24 would allow a theoretical yield of up to 184 units (7.7 gross acres) if the property were developed under the current County jurisdiction. However, in order to achieve this density of development under the County's jurisdiction, sewer service would need to be provided. The County does not provide sewer service and connection to City sewer facilities would require annexation to Escondido and development in accordance with the City's General Plan and zoning requirements. Therefore, development to the maximum density under the County's VR24 designation generally would not be feasible.

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City's share of regional housing needs, consistent with Government Code section 65584. As noted previously, the applicant proposes to construct 102 units on the subject property. The current City Suburban land-use designation would allow up to 23 dwelling units per acre. Although the subject property permits residential development through its underlying land use/zoning designation, the Project site is not identified in the vacant/underutilized sites land inventory of the City's Sixth Cycle Housing Element. Because the provision of "no net loss" applies to housing located on any site listed in the City's Housing Element, the City does not need to determine if this Project or a decision related to this Project would be subject to No Net Loss Law and its remedies.

2. Proposition S:

In 1998, voters of the City approved Proposition S, which established and affirmed various General Plan policies limiting the intensification of residential land uses. In addition,

Proposition S specified that certain future amendments to the General Plan which affect the intent of the policies established and reaffirmed by Proposition S would require approval by vote of the public. In particular, Proposition S requires voter approval of any General Plan Amendment which would increase residential densities, change, alter or increase the General Plan Residential Land Use categories, or change any residential designation to a commercial or industrial designation on any property designated as Rural, Estate, Suburban, or Urban.

The Project applicant's position is that the proposed Project is not subject to the provisions of Proposition S because the adopted Proposition only applies to changes or intensification of existing zoning. The subject site currently is not within the City's jurisdiction, but is instead subject to the underlying County zoning designation of VR-24 (Village Residential, up to 24 dwelling units per acre). Therefore, the Applicant's position is that Proposition S does not apply in this instance because the project is proposing a lesser density of Urban III, which allows up to 18 dwelling units per acre, as opposed to the higher density County zoning of VR-24. This Proposition S issue was presented to the City Council twice (6-3-20 and 11-18-20) and the Council authorized the project to be processed at Urban III.

### 3. Annexation/Reorganization

The approximately 7.7-acre annexation/reorganization includes annexation to the City of Escondido, detachment from CSA No. 135 and exclusion from the RDDMWD-Improvement District (ID) "E", which funds fire and emergency services that are provided within ID "E" by contract with the City of Escondido. The annexation area includes 5 parcels located adjacent to the City of Escondido jurisdiction on the north, south and east. With the annexation of the subject parcels, a small County island would remain on the west. Staff conducted a survey of the adjacent County property owners to gauge support to be included in the annexation request. Staff did not receive sufficient support from affected County residents to include any additional parcels in the annexation. Approving the proposed annexation/reorganization with a county island remaining, but reduced in size will meet the requirements of Government Codes Section 56375(m) and will not create significant environmental impacts for the following reasons:

- a. The proposed Escondido General Plan land-use designation of Urban III and County land-use designation of VR-24 would maintain similar density provisions and would allow for multi-family residential development.
- b. The subject parcels remaining in the County cannot be reasonably annexed to another jurisdiction or incorporated as a separate jurisdiction because they are located within the Escondido Sphere of Influence and Planning Area.
- c. Annexation will not significantly change the arrangement by which public services are delivered in the N. Iris Lane area or to the subject parcels, as detailed in the Final EIR prepared for the Project.



The Local Agency Formation Commission (LAFCO), which oversees all annexation activity, has reviewed the proposed annexation boundary, and has not raised any concerns regarding the annexation area and the ability to provide adequate public and emergency services to the site. The proposed annexation/reorganization would require final approval from the San Diego Local Agency Formation Commission (LAFCO). The proposed annexation/reorganization would allow for the orderly development of the City without adversely affecting adjacent properties. As part of the annexation process, a Prezone designation of Planned Development-Residential (PD-R 14.6) would be established and upon annexation, the property would be zoned Planned Development Residential (PD-R 14.6) to reflect the density of the project.

#### 4. Site Design:

##### a) Project Access, Circulation and Parking:

The project site fronts onto N. Iris Lane on the east, which is classified as a Local Collector roadway on the City's Circulation Element map, and Robin Hill Lane on the north and west, which is a private access road. The Project would improve N. Iris Lane across the project frontage and include a gated driveway for emergency and exit only access. Primary access into the project would be provide from a single-gated driveway from Robin Hill Lane. Robin Hill Lane would be improved to provide a 32-foot curb-to-curb width along the project frontage that would be maintained by the Project homeowner's association (HOA). Internal project driveways (24 feet in width) would be private and also maintained by the HOA.

The overall unit mix would require a minimum of 226 parking spaces with one covered parking space per units, which includes 25 open guest spaces. A total of 231 parking is proposed to be provided for residents and guests to include a two-car garage for each unit (102 garages/204 spaces) and up to 27 open guest parking spaces located throughout the project site. North Iris Lane would be widened to Local Collector Road standards along the project frontage which may allow limited on-street parking opportunities based on the final design and striping of the street. North Iris Lane north and south of the site along the western side was constructed to previous Collector Road standards that allows for on-street parking. Iris Lane along the east side does not allow on-street parking and is signed accordingly.

##### b) Open Space and Landscaping:

The medium density R-3 code requires a minimum of 400 square feet of open space is required per unit, and an additional 200 square feet for every bedroom over one. The project is required to provide a minimum of 90,400 square feet of open space for the 102-unit Project. The Project would provide a combination of private and common open space areas totaling 97,040 square feet. Common open space areas include 11,359 square feet of recreational areas and pathways and 64,247 square feet of more passive/landscape areas with grades less than 10 percent. The Project also includes

private patios and decks, including private rear yards for select building groups. A variety of perimeter fencing would be provided to include decorative masonry walls along the Iris Lane frontage and portion of Robin Hill Lane, decorative open tube metal fencing along portions of Robin Hill Lane and main project entry, and 6-foot-high vinyl fencing along the western and southern perimeters. Both entries would be gated to control access.

5. Building Design:

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

The Project consists of 21 separate two- and three-story buildings containing 4, 5 and 6-unit designs. A range of unit size and number of bedrooms are proposed to include 14 one-bedroom, 30 two-bedroom and 58 four-bedroom units ranging in size from 1,228 square feet to 1,911 square feet. The project incorporates typical R-3 development standards (e.g., height, setbacks, etc.), where appropriate, which is typically associated with the Urban III land-use designation. The Planned Development zone allows for deviations from typical development requirements. A comparison of R-3 development requirements and Project proposal is provided in the above details of request section of the report. The buildings range in height from 35 feet to 37 feet in height to the top of ridgelines. The third-story elements generally are limited to the center portion of the building to reduce the overall mass and scale of the buildings, especially adjacent to the typical single-family residential lots on the south and west. The Project utilizes a multi-story farmhouse/ranch style of architecture with varying wall planes and rooflines, composition roofing, two color palates, and exterior materials such as stucco and vertical and horizontal wood/composite siding exteriors, darker trim colors, exposed rafter tails, and window and door awnings at select areas. Private ground floor fenced rear yards are provided for certain units. Project plans are included with this staff report as Attachment 2 to the staff report and Exhibit "D" to draft Planning Commission Resolution No. 2022-14.

**D. FISCAL ANALYSIS:**

The proposed Project is a private development project that will require the payment of fees in effect at the time permits are requested. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency's general fund and the city or county's ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself.

Community Facilities District ("CFD") No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020. The special tax that will be assessed on properties as a result of the development of new residential units is based upon the Fiscal Impact Analysis (FIA) that was prepared to support the creation of CFD No. 2020-01. Developers to whom these residential project entitlements are assigned are responsible to establish a funding mechanism to provide a

source of funds for the on-going municipal services required for the project. The benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project and the Project has been conditioned accordingly. This can be accomplished through either formation of a CFD, annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Should an applicant desire to utilize the streamlined process available through annexation into CFD No. 2020-01, they would be required to sign a Letter of Intent ("LOI") to do so, which serves as their authorization to annex. (It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.)

If the developer opts to annex into CFD No. 2020-01, the Project would fall into Category 2 (5.5-18 du/ac). The current rate for Category 2 is \$797.33 per unit through the end of this fiscal year (June 30, 2023), subject to annual adjustments which currently are based on the Consumer Price Index or 2%, whichever is greater. The total annual cost for the 102-unit Project would be approximately \$81,327.66. If annexation into CFD No. 2020-01 is the way by which the developer opts to provide the ongoing funding source, the housing units would be included in the annexation. Should the developer opt to pursue a funding mechanism other than CFD No. 2020-01, such mechanism, including the assessment rate, would be subject to approval by City Council.

#### **E. ENVIRONMENTAL STATUS:**

A Notice of Preparation (NOP) was issued for the Project on July 1, 2021 in compliance with section 15082 of the California Environmental Quality Act (CEQA) guidelines. A virtual public scoping meeting was conducted on July 22, 2021 for the project and members of the public participated in the meeting. Staff received responses from three responsible/trustee agencies (San Diego County Archaeological Society, California Department of Fish and Wildlife, and Native American Heritage Commission) during the public NOP review process.

A draft Environmental Impact Report (State Clearing House Number 2021060702) was circulated for 45-day public review period from September 20, 2022 to November 3, 2022. Comments letters/emails were received during and after this review period from various state and local agencies and members of the public. Responses to all correspondence received have been incorporated into the final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts with respect to biology, cultural resources, hazards and hazardous materials, noise and traffic. A Final EIR has been prepared for the Project that includes project comments and response to comments, mitigation measures, errata section noting any corrections/modifications to the final environmental document, along with CEQA findings. The Draft and Final EIR, technical appendices, response to comments and CEQA findings can be viewed at the following link: <https://www.escondido.org/north-iris-condominiums>

As part of the environmental review process, Planning staff issued consultation invitations to a list of tribal groups maintained by the California Native American Heritage Commission, as required

by state law (SB18 for all projects involving an amendment to the General Plan. Additionally, staff issued separate consultation invitations to a small subset of tribal groups, as required by another state law (AB52) for all projects subject to the California Environmental Quality Act. A total of 3 tribal groups (Rincon Band of Luiseno Indians, San Luis Rey Band of and San Pasqual) requested formal consultation pursuant to SB18 and/or AB52. Consultation activities with these 3 tribal groups took the form of virtual meetings, emails/letters and phone calls with City staff. During consultation activities, tribal representatives were given the opportunity to review the project plans, technical studies and ask questions, and discuss mitigation measures to address potential impacts to historic, cultural and tribal cultural resources. Their recommendations regarding the inclusion of mitigation measures to address inadvertent discoveries of tribal cultural resources during grading/construction operations have been incorporate into the final EIR and Mitigation Monitoring and Reporting Program (MMRP) to include Native American monitor(s) during ground-disturbing activities.

#### **F. PUBLIC INPUT:**

Staff received comments from the public and County of San Diego during the public comment period for the draft EIR, which are included in the Final EIR along with response to comments. Staff received two comments since that time noting support for the project, which is attached with this staff report.

#### **G. CONCLUSION AND RECOMMENDATION:**

The Planning Commission is the authorized agency for granting discretionary approval of a Tentative Subdivision Map, and the City Council is the authorized agency for granting approval of an Annexation, Prezone, General Plan Amendment, Master and Development Plan. When one concurrent application is filed for all of these approval types, the full project is brought to Planning Commission first for a recommendation on approval or denial, and is then brought to City Council for a final decision. The proposed project is consistent with the General Plan, as proposed to be amended, as well as with the development standards approved under the Master Development Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. The Final EIR contains mitigation measures designed to minimize or eliminate possible significant environmental effects. The location, size, design, and operating characteristics of the proposed project will not be incompatible with, or will adversely affect, or will be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use or development which is proposed. Staff recommends that the Planning Commission recommend approval of the Project based upon the factors/findings, conditions and mitigation measures as described in this staff report and as detailed in Exhibits "A" through "D" to Draft Planning Commission Resolution No. 2022-14.

#### **ATTACHMENTS:**

1. Location and General Plan Map
2. Project Plans
3. Correspondence
4. Planning Commission Resolution No. 2022- 14 – Exhibits A, B, C, D, E, F and G

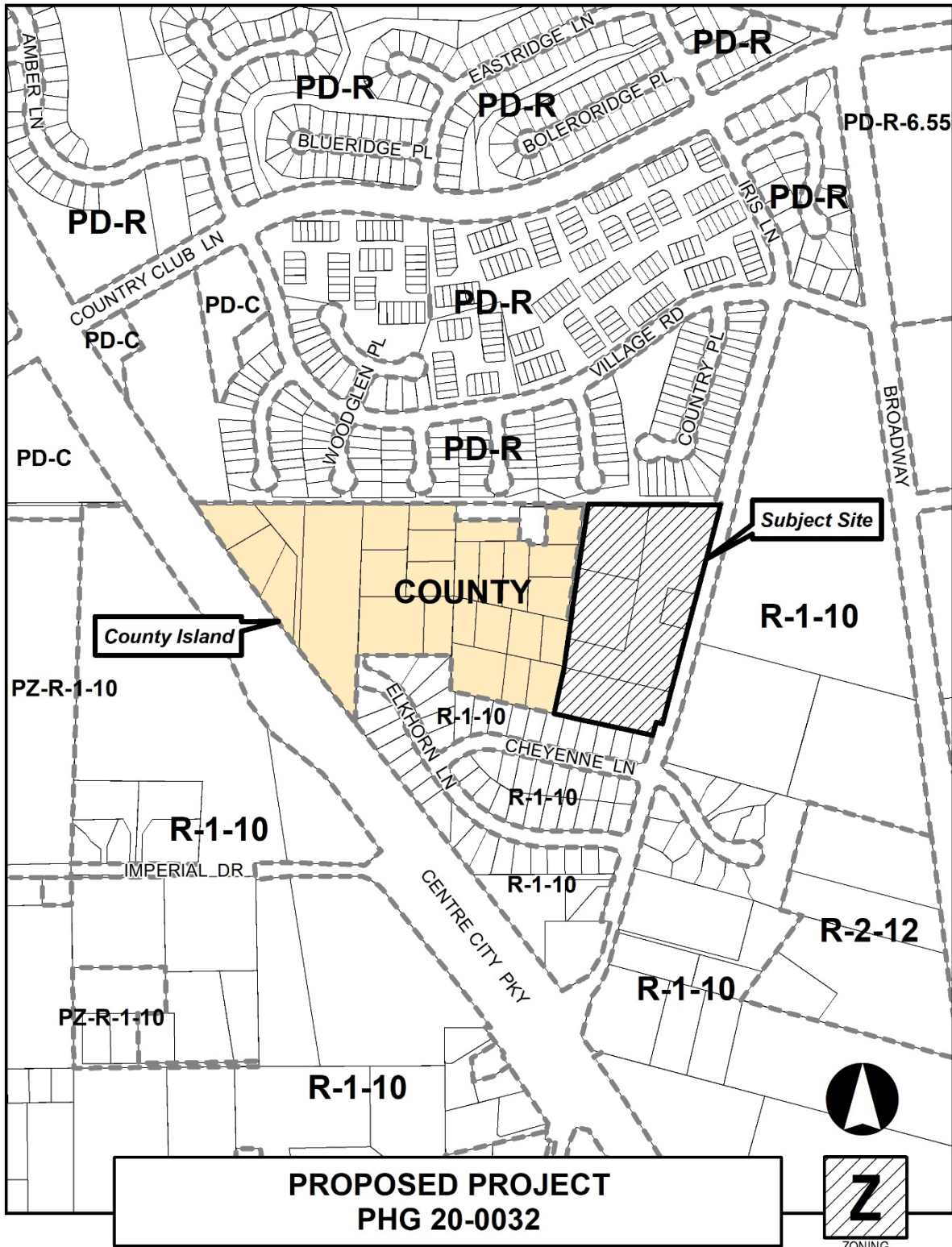
Project Name: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128  
Planning Commission Meeting  
Date: December 13, 2022

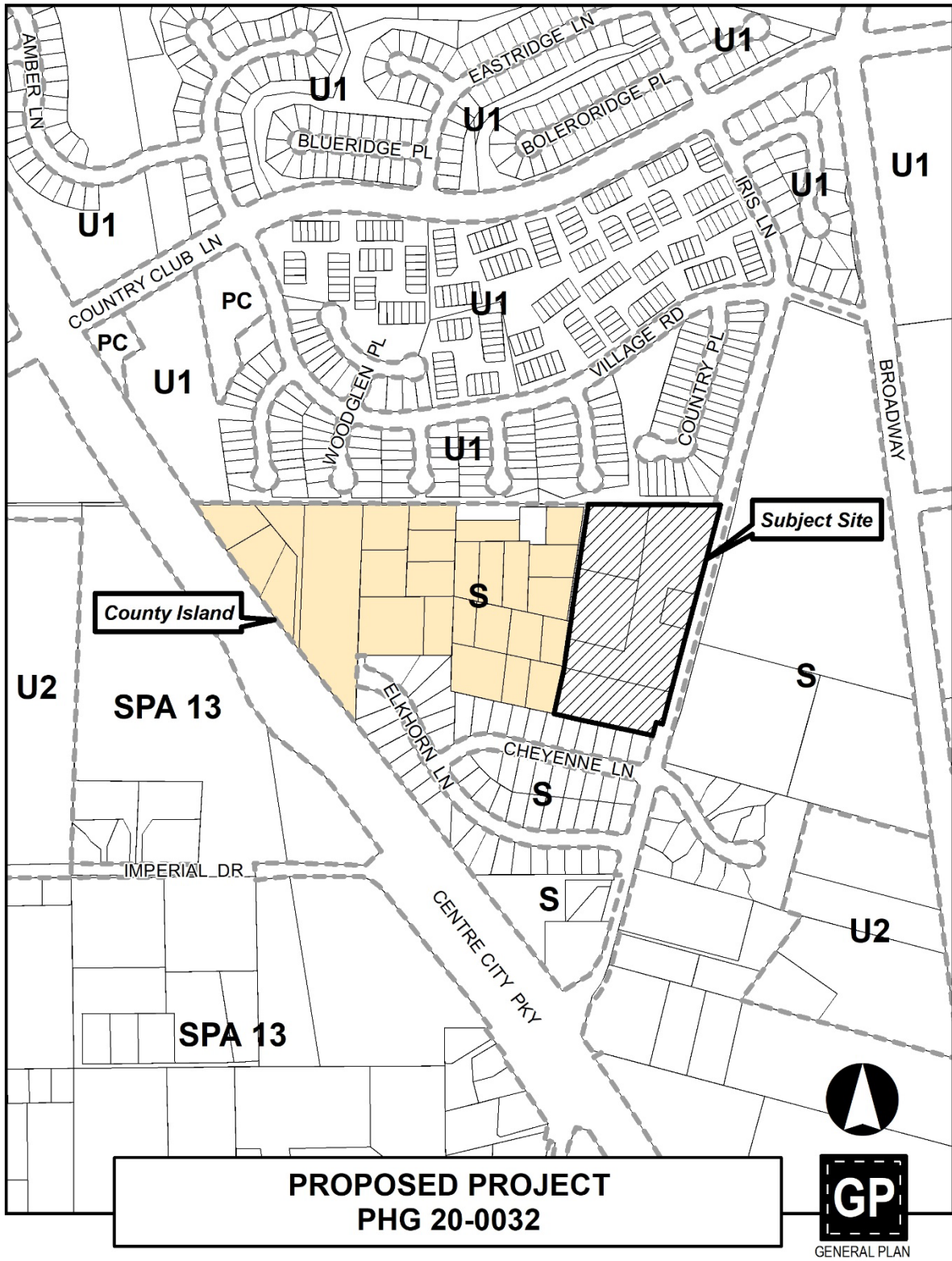
## **Attachment 1**





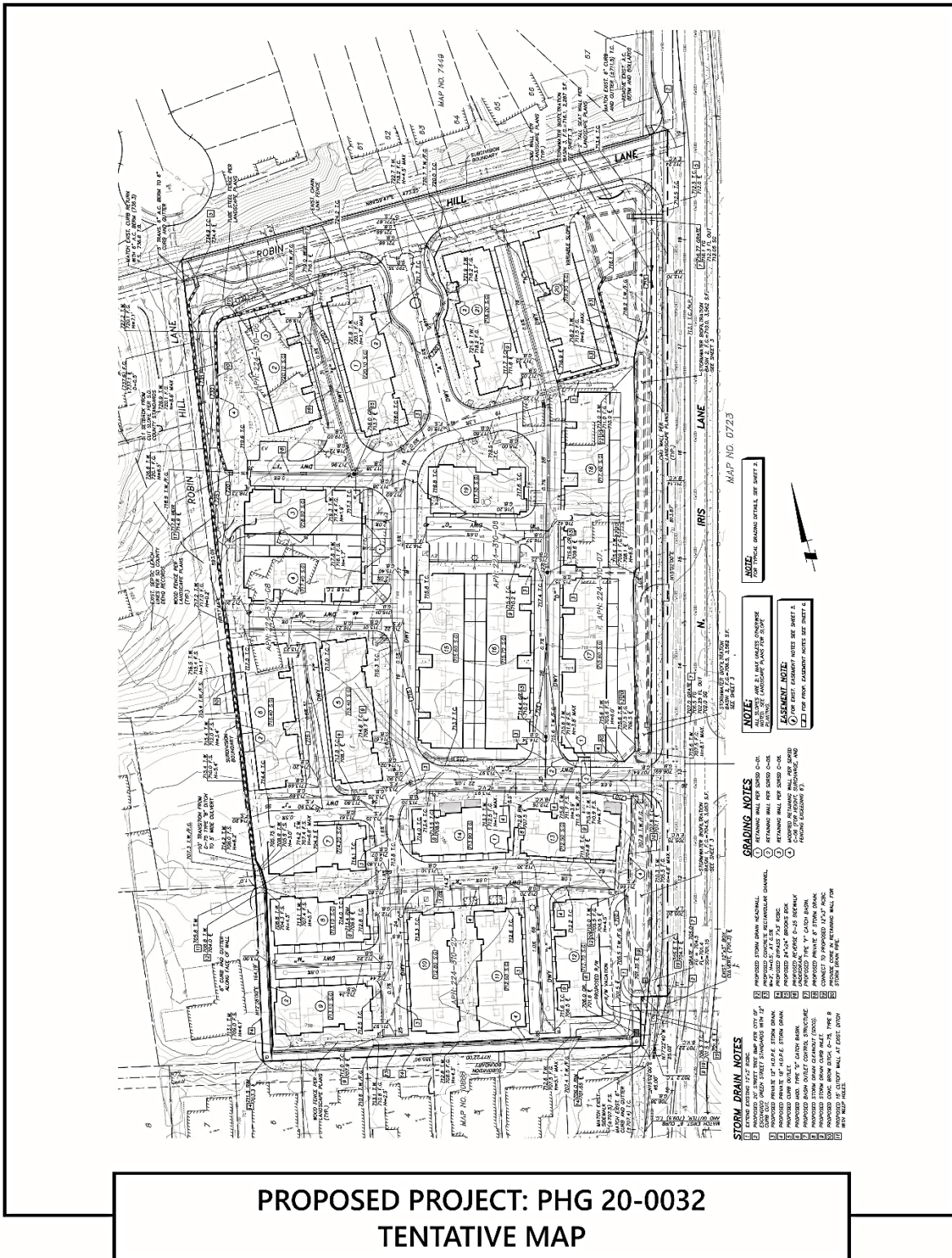




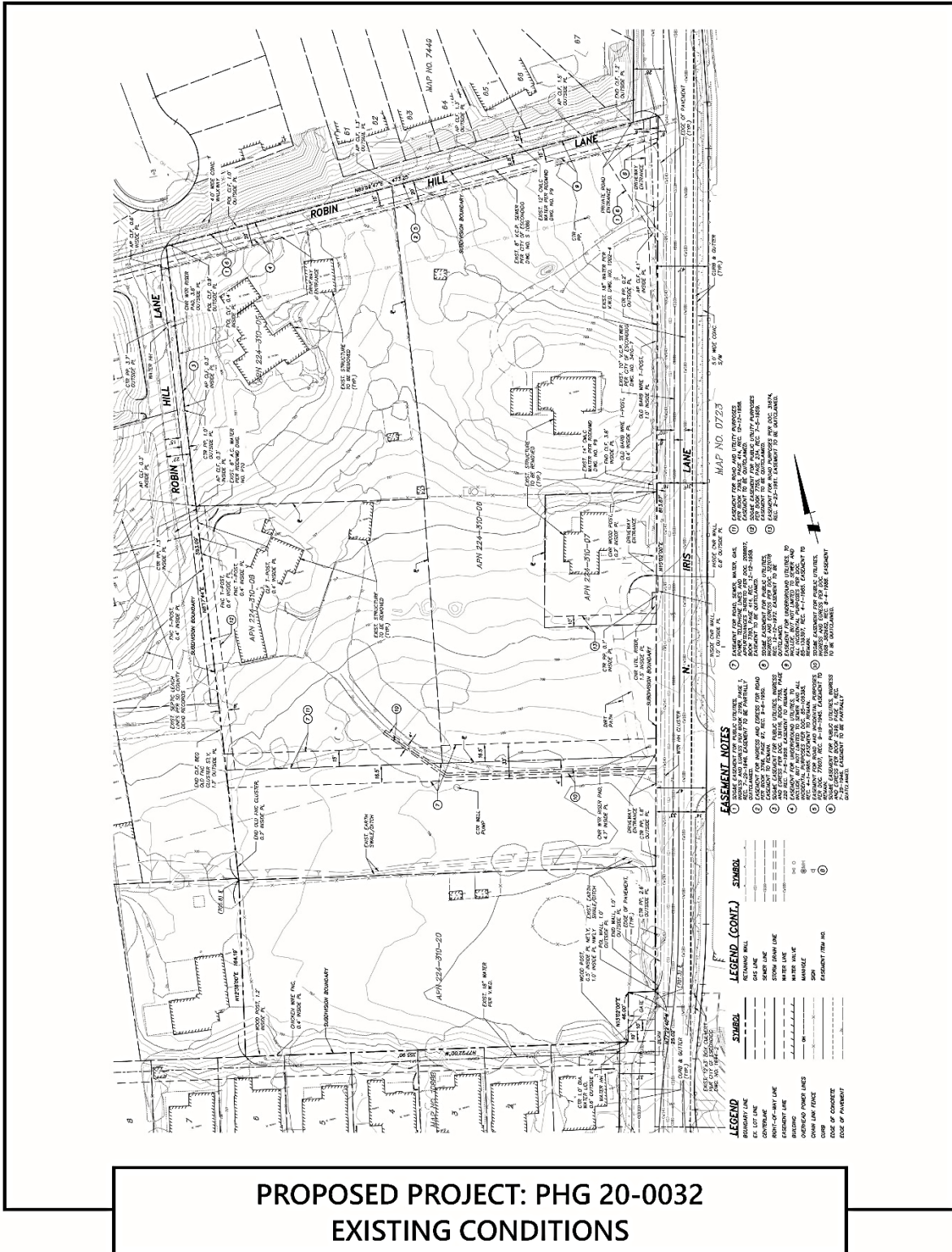




Attachment 2



PROPOSED PROJECT: PHG 20-0032  
 TENTATIVE MAP



LEGEND	
PRIMARY LINE	SOLID LINE
EXISTING	SOLID LINE
PROPOSED	DASHED LINE
EASEMENT	DASHED LINE
OWNER'S	DASHED LINE
CONTRACT	DASHED LINE
CONTRACT	DASHED LINE
CONTRACT	DASHED LINE
CONTRACT	DASHED LINE

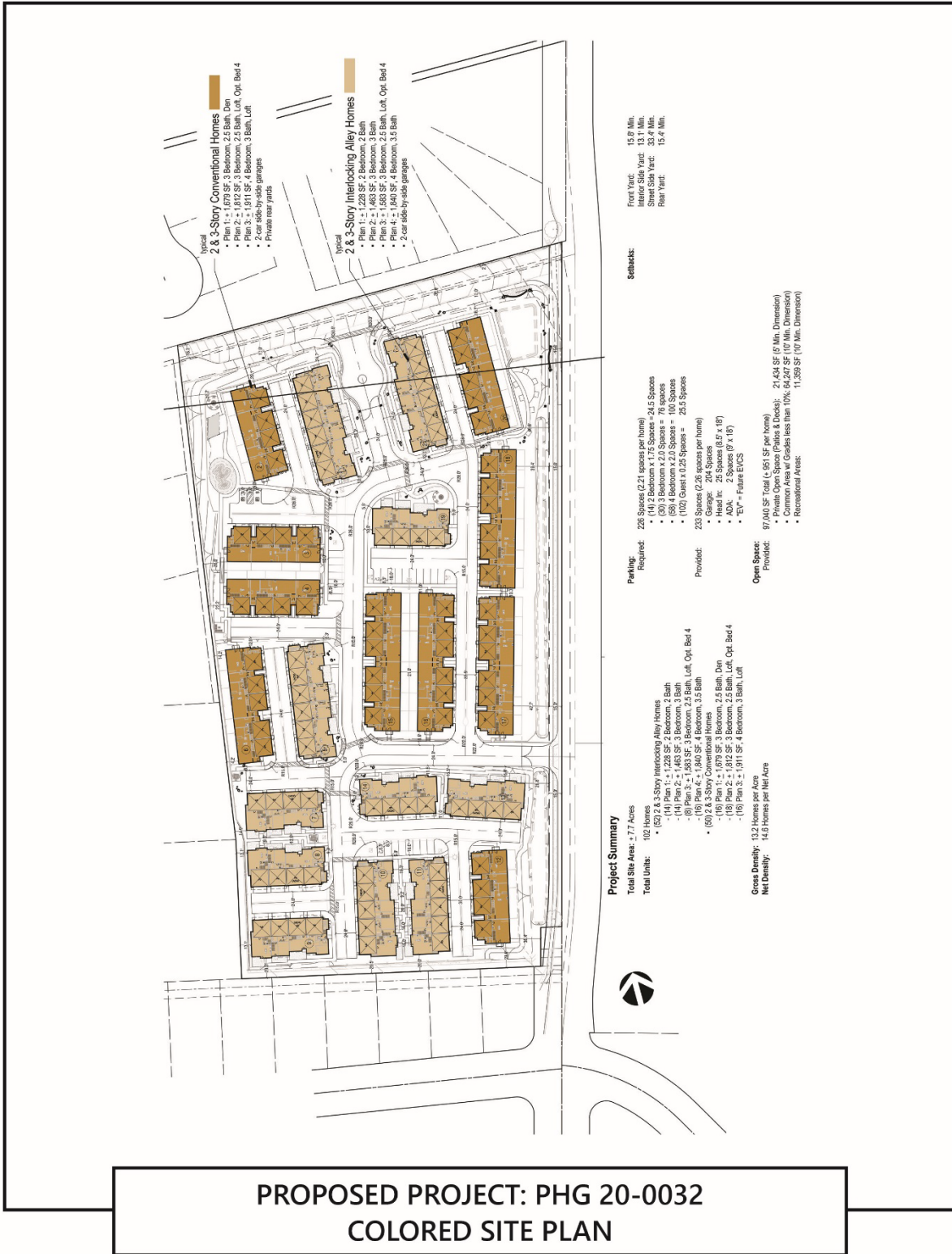
LEGEND (CONT.)	
RETAINING WALL	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)
SEWER MAIN	(Symbol)

EASEMENT NOTES	
1	EASEMENT FOR ROAD AND UTILITY PURPOSES...
2	EASEMENT FOR ROAD AND UTILITY PURPOSES...
3	EASEMENT FOR ROAD AND UTILITY PURPOSES...
4	EASEMENT FOR ROAD AND UTILITY PURPOSES...
5	EASEMENT FOR ROAD AND UTILITY PURPOSES...
6	EASEMENT FOR ROAD AND UTILITY PURPOSES...
7	EASEMENT FOR ROAD AND UTILITY PURPOSES...
8	EASEMENT FOR ROAD AND UTILITY PURPOSES...
9	EASEMENT FOR ROAD AND UTILITY PURPOSES...
10	EASEMENT FOR ROAD AND UTILITY PURPOSES...
11	EASEMENT FOR ROAD AND UTILITY PURPOSES...
12	EASEMENT FOR ROAD AND UTILITY PURPOSES...
13	EASEMENT FOR ROAD AND UTILITY PURPOSES...
14	EASEMENT FOR ROAD AND UTILITY PURPOSES...
15	EASEMENT FOR ROAD AND UTILITY PURPOSES...
16	EASEMENT FOR ROAD AND UTILITY PURPOSES...
17	EASEMENT FOR ROAD AND UTILITY PURPOSES...
18	EASEMENT FOR ROAD AND UTILITY PURPOSES...
19	EASEMENT FOR ROAD AND UTILITY PURPOSES...
20	EASEMENT FOR ROAD AND UTILITY PURPOSES...

**PROPOSED PROJECT: PHG 20-0032  
 EXISTING CONDITIONS**





**PROPOSED PROJECT: PHG 20-0032**  
**COLORED SITE PLAN**

Project Name: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128  
Planning Commission Meeting  
Date: December 13, 2022



Looking south and east towards intersection of Iris/Robin Hill Lane



Looking west and northwest along Iris Lane towards secondary gated access



**Representative example of the architecture, colors, materials for the project.**

**PROPOSED PROJECT: PHG 20-0032  
 COLORED ELEVATIONS**

**4 PLEX CONVENTIONAL HOMES | Conceptual Elevations**

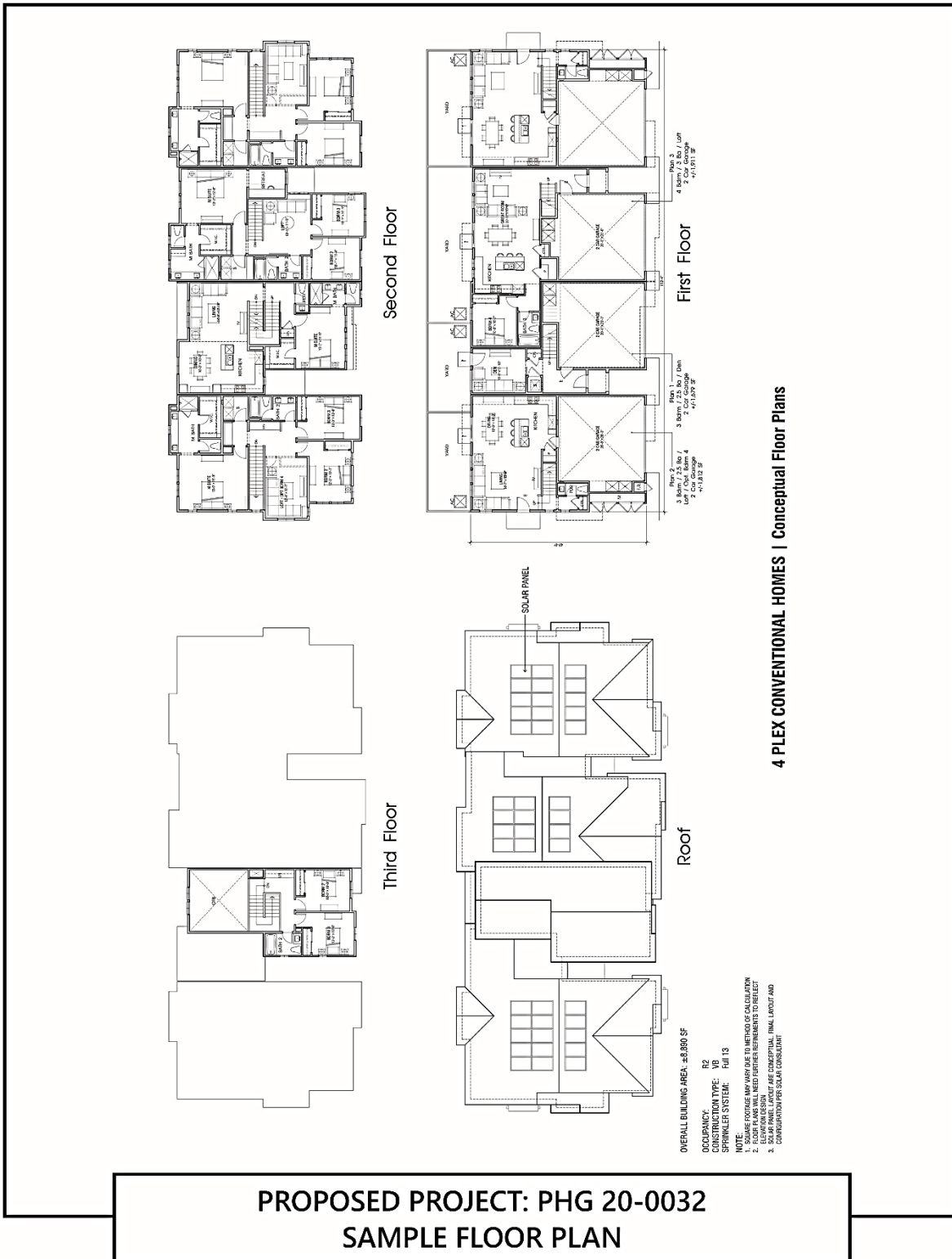
**BUILDING MATERIAL**

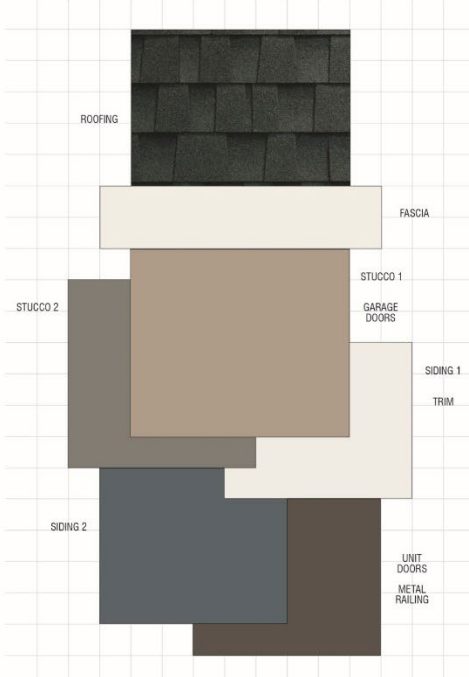
- Roof: Composite Shingle
- Exterior Finish: Fiber Cement Siding
- Accents: Fibre Cement
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

Note: Artist's conception; colors, materials and application may vary.

Color Scheme 2 Shown, Refer to Sheet CML-1

This is a representative example of the floor plans for the project





**ESCONDIDO SITE**  
 Escondido, California  
 HALLMARK COMMUNITIES  
 March 5, 2021 | 2020315

**Exterior Color & Materials**  
 SCHEME 1 OF 2

Material	Color	Manufacturer
<b>Roofing:</b> Composition Shingles	Charcoal	GAF
<b>Stucco Color #1 (applied to):</b> Stucco Garage Doors	SW 7031 Mega Greige	Sherwin Williams
<b>Stucco Color #2 (applied to):</b> Stucco	SW 7067 Cityscape	Sherwin Williams
<b>Siding Color #1 (applied to):</b> Barge Boards Corner Boards Eaves Fascia Lap Siding Outlookers Trim	SW 7005 Pure White	Sherwin Williams
<b>Siding Color #2 (applied to):</b> Board & Battens Corner Boards	SW 9141 Waterloo	Sherwin Williams
<b>Accent Color (applied to):</b> Metal Railing Unit Doors	SW 7048 Urbane Bronze	Sherwin Williams
<b>Garage Door Weatherstrip (factory finish)</b>	Match Garage Door Color	TBD

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Donna Akinch (448) 250-9907.

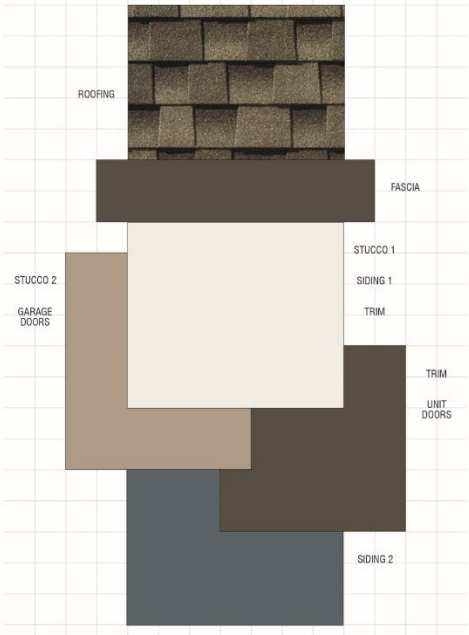
© 2021 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

**Exterior Color & Materials**  
 SCHEME 2 OF 2

Material	Color	Manufacturer
<b>Roofing:</b> Composition Shingles	Sagewood Timberline HD Reflector Series	GAF
<b>Stucco Color #1 (applied to):</b> Board & Battens Stucco Trim	SW 7005 Pure White	Sherwin Williams
<b>Stucco Color #2 (applied to):</b> Garage Doors Stucco	SW 7031 Mega Greige	Sherwin Williams
<b>Siding Color #2 (applied to):</b> Corner Boards Lap Siding	SW 9141 Waterloo	Sherwin Williams
<b>Accent Color (applied to):</b> Barge Boards Eaves Fascia Outlookers Trim Unit Doors	SW 7048 Urbane Bronze	Sherwin Williams
<b>Garage Door Weatherstrip (factory finish)</b>	Match Garage Door Color	TBD

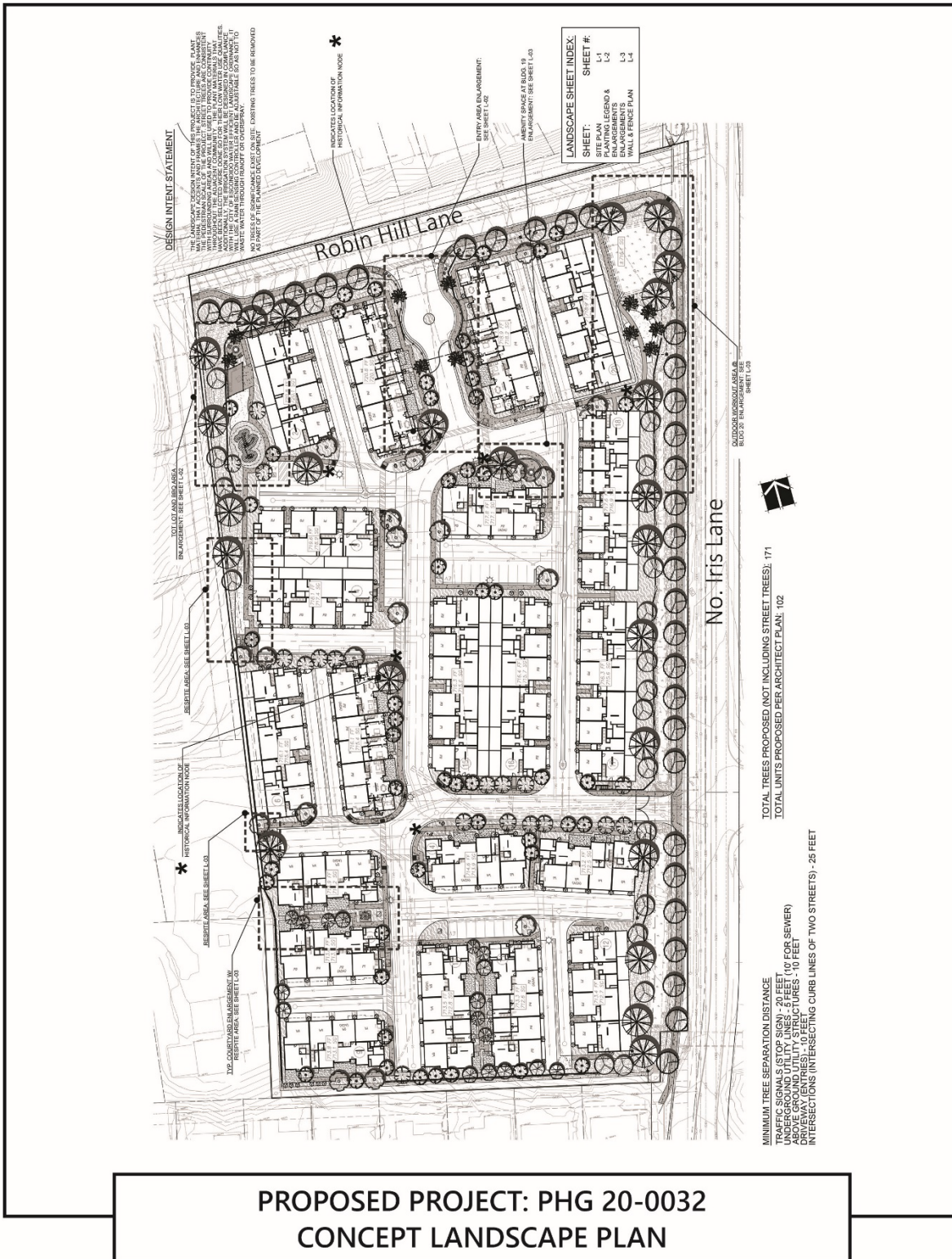
NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Donna Akinch (448) 250-9907.

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**SCHEME 2**  
ALL BUILDINGS

**PROPOSED PROJECT: PHG 20-0032**  
**COLOR MATERIALS LIST**



**PROPOSED PROJECT: PHG 20-0032  
 CONCEPT LANDSCAPE PLAN**





Project Name: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128  
Planning Commission Meeting  
Date: December 13, 2022

## Attachment 3

### Correspondence received after DEIR public comment period



Wed 11/16/2022 11:31 AM

Kerri Benecke <kbenecke4@gmail.com>

[EXT] N. Iris Ln. condo project

To Jay Paul

Retention Policy COE 90 Days Delete - Inbox (3 months)

Expires 2/15/2023

You forwarded this message on 11/16/2022 12:36 PM.

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

Dear Jay,

I'm writing to express my support of the Iris project. My husband and I recently purchased a home in Escondido and chose to do so because this city was an affordable place to move with a promising downtown area. At the time, finding a home in this city proved challenging as there aren't many homes for sale on the market here. I think adding condominiums at a reasonable price will help the city gain valuable housing while over time keeping them within reach for young couples and families who want to start a life in this city. Projects such as these will make people excited to move to Escondido and will also help support our city's business growth, making it a thriving community. I support this project and urge our decision makers to approve this community. Please keep Escondido growing.

Thank you,  
Kerri Benecke



Thu 12/1/2022 5:47 PM

Sara Duggan <saraduggan7272@gmail.com>

[EXT] Concerns about PHG20-0032

To Jay Paul

Retention Policy COE 90 Days Delete - Inbox (3 months)

Expires 3/2/2023

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

Hi Jay,

I live on South Iris lane in unincorporated Escondido. I drive along North Iris lane daily to take my kids to school at North Broadway elementary and Rincon Middle School. It came to my attention yesterday that signs have been posted along the properties on North Iris about the city trying to annex the properties there, rezone, and build a 102 unit condominium complex. I have major concerns about this.

We bought our house because we like our large property for gardening and animals and the fact that we don't have neighbors looking in our windows. Aside from the road noise, our property and our neighbor's properties feel like a little bit of the country. I'm concerned that further down the road the same thing might happen to my house; that it's a big lot that somebody might want to build condos on. I'm concerned that this sets a precedent in this area for annexing county property and building high density housing.

In the more immediate future, I am concerned about the amount of traffic that is going to be coming down South Iris Lane. It is already a struggle in the mornings to pull out of my driveway to get my kids to school because of the amount of vehicles that use South Iris Lane as a thoroughfare between center City parkway and El Norte parkway. Another 200 cars driving past my house every morning and afternoon would definitely increase the noise and manageability of getting in and out of my driveway. I already have people lay on their horns when I turn in my driveway even though I turn on my blinker way up the street. I've almost been rear-ended because people see the street as a thoroughfare, not as a street that people actually live on. I can only see that getting worse with an additional 200 units just up the street.

Additionally, as someone who works in education in the local schools, I'm concerned about the impact that that many more students in the area could have on our local schools. North Broadway elementary does not currently have the space to support the number of students that 200 homes may bring to the area. Does school planning and infrastructure play into these plans as well?

Thank you for taking the time to address my concerns. I will be doing my best to make it to the hearing on December 13th.

Sara Duggan

ATTACHMENT 4

Planning Commission  
Hearing Date: December 13, 2022

Effective Date: December 24, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMING CITY COUNCIL CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT, WHICH INCLUDES FINDINGS OF FACT AND MITIGATION MONITORING AND REPORTING PROGRAM, AND RECOMMENDING APPROVAL OF AN ANNEXATION OF 7.7 ACRES, PREZONE, GENERAL PLAN AMENDMENT, TENTATIVE SUBDIVISION MAP, AND MASTER AND PRECISE DEVELOPMENT PLAN FOR A 102 UNIT MULTI-FAMILY DEVELOPMENT FOR THE N. IRIS CONDOMINIUM PROJECT

APPLICANT: Hallmark Communities, Inc.

CASE NOS: PHG20-0032, PL20-0738, PL20-0739,  
PL21-0126, PL21-0127 and PL21-0128

WHEREAS, Hallmark Communities, Inc., (“Applicant”), filed a land use development application, Planning Case Nos. PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128 (“Application”) constituting a request for Annexation, Prezone to Planned Development-Residential (PD-R 14.6), General Plan Amendment from Suburban (S) to Urban III (U3), along with a one-lot Tentative Subdivision Map and a Master and Precise Development Plan for 102 air-space condominium units (“Project”) on approximately 7.7- gross acres (6.98 net acres) generally located on the west side of N. Iris Lane, south and east of Robin Hill Lane, addressed at 2039, 2047, 2085 and 2089 North Iris Lane (Assessor’s Parcel Numbers 224-310-05-00, 224-310-06-00, 224-310-07-00, 22-310-08-00 and 224-310-20-00); 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 Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"); and

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

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act and the Final Environmental Impact Report (FEIR: State Clearinghouse Number 2021060702) consisting of the Draft EIR, comments and responses to comments, errata, and CEQA findings has been prepared pursuant to CEQA and to analyze the environmental effects of the Project; and

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) which govern the preparation, content, and processing of an environmental impact report, have been fully implemented in the preparation of the EIR; and

WHEREAS, the City Council is required pursuant to CEQA (Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, as reflected in the Final EIR, Mitigation Measures required under CEQA were developed to reduce the potential for adverse effects with respect to biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and transportation and traffic. In determining whether the proposed Project has a significant effect on the environment, the City has based its decision on substantial evidence and has complied with CEQA Section 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b); and

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

WHEREAS, on December 13, 2022, 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 December 13, 2022, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public 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.

WHEREAS, That Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

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

1. The above recitations are true and correct.
2. The Planning Commission, certifies that is has reviewed and considered the Final Environmental Impact Report, provided as Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein, and determined that it is complete and adequate for this project, and there are no significant environmental effects which are not mitigated. After consideration of the Final EIR and in conjunction with making specific findings, the Planning Commission hereby recommends that the City Council certify the Final EIR in accordance with the requirements of CEQA.
3. The Findings of Fact and Mitigation Monitoring and Reporting Program of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the Project. The Planning Commission hereby recommends the

City Council adopt these various CEQA Findings of Fact, detailed in Exhibit “C,” which is attached hereto and made a part hereof by this reference as though fully set forth herein. The Mitigation Monitoring and Reporting Program, included as Exhibit “D,” which is attached hereto and made a part hereof by this reference as though fully set forth herein, is hereby recommended to be adopted to ensure implementation of feasible mitigation measures identified in the EIR. The Planning Commission finds that these mitigation measures are fully enforceable conditions on the Project and shall be binding upon the City and affected parties.

4. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the following substantive findings and determinations, detailed in Exhibit “E,” which is attached hereto and made a part hereof by this reference as though fully set forth herein, relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

5. That, considering the Final EIR, CEQA Findings of Fact, Project Findings of Fact and applicable law, the Planning Commission hereby recommends that the City Council approve the Annexation and Prezone on the subject property, and recommend approval of said Application to use Property for the Project, subject to each and all of the conditions thereafter set forth in Exhibit “F,” which is attached hereto and made a part hereof by this reference as though fully set forth herein” and Plans set forth in Exhibit “G,” which is attached hereto and made a part hereof by this reference as though fully set forth herein. The Planning Commission expressly declares that it would not have made a

recommendation to approve 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. That this Tentative Subdivision Map and associated Master and Precise Development Plan shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed within 36 months of the effective date of City Council approval of the Tentative Map, or unless an extension of time is granted pursuant to Section 66452.6 of the California Government Code.

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

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



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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 13th day of December, 2022, by the following vote, to wit:

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

\_\_\_\_\_  
Katharine Barba, Chair  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
Adam Finestone, Secretary of the  
Escondido Planning Commission

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

\_\_\_\_\_  
Jessica Engel, Minutes Clerk  
Escondido Planning Commission

## EXHIBIT "A"

### Legal Description Resolution No. 2022-14 (North Iris Project)

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

#### PARCEL 1:

THAT PORTION OF LOT 6 THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 473.25 FEET FROM THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 7°44'30" WEST 243.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7°44'30" WEST 247.08 FEET; THENCE SOUTH 77°33'45" EAST 201.16 FEET; THENCE NORTH 10°15' EAST 246.43 FEET TO A LINE WHICH BEARS SOUTH 77°33'45" EAST FROM THE TRUE POINT OF BEGINNING, THENCE NORTH 77°33'45' WEST 211.99 FEET TO THE TRUE POINT OF BEGINNING.

#### PARCEL 2:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 33.00 FEET IN WIDTH, THE CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1 ABOVE DESCRIBED; THENCE SOUTH 77°33'45" EAST, 399.58 FEET TO THE EASTERLY LINED OF SAID LOT 6, EXCEPTING THAT PORTION LYING IN SAID PARCEL 1.

APN: [224-310-08-00](#)

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

PARCEL 1: APN: [224-310-05-00](#)

THAT PORTION OF LOT 6 (THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER) OF FRACTIONAL SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 6, DISTANT THEREON SOUTH 89°27'30" WEST 256.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 6; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°27'30" WEST 217.25 FEET; THENCE SOUTH 7°44'30" WEST 243.16 FEET; THENCE SOUTH 77°33'45" EAST 215.71 FEET; THENCE NORTH 7°44'30" EAST 292.11 FEET TO THE POINT OF BEGINNING.

PARCEL 2: APN: [224-310-06-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 14°30'30" WEST 697.70 FEET; THENCE NORTH 77°33'45" WEST 387.50 FEET TO THE EASTERLY LINE OF LAND DESCRIBED IN DEED TO ADOLPHUS E. HOPKINS, ET UX, RECORDED [SEPTEMBER 6, 1950 AS DOCUMENT NO. 101315 OF OFFICIAL RECORDS](#); THENCE ALONG SAID EASTERLY LINE NORTH 7°44'30" EAST 102.78 FEET TO THE SOUTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO JAMES SWANSON, ET UX, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807 OF OFFICIAL RECORDS](#); THENCE ALONG THE BOUNDARY OF SAID LAND SOUTH 77°33'45" EAST 201.16 FEET AND NORTH 10°15' EAST 246.43 FEET TO THE SOUTHERLY LINE OF LAND DESCRIBED IN DEED TO SHIRLEY L. PRICE RECORDED [MARCH 26, 1957 AS DOCUMENT NO. 44592 OF OFFICIAL RECORDS](#); THENCE ALONG SAID SOUTHERLY LINE SOUTH 77°33'45" EAST 3.72 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND; THENCE ALONG THE EASTERLY LINE THEREOF NORTH 7°44'30" EAST 292.11 FEET TO THE NORTHERLY LINE OF SAID LOT 6; THENCE ALONG SAID NORTHERLY LINE NORTH 89°27'30" EAST 256 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1961 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 2A:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THE SOUTHERLY 15.00 FEET OF THE PROPERTY DESCRIBED IN THE DEED TO JAMES SWANSON AND FRANCES SWANSON, HUSBAND AND WIFE, AS JOINT TENANTS, RECORDED [DECEMBER 12, 1958 AS DOCUMENT NO. 208807, IN BOOK 7393, PAGE 414 OF OFFICIAL RECORDS](#).

PARCEL 2B:

AN EXCLUSIVE EASEMENT FOR ROAD PURPOSES OVER THE SOUTHERLY 10 FEET OF THE LAND DESCRIBED IN THE DEED TO FRANCES R. ZICKEFOOSE, A WIDOW, RECORDED [FEBRUARY 23, 1974 AS DOCUMENT NO. 31674 OF OFFICIAL RECORDS](#).

PARCEL 3: APN: [224-310-20-00](#)

THAT PORTION OF LOT 6 IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 6 FROM WHICH THE NORTHEASTERLY CORNER OF SAID LOT 6 BEARS NORTH 14°30'30" EAST 697.7 FEET; THENCE NORTH 77°33'45" WEST 387.5 FEET; THENCE SOUTH 12°03'40" WEST 164.19 FEET; THENCE SOUTH 77°56'20" EAST 355.59 FEET; THENCE NORTH 14°30'30" EAST 46 FEET; THENCE SOUTH 77°56'20" EAST 25 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID EASTERLY LINE NORTH 14°30'30" EAST 116.8 FEET TO THE POINT OF BEGINNING.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER A STRIP OF LAND 20 FEET WIDE BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE EASTERLY LINE OF THE ABOVE DESCRIBED LOT 6 FROM WHICH THE NORTHEASTERLY CORNER THEREOF BEARS NORTH 14°30'30" EAST A DISTANCE OF 850.5 FEET; THENCE

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

THAT PORTION OF LOT 6, IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 6, DISTANT THEREON SOUTH 14°30'30" WEST 348.96 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE LEAVING SAID EASTERLY LINE NORTH 77°33'45" WEST 104 FEET; THENCE SOUTH 14°30'30" WEST PARALLEL WITH SAID EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 123.21 FEET; THENCE SOUTH 77°33'45" EAST 104 FEET TO A POINT IN SAID EASTERLY LINE OF SAID LOT 6; THENCE NORTH 14°30'30" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 123.21 FEET TO THE POINT OF BEGINNING.

APN: [224-310-07-00](#)



## **EXHIBIT “B”**

Draft and Final Environmental Impact Report  
Resolution No. 2022-14  
(North Iris Project)

Due to the number of pages of Exhibit “B,” the following link has been provided to review the documents electronically on the City’s web site:

<https://www.escondido.org/north-iris-condominiums>

The Draft and Final EIR files available at this link include the following:

- The full text of the Draft EIR
- All technical appendices included with the Draft EIR
- Final EIR
- Final EIR Introduction, Errata, Comments and Response to Comments
- CEQA Findings
- Mitigation Monitoring and Reporting Program

## **EXHIBIT “C”**

CEQA Findings  
Resolution No. 2022-14  
(North Iris Project)

Due to the number of pages of Exhibit “C,” the following link has been provided to review the CEQA Findings electronically on the City’s web site and located under CEQA Findings:

<https://www.escondido.org/north-iris-condominiums>

## **EXHIBIT “D”**

Mitigation Measures and Monitoring Program (MMRP)  
Resolution No. 2022-14  
(North Iris Project)

Due to the number of pages of Exhibit “D,” the following link has been provided to review the MMRP electronically on the City’s web site.

<https://www.escondido.org/north-iris-condominiums>

## EXHIBIT “E”

### FACTORS TO BE CONSIDERED / FINDINGS OF FACT

PLANNING CASE NUMBERS: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127  
and PL21-0128

#### **Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act, ("CEQA"), Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. In accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation (“NOP”) of the Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on July 1, 2021, for a 30-day public comment period. Various agencies and other interested parties responded to the NOP.
3. The Draft EIR for the proposed Project was then prepared and after completing the Draft EIR (SCH No. 2021060702), the City released the document for public review for a 45-day public comment period by filing a Notice of Availability with the County Clerk of San Diego, and posting the Draft EIR with the State Clearinghouse. The 45-day public comment period started September 20, 2022, and ended November 3, 2022. During the public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines Sections 15086 and 15087.
4. The City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues. The City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required.
5. The City prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the technical appendices and referenced documents, revisions and additions to those documents, public and agency comments on the Draft EIR, and the City’s responses to comments.
6. The Planning Commission has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, CEQA Findings, and the public comments and responses thereto (on file in the Office of the City Clerk and incorporated by this reference), and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete

and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines. The Planning Commission has considered all significant impacts, mitigation measures, and Project alternatives identified in the Final EIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible. The Planning Commission also finds that the Project alternatives would not satisfy the Project objectives as effectively as the Project. Pursuant to Public Resource Code Section 21082.1(c)(3) and CEQA Guidelines Section 15090(a)(3), the Planning Commission also finds that the EIR reflects the City's independent judgment as the lead agency for the proposed Project.

7. As required by CEQA, the City, in recommending City Council adoption of these Findings of Fact, also recommends adoption of the Mitigation Monitoring and Reporting Program (MMRP). The Planning Commission finds that the MMRP meets the requirements of California Public Resources Code (PRC) Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate the potentially significant effects of the recommended Project.

#### **Annexation/Reorganization Determinations:**

1. The proposed annexation/reorganization conforms to the annexation policies established in the Escondido General Plan Land Use and Community Form Element that are intended to guide development to meet present and future needs, achieve a vibrant community, and enhance the character of Escondido.
2. The five parcels proposed to be annexed are located within the Escondido Sphere of Influence and Escondido Planning Area.
3. The reorganization includes annexation to the City of Escondido and detachment from County Service Area No. 135 (Regional Communications). The parcels also will be excluded from the Rincon Municipal Water District -Improvement District "E" for fire services.
4. The City of Escondido will provide fire and emergency response to the proposed annexation territory. City sewer service would be available to the subject parcels. The City of Escondido Police Department, which already patrols the general area and works cooperatively with the Sheriff, would assume responsibility for law enforcement. The annexation would not introduce new service providers to the area or become a departure from the existing pattern of service delivery in this portion of Escondido.
5. The proposed annexation will not conflict with any specific development plans for the properties. Future development will be subject to the provisions of the Escondido General Plan and Zoning Code upon annexation.
6. The public health, safety and welfare will not be adversely affected by the proposed change because the proposed City zoning of Planned Development-Residential (PD-R 14.6) will be consistent with the proposed City of Escondido General Plan land-use designation of Urban III, as further described in the sections below and in the Planning Commission staff report dated December 13, 2022.
7. The requirements of the California Environmental Quality Act (CEQA) have been met because it was found/determined the Project will not have a significant effect on the environment because mitigation



measures and project design features will avoid or reduce potential impacts to less than a significant level, as demonstrated in the Final Environmental Impact Report prepared for the Project.

**Prezone Determinations:**

1. The proposed Prezone to Planned Development-Residential (PD-R 14.6) would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Prezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Division regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal would be consistent with the established rules of the proposed zoning districts and as permitted pursuant to Article 19 (Planned Development). The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2021060702), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.
2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Prezone would establish a zoning designation of PD-R-14.6 (Planned Development-Residential; maximum 14.6 dwelling units per acre). Upon annexation to the City of Escondido, the Project site would be zoned PD-R 14.6. A General Plan Amendment to change the land use designation of the subject parcels from Suburban (S) to Urban III (U3) is also proposed under this Project to maintain consistency with the Prezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 102 air-space condominium units.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. Development in the vicinity of the project site is characterized by a mix of single-family residences on a variety of lot sizes, planned residential development and a residential/independent care facility. The Project has been designed to limit extensive grading and slopes. Street frontage improvements and off-site improvements, as required by the EIR, would benefit non-residents of the project as much as the residents, including payment of fees for pedestrian improvements at five intersections (Centre City Parkway/Iris Lane, El Norte Parkway/South Iris Lane, Broadway/Vista Avenue, El Norte Parkway/Mountain View, and Country Club Lane/Broadway). The open space system provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties, as detailed in the staff report dated December 13, 2022.
4. The site's proposed zoning classification of Planned Development-Residential (PD-R-14.6) would not be consistent with the existing General Plan designation of Suburban (S), that allows a maximum density of 3.3 dwelling units per acre, but is consistent with the underlying County land-use designation of Village Residential (VR-24), that allows a maximum density of 24 dwelling units per acre. In conjunction with the proposed Prezone to PD-R-14.6, the project proposes to amend the land use designation of the site to Urban III (U3) where the ultimate City zoning designation of PD-R 14.6 would be consistent with the underlying land-use designation of Urban III. The U3 designation is intended for multi-family projects with a maximum density of 18 dwelling units per acre.

5. The proposed Prezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land zoned for R-3 type development. The Project would establish a zoning designation of PD-R-14.6, which would allow a maximum density of 14.6 dwelling units per acre. A density of 14.6 dwelling units per acre would be within the required 70 percent (12.6 minimum dwelling units per acre) of the maximum allowed 18 dwelling unit per acre of the Urban III land-use designation.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

**General Plan Amendment Determinations:**

1. The public health, safety and welfare will not be adversely affected by the proposed General Plan Amendment from Suburban (S) to Urban III (U3). A Draft Environmental Impact Report was prepared for the project and circulated for public review from September 20, 2022 to November 3, 2022, as required under CEQA. This environmental review document found that development of the property could have potentially significant impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation, and mitigation measures were proposed to reduce these impacts to a less than significant level.
2. The proposed General Plan Amendment for the subject site would be compatible with existing development patterns in the surrounding areas. Residential neighborhoods throughout the surrounding area consist of a mix of residential uses, types and densities, and several of these neighborhoods are planned developments that have implemented site-specific development standards, such as the clustering of small residential lots in and around common open space areas. All setbacks proposed by the project would be consistent with the setbacks required of a traditional Urban III/R-3 development. While some buildings would exceed the 35 feet in height limit (up to 37 feet in height for select buildings/features) imposed the R-3 zone, no buildings would exceed three stories. The design of the proposed condominium units incorporates a subdued color palette and a range of exterior finishes to be compatible with surrounding residential development.
3. The proposed General Plan Amendment from Suburban (S) to Urban III (U3) would be consistent with the goals and policies of the General Plan as a whole. In the General Plan's Housing Element, Housing Policy 1.1 calls for the expansion of housing stock while preserving the health, safety, and welfare of residents and the fiscal stability of the City, while Housing Policy 2.2 calls for efforts to increase homeownership through education, availability, and affordability. The General Plan Amendment would facilitate the development of up to 102 for sale condominium units to support the City's housing stock. Per Planned Development Policy 6.3, planned developments are expected to address visual impacts, preservation of natural setting, the use of superior architectural features, adequate separation between structures within the site and between the site and neighboring properties, and preservation of common open space. The project has been designed with a subdued color palette to coordinate with the surrounding area. Common and private open space would be provided for the Project. Proposed setbacks would be consistent with R-3 development requirements. The Fire Department has reviewed the project plans to ensure that adequate fire protection and emergency access would be provided. Mitigation measures have been included in the EIR to mitigate potential project related impacts to the environment.

4. The proposed General Plan Amendment is suitable and will not affect the allowed land uses in any zones. The purpose of the proposed General Plan Amendment is to change the land use designation of the property from Suburban (S) to Urban III (U3). The specific use proposed for the site (multi-family residential at a maximum density of 14.6 dwelling units per acre) would then be consistent with the new Urban III land-use designation that allows a maximum density up to 18 dwelling units per acre.

**Tentative Subdivision Map Determinations:**

1. The Project proposes a one-lot Tentative Subdivision Map in conjunction with the development of 102 air-space condominium units. The location, design, and residential density of the proposed one-lot air-space condominium residential development is consistent with the goals and policies of the Escondido General Plan (as proposed as a component of the General Plan Amendment to Urban III) because multi-family residential development is permitted and encouraged in the Urban III land-use designation. The proposed infill residential Project is in conformance with General Plan Housing Goals and Policies to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities.
2. The Project site is physically suitable for the proposed density of development because the Project site is within an urban area that is developed with a mix of single-family residential, planned development residential and a residential care and independent living facility with a range of densities. The proposed Urban III land-use designation allows up to 18 dwelling units per acre. Based on the Project site (6.98 net acres), the underlying County land-use designation would allow up to 125 units. The request to subdivide the Project site into one lot and develop 102 air-space condominium units with a density of 14.6 dwelling unit per acre would be consistent with the proposed Urban III land-use density and development requirements. Furthermore, the proposed Tentative Subdivision Map is consistent with applicable provisions of the General Plan that addresses growth management and maintaining the fiscal stability of the City because the Project applicant minimizes ongoing costs to taxpayers through annexation into a CFD or establishment of another funding mechanism as required by the Project conditions of approval.
3. The approval of the proposed Project would be based on sound principles of land use and is well-integrated with its surroundings near similar residentially developed properties because adequate access, parking, utilities, public services and landscaping would be provided (as detailed in the staff report). The residential Project also would not be out of character for the area which contains other multi-story development with a range of residential uses and densities. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
4. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The proposed grading

design would not result in any manufactured slopes or pad elevations that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views.

5. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the Tentative Subdivision Map for the Project would not violate the requirements, goals, policies, or spirit of the General Plan. The Project site is suitable for the proposed residential type of development and density as detail in the Planning Commission staff report dated December 13, 2022 and also noted in the above sections.
6. The Project would be compatible with the surrounding uses because the site is within an urban residential area developed with a variety of residential developments of varying density, lot sizes and design. The topography of the site is relatively flat to gently sloping from the northwest to the south and southeast. Extensive grading is not proposed. The topography of the Project site allows for appropriate access and the creation of buildable pad areas without the need to export or import significant quantities of material. Adequate public utilities and services can be provided to the site. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. Appropriate noise attenuation would be provided for the new lots. The proposed Project also would not result in a significant impact to biological or natural resources, as mitigated to reduce potential impacts to a less than significant level.
7. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot configuration; traffic and emergency access; and grading; were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage and would avoid injury to fish or wildlife, or their habitat because the Project site is located within an infill urban setting and all potential impacts would be mitigated to less than a significant level.
8. The design of the Tentative Subdivision Map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
9. The design of the Tentative Subdivision Map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provide opportunities for passive/solar heating.
10. All permits and approvals applicable to the proposed Tentative Subdivision Map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) will have been obtained prior to the recordation of the map.
11. The proposed Tentative Subdivision Map will not conflict with regional or local housing goals because the proposed infill residential Project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports

nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The proposed Project would not diminish the Quality-of-Life Standards of the General Plan as the Project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site. The Project would comply with all development standards of the applicable zone and observe the density of the General Plan and area plans, as noted in the sections above.

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

### **Planned Development Determinations:**

1. The location, design, and residential density of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido City Council, or in the process of being prepared and adopted. The proposed Master and Precise Development Plan would create 102 air-space condominium units on 6.98 net acres for a density of 14.6 dwelling units per acre. This would be in conformance with the densities allowed by the land-use designation and zoning classification proposed under the concurrent General Plan Amendment to Urban III and Prezone to PD-R-14.6. The project site is not covered under any existing or proposed specific plans.
2. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is adjacent to a variety of residential development and densities, including single-family residential, planned residential developments that utilize small single-family lots with attached homes and common space areas, and a multi-story residential/independent living care facility. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential) zone. The design of the proposed structures would incorporate a range of building materials and a subdued color palate that would be compatible with existing development in the area. Landscaping has been proposed for aesthetic purposes and to buffer the development from surrounding roads and development.
3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was prepared for the project and mitigation measures have been proposed in the EIR to reduce potential impacts to less than significant level.
4. The proposed location and design allow residents within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. All utilities intended for the site are already in place or can be extended to serve the site. Police and Fire services are available and sufficient for the development.
5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The proposed residences include two- and three-story units that incorporate a subdued

color palette and a mixture of exterior finishes to be compatible with the surrounding built environment and mix of development types. A conceptual landscape plan has been provided that includes a mix of common and private open space areas and amenities, along with attractive and regionally appropriate plantings for recreation areas, bioretention basins, and street trees.

6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the development has been designed to coordinate with the existing topography of the site, and the Project's effects on views from surrounding streets and residences has been analyzed within the Project EIR.
  
7. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. The Project site requires a General Plan Amendment and zoning designation to accomplish the Project objectives to provide 102 condominium units. The proposed Planned Development zoning designation would help the City increase its supply of for-sale housing. California law requires each city and county to develop local programs within their housing element in order to meet their "fair share" of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (RHNA) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.



# EXHIBIT “F”

## CONDITIONS OF APPROVAL

Planning Case Numbers: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

This Project is conditionally approved as set forth on the application received by the City of Escondido on **August 6, 2020**, and the Project drawings consisting of Civil Plans/Grading, Sections, Site Plans, Floor Plans, Architectural Elevations, Landscape Plans and Colored Elevations; all designated as recommended for approval on **December 13, 2022**, and shall not be altered without express authorization by the Community Development Department.

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

### A. General:

1. **Acceptance of Permit.** Should the Applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map, the Permit shall expire 36 months from the effective date of City Council approval of the Tentative Map, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code.
3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.
4. **Conformance to Approved Plans.**
  - a. The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.

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

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

**6. Certificate of Occupancy.**

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

**7. Availability of Permit Conditions.**

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

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

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

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

- 10. Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. 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 Community Development Department.

- 11. Community Facility District or Funding Mechanism.** In accordance with the General Plan, the Developer shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding shall be in accordance with City Ordinance 2020-10, unless another amount is approved by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into Services CFD 2020-1 or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Projects that elect to annex into the Services CFD shall submit consent forms prior to the first permit issuance if they have not done so already. The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

- 12. 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.

**13. Clerk Recording.**

- a.** State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance

with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increases after the date of this approval, the Applicant shall be responsible for the increase.

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

**14. 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.

**15. 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.

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

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

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all

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

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

provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

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

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

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

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

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

- 3. Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
- 4. Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code, unless modified by this Project Planned Development. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
- 5. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).



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

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

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

1. As shown on the plans, an enclosed two-car garage shall be provided for each condominium unit. A minimum of 25 open guest spaces also shall be provided. The garages shall be maintained to provide parking for two cars and storage or other use of the garage space shall not impede the use of the garages for parking of vehicles.
2. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
  - a. A final landscape and irrigation plan shall be submitted to the Engineering Services Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
  - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
  - c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
  - d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.

**E. Specific Planning Division Conditions:**

1. The Project shall be managed by a professional management company. A self-managed Home Owners Association (“HOA”) shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project Covenants, Conditions, and Restrictions (“CC&Rs”).
2. The storm water basin and any fencing associated with the basin shall be maintained by the Project HOA. The basin and landscaping shall be design to be a visual amenity for the Project with an appropriate mix of shrubs, ground cover and grasses. If fencing is provide to restrict

access to the basin, the fencing shall be an open decorative design (e.g., tubular steel, split rail or other type of decorative fencing). The height of any fencing associated with the basin shall not exceed 42 inches and shall not limit sight distance at the intersection.

#### **F. Mitigation Measures:**

**MM-BIO-1.** Trimming, grubbing, and clearing of vegetation shall be avoided during the avian breeding season, which generally runs from February 15 to August 31 (as early as January 1 for some raptors) to the extent feasible. If trimming, grubbing, or clearing of vegetation is proposed to occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist no more than seven days prior to vegetation clearing to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, trimming, grubbing, and clearing of vegetation shall be allowed to proceed. If active bird nests are confirmed to be present during the pre-construction survey, a buffer zone will be established by the biologist. Construction activities shall avoid any active nests until a qualified biologist has verified that the young have fledged, or the nest has otherwise become inactive.

**MM-BIO-2.** Prior to impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit.

**MM-BIO-3.** Prior to any project impacts to potentially jurisdictional resources, demonstration that regulatory permits from USACE, RWQCB, and CDFW have been issued or that no such permits are required shall be provided to the City. Permanent impacts to 0.05 acre of USACE/RWQCB jurisdictional non-wetland waters of the United States/State, 0.10 acre of CDFW jurisdictional habitat, and 0.02 acre of CDFW jurisdictional streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following off-site options, unless otherwise required by the USACE, RWQCB, and/or CDFW during the regulatory permitting process:

- Purchase of establishment/re-establishment, rehabilitation, enhancement, and/or preservation credits from an off-site mitigation bank with a service area that overlaps the project and that is approved by the USACE, RWQCB, and CDFW, such as the San Luis Rey Mitigation Bank, and Brook Forest Conservation/Mitigation Bank; and/or
- Acquisition or use of other off-site mitigation lands in the region to include establishment/re-establishment, rehabilitation, enhancement, and/or preservation of USACE, RWQCB, and CDFW jurisdictional resources.

Mitigation for RWQCB-jurisdictional waters shall include a minimum 1:1 establishment/ reestablishment to ensure no-net-loss. Final mitigation requirements shall be determined during the permitting process in coordination with the USACE, RWQCB, and CDFW, as appropriate.

**MM-BIO-4.** The project applicant shall replace impacted mature trees at a minimum 1:1 ratio, unless otherwise determined by the City. The project applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development. This condition can be satisfied on-site if the project's landscape plans include the appropriate number of oak trees and other tree species.

**MM-BIO-5.** The project applicant shall prepare an infectious tree disease management plan for the project. This plan should include a description of how the infectious tree disease management plan will be implemented. All trees that would be removed by the project should be inspected for contagious tree diseases including, but not limited to, thousand canker fungus (*Geosmithia morbida*), polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agilus auroguttatus*). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the project site without first being treated using best available management practices relevant for each tree disease observed.

**MM-CR-1.** Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-CR-2 through MM-CR-10, and the following information:

- Parties entering into the agreement and contact information.
- Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
- Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
- Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
- Treatment of identified Native American cultural materials.
- Treatment of Native American human remains and associated grave goods.
- Confidentiality of cultural information including location and data.
- Negotiation of disagreements should they arise.
- Regulations that apply to cultural resources that have been identified or may be identified during project construction.

**MM-CR-2.** Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

**MM-CR-3.** The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.

**MM-CR-4.** During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation

with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).

**MM-CR-5.** In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthened archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.

**MM-CR-6.** If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.

**M-CR-7.** All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.



**M-CR-8.** As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.

**MM-CR-9.** If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

**MM-CR-10.** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.

**MM-GEO-1.** Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

**MM-HAZ-1a.** Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that an asbestos survey has been conducted on any buildings that are to be demolished or removed from the project site. If asbestos is found, the Applicant shall follow

all procedural requirements and regulations of to properly abate and dispose of all on-site asbestos-containing materials before general demolition activities commence.

**MM-HAZ-1b.** Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the applicant shall follow all OSHA procedural requirements and regulations for its proper removal and disposal before general demolition activities commence.

**MM-HAZ-2.** Prior to construction activities on the project site, the Applicant shall submit verification that the undocumented fill material placed in front of 2039 North Iris Lane has been removed or evaluated for the potential for contaminants. If contaminated, the soil must be removed and disposed of according to local and state regulations. If contaminated soil is identified, the applicant shall follow all procedural and regulatory requirements for its proper removal and disposal before general construction activities commence.

**MM-N-1.** If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines. A noise mitigation plan based upon the location of the construction equipment, topography and construction schedule shall be prepared by an acoustical consultant. The noise mitigation plan shall identify measures to reduce sound levels to below 75 dBA. Such measures could include a temporary noise barrier along any property line where the impacts could occur. The proposed noise barrier shall be of solid non-gapping material to adequately reduce construction noise levels below the noise threshold of 75 dBA at the property lines. The noise mitigation plan shall determine the final height and location of a temporary barrier if one is necessary.] The mitigation plan may also identify location and timing restrictions on drilling equipment usage. The mitigation plan shall be submitted to the City for review and approval prior to initiation of rock drill staging activities within 160 feet of any occupied noise sensitive land use.

**MM-TR-1a.** The project shall implement CAPCOA reduction measure T-1 (Increase Residential Density).

**MM-TR-1b.** The project applicant shall pay the City of Escondido \$67,500 for pedestrian improvements at the following five intersections to reduce VMT impacts:

- Intersection of Centre City Pkwy at Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte at South Iris Lane (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of Broadway at Vista Ave (Install high-visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of El Norte Parkway at Mountain View (Install pedestrian countdown timers on each corner (4 countdown timers).
- Intersection of Country Club Lane at Broadway (Install high visibility crosswalk on north, south and east legs (3 crosswalks).

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

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

## **H. Specific Engineering Conditions of Approval:**

### **GENERAL**

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and 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 Checklist. Landscaping Plans shall be prepared by a Landscape Architect and submitted with the second review of the Grading Plans.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map and Grading Plan. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
  - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
  - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Division a copy of the Tentative Subdivision Map as presented to the Planning Commission and the City Council. The Tentative Subdivision Map will be signed by the Planning Division verifying that it is an accurate reproduction of the approved

Tentative Subdivision Map and must be included in the first submittal for plan check to the Engineering Services Department.

**STREET IMPROVEMENTS AND TRAFFIC**

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

<b><u>STREET</u></b>	<b><u>CLASSIFICATION</u></b>
North Iris Lane	Local Collector Street (62'/42')
Robin Hill Lane (Private)	Residential Street (44'/32')

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

3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
4. All on-site failing sections of asphalt driveway and concrete gutter must be repaired and/or replaced to the satisfaction of the City Engineer.
5. Access to this project from N. Iris Lane shall be per alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
6. The major access entrance shall be designed per the approved Tentative Subdivision Map.
7. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
8. All on-site roads, driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks, street lights, paving and base.
9. For North Iris Lane and Robin Hill Lane the sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
10. Final street improvements shall be to the satisfaction of the City Engineer and shall be based on City of Escondido standard drawing Figure 3.
11. Plans for construction within any right-of-way or easement under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.

13. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
14. The developer may be responsible for an overlay of North Iris Lane due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
15. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided for adequate sight distance and subject to approval of the City Engineer.
16. The developer shall be required to construct an emergency access road through the project to the satisfaction of the City Engineer and City Fire Marshal.
17. The proposed street system shall be designed to align with other existing intersections to the satisfaction of the City Engineer.
18. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
19. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
20. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
21. The developer shall be required to construct LED street lights in accordance with Escondido Standard Drawing No. E-1-E along North Iris Lane.
22. All gated entrances shall be designed and improved to the satisfaction of the City Engineer.
23. The developer shall install trash capture devices on existing storm drain inlets along the project's frontage to the satisfaction of the City Engineer.
24. The project shall pay an in-lieu fee totaling \$67,500.00 at the time the first grading plan is submitted to the Engineering Department for VMT mitigation measures identified in the transportation study for the project. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.
25. The project shall pay a fair-share contribution for the widening of North Iris Lane for approximately 280 linear feet Northeast of City Centre Parkway. The fair share amount is calculated at 6.5% and requires a fee of \$10,075 and shall be paid with the first submittal of the grading plan to the Engineering Department. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.
26. The project shall pay a fair-share contribution for improvements to the intersection of City Centre Parkway and North Iris Lane which include modifying the signal operations and restriping the Westbound approach on North Iris Lane from a left and through right configuration to a left and left through configuration. This fair share amount is calculated at 3.1% and requires a fee of \$6,975 and shall be paid with the first submittal of the grading plan to the Engineering Services Division. This fee shall be adjusted to account for inflation at the time of the first submittal to the Engineering Department.

## **GRADING**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by a digital copy of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
6. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
7. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
8. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

## **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. 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's association. Provisions stating this shall be included in the CC&Rs.



3. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin and any other post construction BMP's shall be submitted and approved as part of the grading plan check.
4. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

### **WATER SUPPLY**

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

### **SEWER**

1. The Developer is required at their sole expense to design and construct an 8-inch public sewer main. The 8-inch sewer main shall connect to the existing 10-inch sewer main in North Iris Lane and shall continue up Streets B, C, D and H. A minimum 20-foot Public Utility easement shall be provided for the public sewer mains. There shall be no permanent structures allowed within the Public Utility easement.
2. Private 6-inch PVC sewer laterals shall connect to the public sewer main and shall be shown on the improvement and grading plans.
3. All sewer laterals shall be constructed per current City of Escondido Design Standards and the current Uniform Plumbing Code.
4. 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 and 10-feet clear from water mains.
5. All sewer laterals shall be considered a private sewer system. The Home Owners Association shall be responsible for all maintenance of sewer laterals to the public sewer main.

6. All sewer mains, laterals and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
7. The project design shall be such that all existing or new sewer manholes are accessible at all times by City vector trucks for maintenance.
8. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.

**LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.

**FINAL MAP - EASEMENTS AND DEDICATIONS**

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

**STREET**

**CLASSIFICATION**

North Iris Lane

Local Collector Street (62'/42')

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. A public sewer easement shall be dedicated over the private streets.
5. An emergency access easement shall be granted to the City on the Final Map. The minimum width of the easement shall be 24 feet and to the satisfaction of the City Engineer and Fire Marshal.
6. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the Final Map. All street vacations shall be accomplished by means of a separate public hearing if required. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued until all conflicting easements are resolved, nor will any securities be released until the existing easements are quitclaimed.

**CITYWIDE COMMUNITY FACILITIES DISTRICT (CFD)**

1. In accordance with the General Plan, the applicant shall offset the cost of public services through an approved funding mechanism. The applicant has indicated their intent to meet this requirement

through annexation to the Citywide Community Facilities District (CFD). The applicant shall submit a complete Annexation Application, Unanimous Approval signed by the property owner, a title report issued within the last 30-days, and processing fees to the Engineering Department prior to the first submittal of the Building Permit. The Annexation Application and the Unanimous Approval forms are available on the following webpage: <https://www.escondido.org/community-facilities-districts>

### **REPAYMENTS AND FEES**

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

### **CC&Rs**

1. Copies of the CC&Rs shall be submitted to the Engineering Services Division and Planning Division for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, private street lighting, private storm drains, landscaping and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs must state that the property owners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
4. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

EXHIBIT "G"

Plans
Resolution No. 2022-14 (North Iris Project)

Main project area including: LEGEND (listing materials like concrete, steel, etc.), KEY MAP (site overview), CIVIL ENGINEER/ LAND SURVEYOR (SB&D info), LANDSCAPE ARCHITECT (info), ARCHITECT (info), SOILS ENGINEER (info), DEVELOPMENT SUMMARY (tables for Open Space, Dwelling Units, etc.), LIST OF ABBREVIATIONS (technical terms), and various engineering notes and specifications.



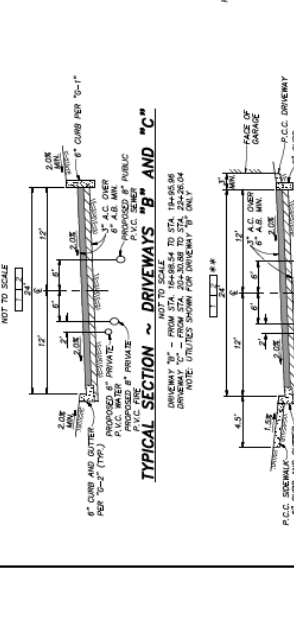
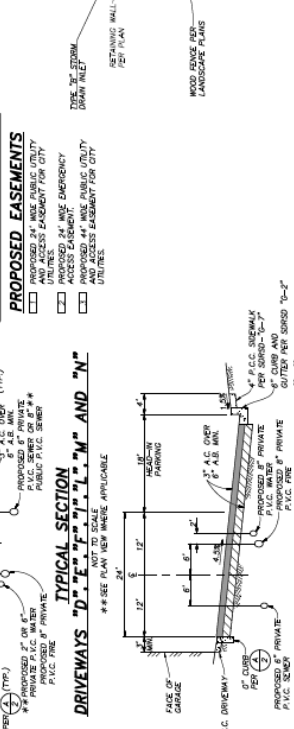
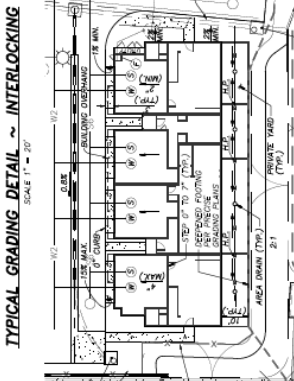
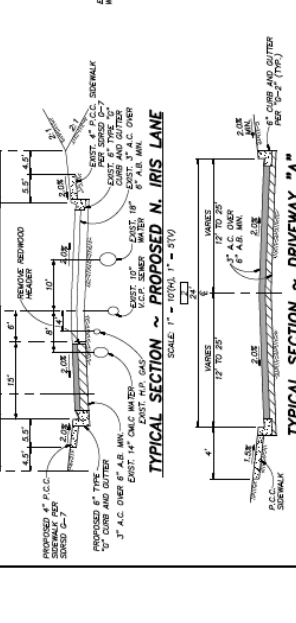
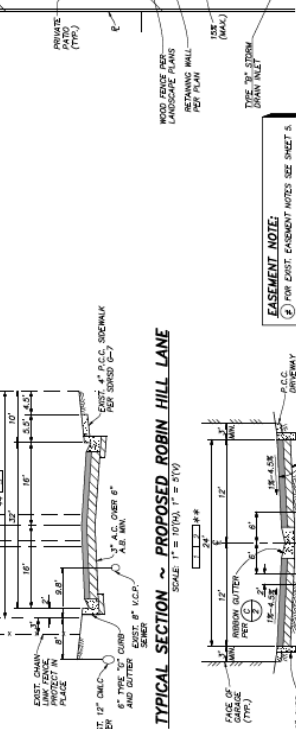
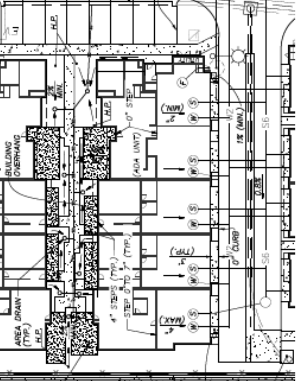
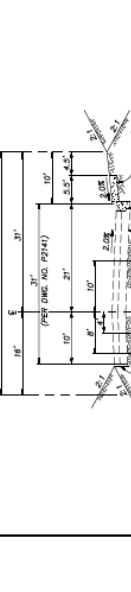
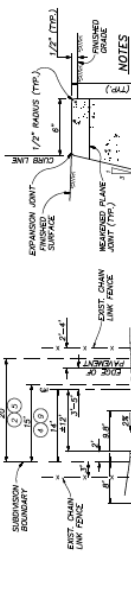
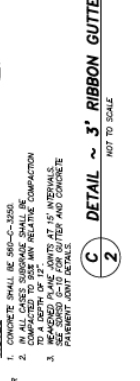
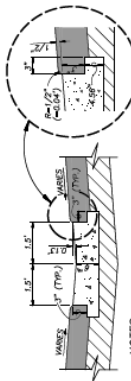
SB&D
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Project Address:
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Irvine, CA 92618-1001
Project Name:
3900 Buena Vista Lane

Revision 14:
Revision 13:
Revision 12:
Revision 11:
Revision 10:
Revision 9:
Revision 8:
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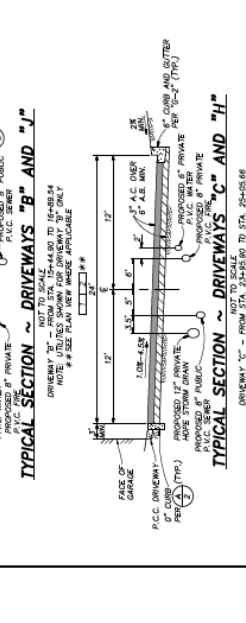
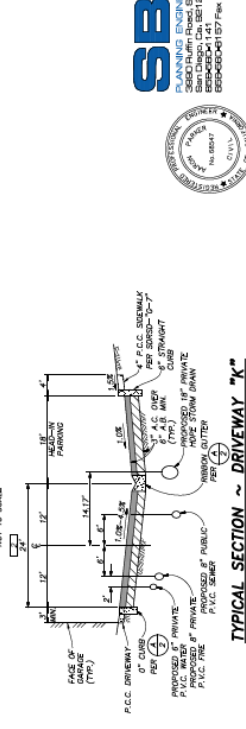


**EASEMENT NOTE:**

1. FOR EXIST. EASEMENT NOTES SEE SHEET 5.

**PROPOSED EASEMENTS**

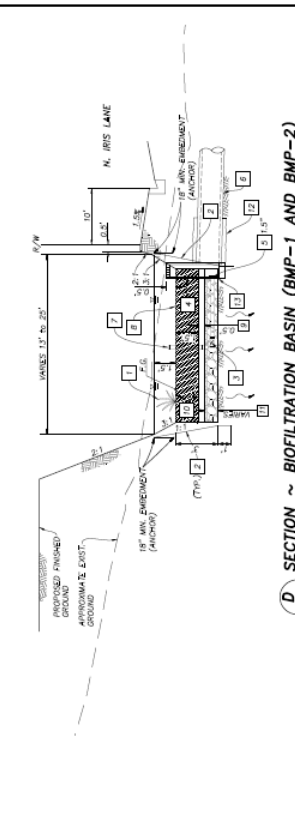
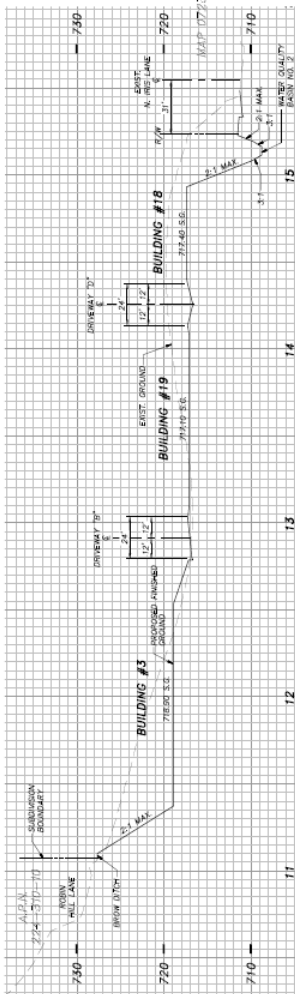
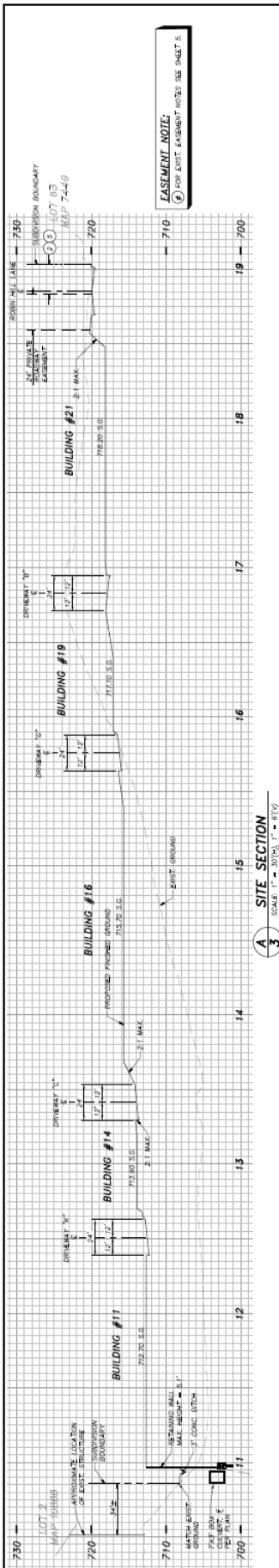
- 1. PROPOSED 34" WIDE PUBLIC UTILITY UTILITY EASEMENT FOR CITY
- 2. PROPOSED 24" WIDE EMERGENCY UTILITY EASEMENT FOR CITY
- 3. PROPOSED 44" WIDE PUBLIC UTILITY UTILITY EASEMENT FOR CITY
- 4. PROPOSED 44" WIDE PUBLIC UTILITY UTILITY EASEMENT FOR CITY



Prepared By: SB&O INC.  
 Address: 3500 DUFFIN ROAD, SUITE 100  
 Phone: 714.943.1111  
 Project Address: N. IRIS LANE  
 Project Name: SB&O INC.  
 Revision 14  
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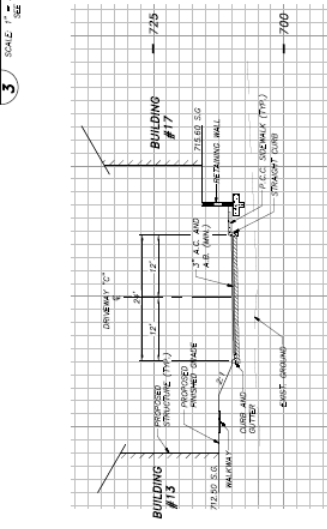






**BIOFILTRATION DETAIL NOTES**

1. MATERIALS
2. 20 MIL P.V.C. LINER. ALL JOINTS TO BE SEALED WITH 1/2" MIN. OVERLAP.
3. 2" SUBSTRAN POLYPROPYLENE (ASTM D-3034), 1/2" MIN. FROM BOTTOM.
4. 18" MIN. BOREHOLE (ANCHOR) WITH 1/2" DIA. (ANCHOR).
5. 18" MIN. BOREHOLE (ANCHOR) WITH 1/2" DIA. (ANCHOR).
6. 18" MIN. BOREHOLE (ANCHOR) WITH 1/2" DIA. (ANCHOR).
7. SUBSTRAN GLEASIGHT PER SCHED. 40-01. RIM = P.C. = 0.6"
8. INSTALL REEL AND UNREEL HARDWOOD MATCH THAT HAS BEEN NON-CLEARING STORED FOR AT LEAST 12 MONTHS. WELLS MUST BE FULLY COVERED BY 2" MIN. CLEARANCE WOODEN SHIMS (ASTM D-33).
9. 2" MIN. CLEARANCE WOODEN SHIMS (ASTM D-33).
10. SOIL MEDIA APPLICATION = (FROM SPECIFICATION PER APPENDIX G OF COUNTY OF SAN DIEGO S.D. STANDARD SPEC. (JUNE 2014))
11. 2" MIN. CLEARANCE WOODEN SHIMS (ASTM D-33).
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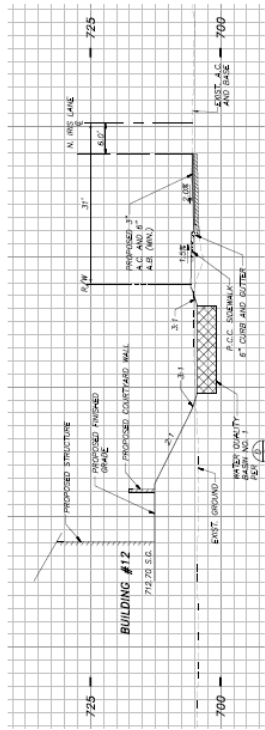


**SB&O**  
 CIVIL ENGINEERING & ARCHITECTURE  
 3800 Camino del Rio South, Suite 100  
 San Diego, CA 92108  
 (619) 594-1111  
 www.sboinc.com

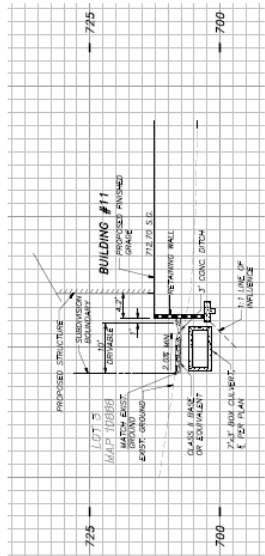
Prepared by: [Name]  
 Checked by: [Name]  
 Address: [Address]  
 Phone: [Phone]  
 Project Address: [Address]  
 Project Name: [Name]  
 Project No.: [Number]  
 Revision No.: [Number]  
 Revision Date: [Date]  
 Revision Description: [Text]  
 Sheet Title: [Title]  
 Sheet No.: [Number] of [Total]  
 Date: [Date]



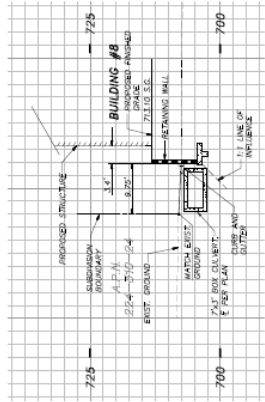




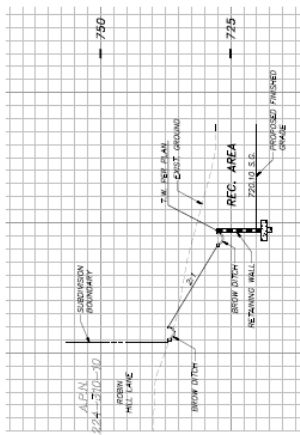
**D** SITE SECTION  
SCALE: 1" = 10' (V.L. = 10' H.)  
SEE SHEET 7



**E** SITE SECTION  
SCALE: 1" = 10' (V.L. = 10' H.)  
SEE SHEET 7



**F** SITE SECTION  
SCALE: 1" = 10' (V.L. = 10' H.)  
SEE SHEET 7



**G** SITE SECTION  
SCALE: 1" = 10' (V.L. = 10' H.)  
SEE SHEET 7



Prepared by: SB&O, INC.

Name: \_\_\_\_\_

Address: 3940 Inverness Road, Suite 120  
3940 Inverness Road, Suite 120  
Ft. Lauderdale, FL 33309-4111

Phone: (754) 555-1141

Project Address: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project No.: \_\_\_\_\_

Sheet No.: \_\_\_\_\_

Sheet Title: \_\_\_\_\_

Scale: \_\_\_\_\_

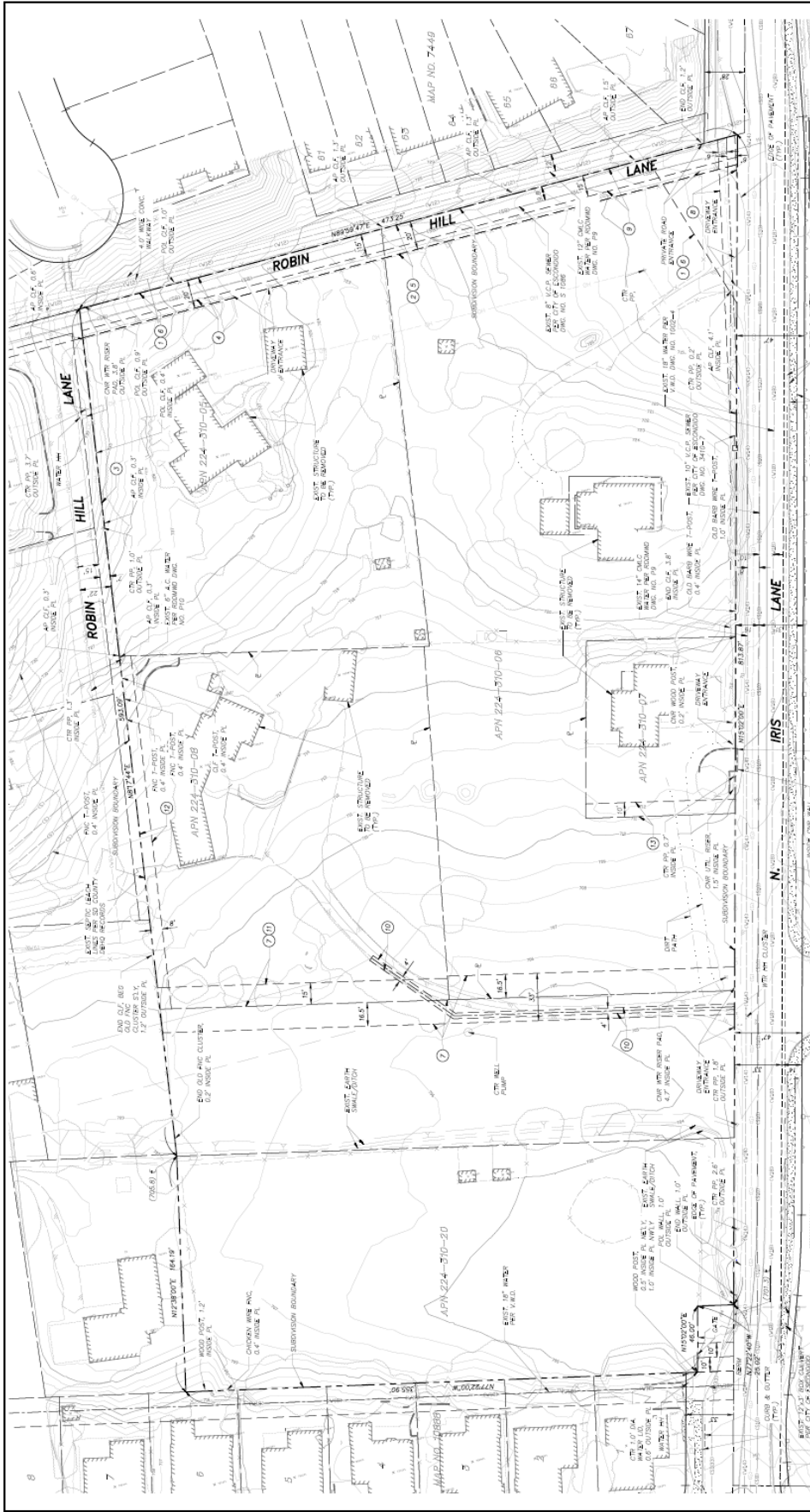
Drawn by: \_\_\_\_\_

Checked by: \_\_\_\_\_

Sheet No.: \_\_\_\_\_



AARON FARMER P.E. 12511 DATE



**LEGEND**

SYMBOL	DESCRIPTION
---	BOUNDARY LINE
---	EX LOT LINE
---	CEMENTLINE
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	RAILROAD
---	OVERHEAD POWER LINES
---	CHAIN LINK FENCE
---	EDGE OF CONCRETE
---	EDGE OF PAVEMENT

**LEGEND (CONT.)**

SYMBOL	DESCRIPTION
---	RETAINING WALL
---	GAS LINE
---	SEWER LINE
---	STORM DRAIN LINE
---	WATER VALVE
---	MANHOLE
---	SONG
---	EASEMENT ITEM NO.

**EASEMENT NOTES**

1. EASEMENT FOR PUBLIC UTILITIES, SEE 1-1-1986, REC. 3-4-1986.
2. EASEMENT FOR ROADS, SEE 1-1-1986, REC. 3-4-1986.
3. EASEMENT FOR ROADS AND UTILITIES, SEE 1-1-1986, REC. 3-4-1986.
4. EASEMENT FOR ROADS AND UTILITIES, SEE 1-1-1986, REC. 3-4-1986.
5. EASEMENT FOR ROADS AND UTILITIES, SEE 1-1-1986, REC. 3-4-1986.
6. EASEMENT FOR ROADS AND UTILITIES, SEE 1-1-1986, REC. 3-4-1986.
7. EASEMENT FOR ROAD, SEE 1-1-1986, REC. 3-4-1986.
8. EASEMENT FOR ROAD AND UTILITIES, SEE 1-1-1986, REC. 3-4-1986.
9. EASEMENT FOR ROAD AND UTILITIES, SEE 1-1-1986, REC. 3-4-1986.
10. EASEMENT FOR ROAD AND UTILITIES, SEE 1-1-1986, REC. 3-4-1986.

**SB&O**  
**PLANNING ENGINEERING SURVEYING**  
 1800 S. GARDEN ST. SUITE 100  
 ANAHEIM, CA 92805  
 (714) 771-1111

**APN 224-310-08**  
**APN 224-310-07**  
**APN 224-310-20**

**HILL LANE**  
**ROBIN LANE**  
**IRIS LANE**

**MAP NO. 0723**

**GRAPHIC SCALE**  
 0 30 60 90  
 FEET

**DATE** 10/15/86

**PROJECT** HILL LANE

**PROJECT NO.** 180

**PROJECT NAME** HILL LANE

**PROJECT ADDRESS** 1800 S. GARDEN ST. SUITE 100, ANAHEIM, CA 92805

**PROJECT PHONE** (714) 771-1111

**PROJECT FAX** (714) 771-1111

**PROJECT E-MAIL** SBAND@AOL.COM

**PROJECT WEBSITE** WWW.SBAND.COM

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**PROJECT WEBSITE** WWW.SBAND.COM

**PROJECT ADDRESS** 1800 S. GARDEN ST. SUITE 100, ANAHEIM, CA 92805

**PROJECT PHONE** (714) 771-1111

**PROJECT FAX** (714) 771-1111

**PROJECT E-MAIL** SBAND@AOL.COM

**PROJECT WEBSITE** WWW.SBAND.COM

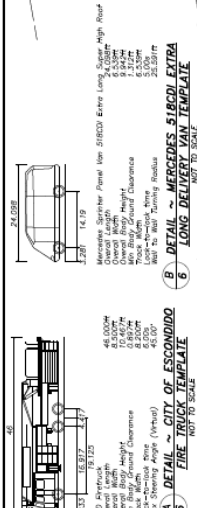
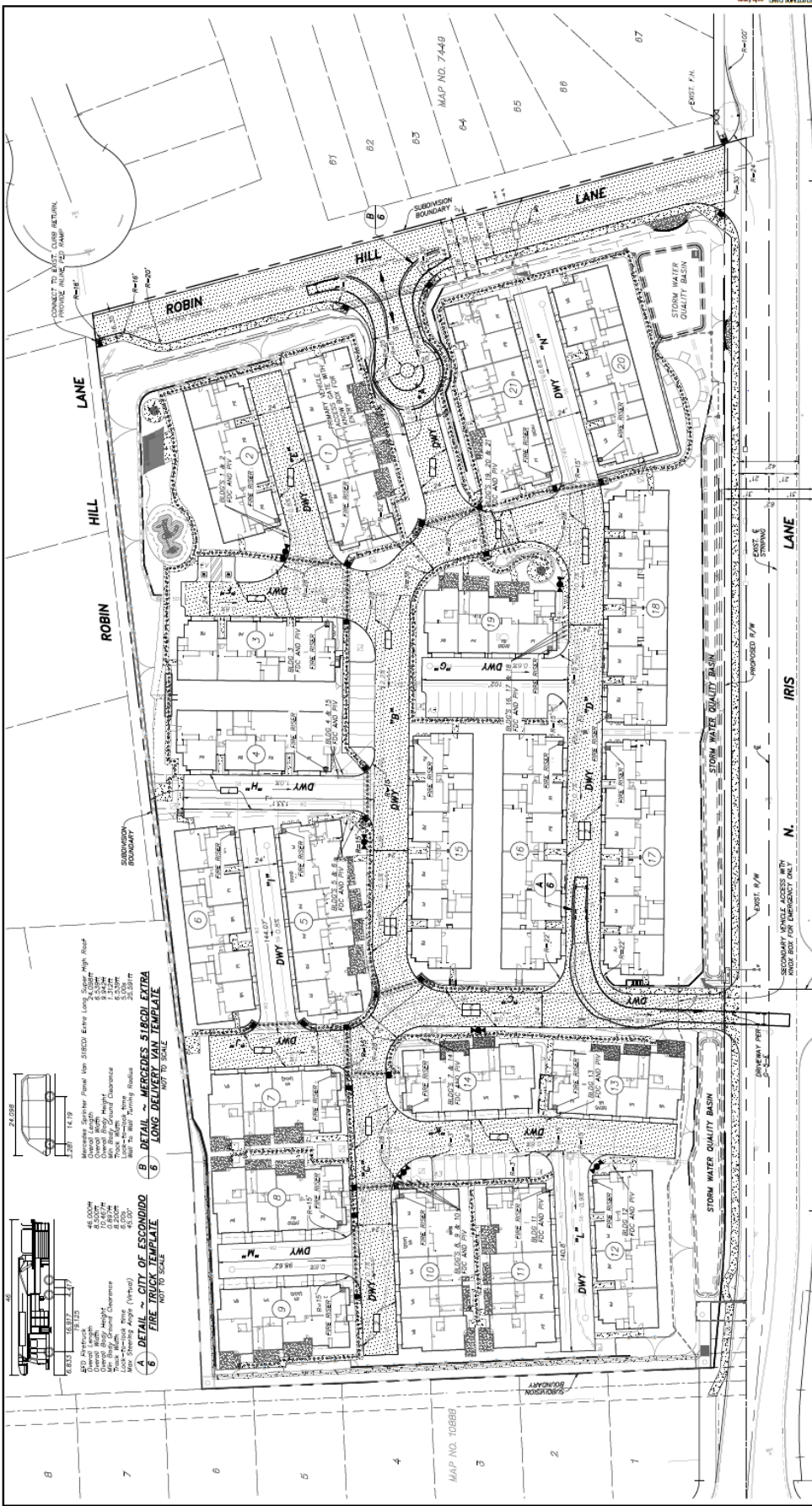
**PROJECT ADDRESS** 1800 S. GARDEN ST. SUITE 100, ANAHEIM, CA 92805

**PROJECT PHONE** (714) 771-1111

**PROJECT FAX** (714) 771-1111

**PROJECT E-MAIL** SBAND@AOL.COM

**PROJECT WEBSITE** WWW.SBAND.COM



Prepared By: SB&O INC.  
 Address: 1000 BURNING WOOD DRIVE, #200  
 Phone #: 760.933.1111  
 Project Address: 2000 HILL LANE  
 Project Name: N. HILL LANE  
 Sheet Title: LAMA, CIRCULATION AND FIRE DEPARTMENT PLANS

Revision 14	8
Revision 13	8
Revision 12	8
Revision 11	8
Revision 10	8
Revision 9	8
Revision 8	8
Revision 7	8
Revision 6	8
Revision 5	8
Revision 4	8
Revision 3	8
Revision 2	8
Revision 1	8
Original Date	8-14-17
Sheet	8 of 8

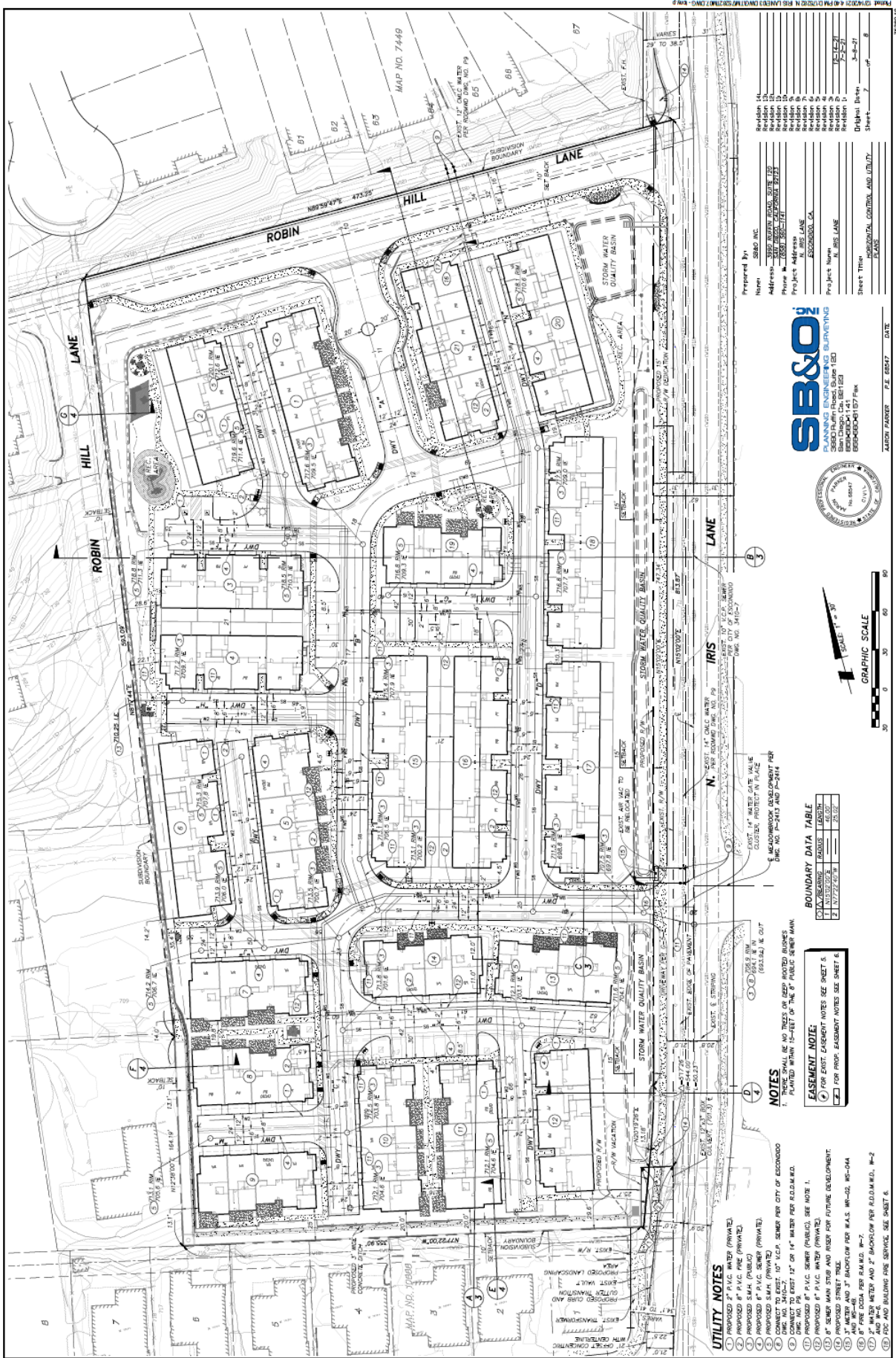
**SB&O**  
 SURVEYING & ENGINEERING  
 3000 Buena Vista Street, Suite 100  
 San Diego, CA 92123  
 P: 760.933.1111  
 F: 760.933.1112

MAP NO. 0723

GRAPHIC SCALE: 1" = 30'  
 0' 30' 60' 90'

- LEGEND**
- FIRE LANE (SEE NOTE 1)
  - VEHICLE ACCESS
  - FIRE TRUCK BODY
  - FIRE TRUCK OVERHANG
  - FIRE DEPARTMENT CONNECTION (SEE NOTE 2)
  - CLEARANCE
  - PROPOSED 24' WIDE EMERGENCY ACCESS EASEMENT
  - PROPOSED 44' WIDE PUBLIC UTILITY AND ACCESS EASEMENT FOR CITY UTILITIES
  - PROPOSED 44' WIDE EMERGENCY ACCESS EASEMENT
  - PROPOSED 24' WIDE PUBLIC UTILITY AND ACCESS EASEMENT FOR CITY UTILITIES
- NOTES**
- PROPOSED 24' WIDE EMERGENCY ACCESS EASEMENT SHALL PROVIDE 14'-6" VERTICAL CLEARANCE, 24' MIN. STREET WIDTH, 24' MIN. DRIVEWAY WIDTH, 24' MIN. DRIVEWAY CLEARANCE, 24' MIN. DRIVEWAY CLEARANCE, 24' MIN. DRIVEWAY CLEARANCE, 24' MIN. DRIVEWAY CLEARANCE.
  - PROPOSED 44' WIDE EMERGENCY ACCESS EASEMENT SHALL PROVIDE 14'-6" VERTICAL CLEARANCE, 44' MIN. STREET WIDTH, 44' MIN. DRIVEWAY WIDTH, 44' MIN. DRIVEWAY CLEARANCE, 44' MIN. DRIVEWAY CLEARANCE, 44' MIN. DRIVEWAY CLEARANCE.
  - PROPOSED 44' WIDE PUBLIC UTILITY AND ACCESS EASEMENT SHALL PROVIDE 14'-6" VERTICAL CLEARANCE, 44' MIN. STREET WIDTH, 44' MIN. DRIVEWAY WIDTH, 44' MIN. DRIVEWAY CLEARANCE, 44' MIN. DRIVEWAY CLEARANCE, 44' MIN. DRIVEWAY CLEARANCE.
  - PROPOSED 24' WIDE PUBLIC UTILITY AND ACCESS EASEMENT SHALL PROVIDE 14'-6" VERTICAL CLEARANCE, 24' MIN. STREET WIDTH, 24' MIN. DRIVEWAY WIDTH, 24' MIN. DRIVEWAY CLEARANCE, 24' MIN. DRIVEWAY CLEARANCE, 24' MIN. DRIVEWAY CLEARANCE.
- EASEMENT NOTE:**
- FOR EXIST. EASEMENT NOTES SEE SHEET 5.
  - FOR PROP. EASEMENT NOTES SEE THIS SHEET.
- MAP NO. 10888
- MAP NO. 7448
- MAP NO. 0723





**UTILITY NOTES**

- 1. PROPOSED 2" P.V.C. WATER (PRIVATE)
- 2. PROPOSED 2" P.V.C. FIRE (PRIVATE)
- 3. PROPOSED 8" P.V.C. (PUBLIC)
- 4. PROPOSED 8" P.V.C. (PRIVATE)
- 5. PROPOSED 8" P.V.C. (PRIVATE)
- 6. PROPOSED 10" V.C.P. SEWER PER CITY OF ESCONDO
- 7. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 8. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 9. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 10. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 11. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 12. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 13. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 14. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 15. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 16. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 17. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 18. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 19. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044
- 20. 12" WATER AND 2" BACKFLOW PER A.S.A. W-02, 05-044

**NOTES**

- 1. THERE SHALL BE NO TIE-INS OR TIE-UPS NOTED BOWERS
- 2. TYPED WITHIN SCHEDULE OF THE CITY PUBLIC WORKS PLAN

**EASEMENT NOTES**

- 1. FOR EASEMENT NOTES SEE SHEET 5
- 2. FOR PROP. EASEMENT NOTES SEE SHEET 6

**BOUNDARY DATA TABLE**

DATE	BY	REVISION
2/17/22	AS	20.00
2/17/22	AS	20.00



Prepared By: SB&O INC.  
 Name: SB&O INC.  
 Address: 2801 BROADWAY, SUITE 100  
 Phone No.: (858) 592-1111  
 Project No.: M-001 LANE  
 Project Name: M-001 LANE  
 Project Location: ESCONDO, CA  
 Sheet Title: M-001 LANE  
 Horizontal Control and Utility: M-001 LANE  
 Scale: 1" = 30'

Revision No.	Description
1	ISSUED FOR PERMITS
2	FOR PROP. EASEMENT NOTES SEE SHEET 6
3	FOR EASEMENT NOTES SEE SHEET 5
4	FOR EASEMENT NOTES SEE SHEET 5
5	FOR EASEMENT NOTES SEE SHEET 5
6	FOR EASEMENT NOTES SEE SHEET 5
7	FOR EASEMENT NOTES SEE SHEET 5
8	FOR EASEMENT NOTES SEE SHEET 5
9	FOR EASEMENT NOTES SEE SHEET 5
10	FOR EASEMENT NOTES SEE SHEET 5
11	FOR EASEMENT NOTES SEE SHEET 5
12	FOR EASEMENT NOTES SEE SHEET 5
13	FOR EASEMENT NOTES SEE SHEET 5
14	FOR EASEMENT NOTES SEE SHEET 5
15	FOR EASEMENT NOTES SEE SHEET 5
16	FOR EASEMENT NOTES SEE SHEET 5
17	FOR EASEMENT NOTES SEE SHEET 5
18	FOR EASEMENT NOTES SEE SHEET 5
19	FOR EASEMENT NOTES SEE SHEET 5
20	FOR EASEMENT NOTES SEE SHEET 5









**DESIGN INTENT STATEMENT**

THE LANDSCAPE DESIGN INTENT OF THIS PROJECT IS TO PROVIDE PLANT MATERIAL THAT ACCURATELY REFLECTS THE ARCHITECTURE AND FINISHES WITH SURROUNDING AREAS AND WILL BE USED TO PROVIDE CONTINUITY WITH THE ARCHITECTURE AND FINISHES. THE LANDSCAPE DESIGN INTENT HAS BEEN DEVELOPED TO BE SENSITIVE TO THE LOW WATER USE CHALLENGES OF THE CITY OF ESCONDIDO AND TO PROVIDE A LANDSCAPE DESIGN THAT WILL BE APPROPRIATE FOR THE CLIMATE AND BE ADJUSTABLE TO AS NOT TO AS PART OF THE PLANNED DEVELOPMENT.

TOT LOT AND RES AREA ENLARGEMENT. SEE SHEET L-02

RESPIRE AREA. SEE SHEET L-03

INDICATES LOCATION OF HISTORICAL INFORMATION NODE

RESPIRE AREA. SEE SHEET L-03

TYP. COURTYARD ENLARGEMENT W/ RESPIRE AREA. SEE SHEET L-03

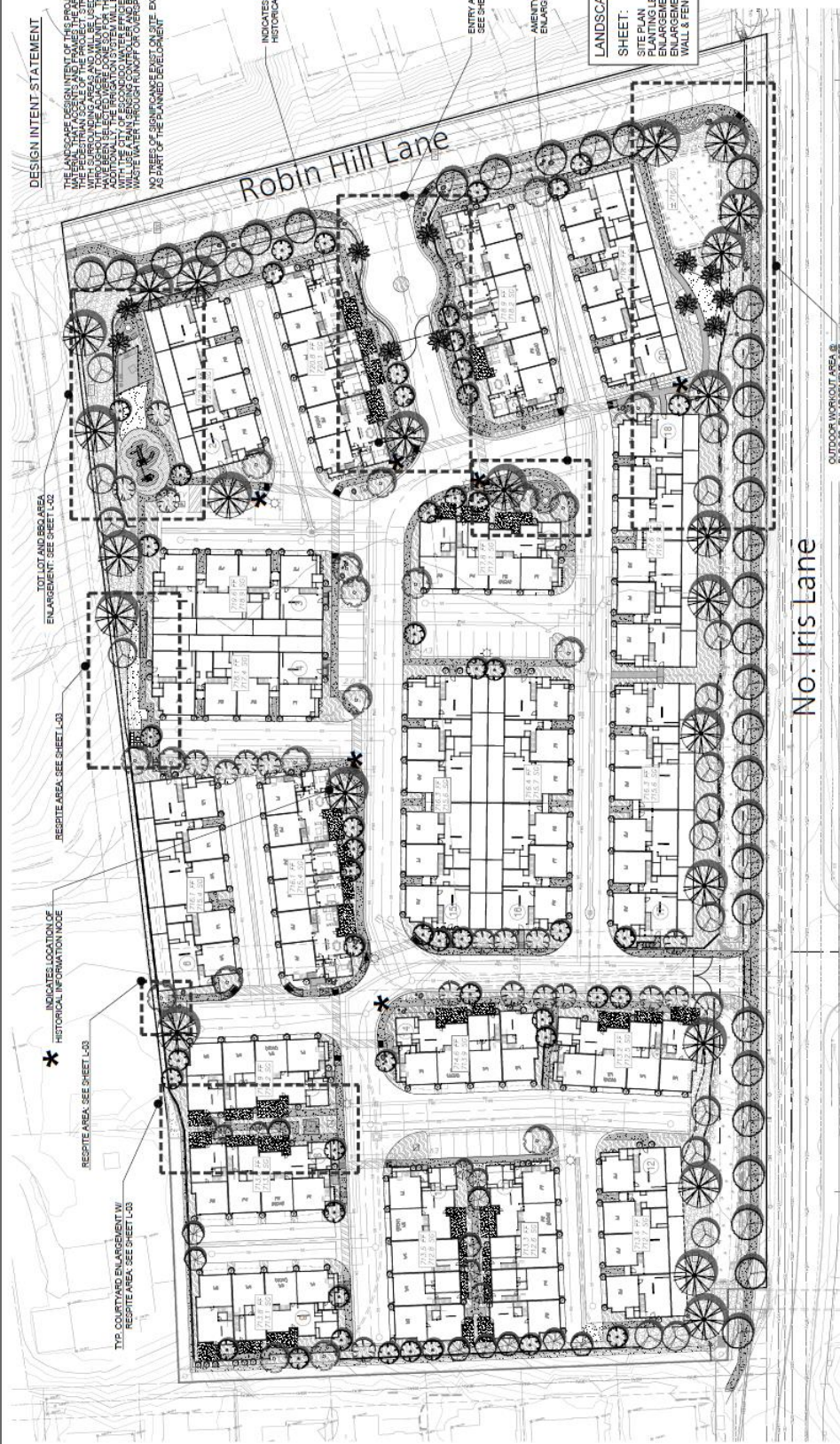
INDICATES LOCATION OF HISTORICAL INFORMATION NODE \*

ENTRY AREA ENLARGEMENT. SEE SHEET L-02

AMENITY SPACE AT BLDG. 19 ENLARGEMENT. SEE SHEET L-03

**LANDSCAPE SHEET INDEX:**

SHEET:	SHEET #:
SITE PLAN	L-1
PLANTING LEGEND & ENLARGEMENTS	L-2
WALL & FENCE PLAN	L-3
	L-4



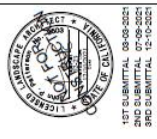
OUTDOOR WORKOUT AREA & BLDG. 30 ENLARGEMENT. SEE SHEET L-03

TOTAL TREES PROPOSED (NOT INCLUDING STREET TREES): 171  
 TOTAL UNITS PROPOSED PER ARCHITECT PLAN: 102

- MINIMUM TREE SEPARATION DISTANCE
- TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
- UNDERGROUND UTILITY LINES - 5 FEET (10' FOR SEWER)
- DRIVEWAY ENTRIES - 10 FEET
- INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET



L-1  
 SHEET 01 OF 6  
 GMP JOB# 20-071



1ST SUBMITTAL 08-08-2024  
 2ND SUBMITTAL 09-08-2024  
 3RD SUBMITTAL 12-10-2024



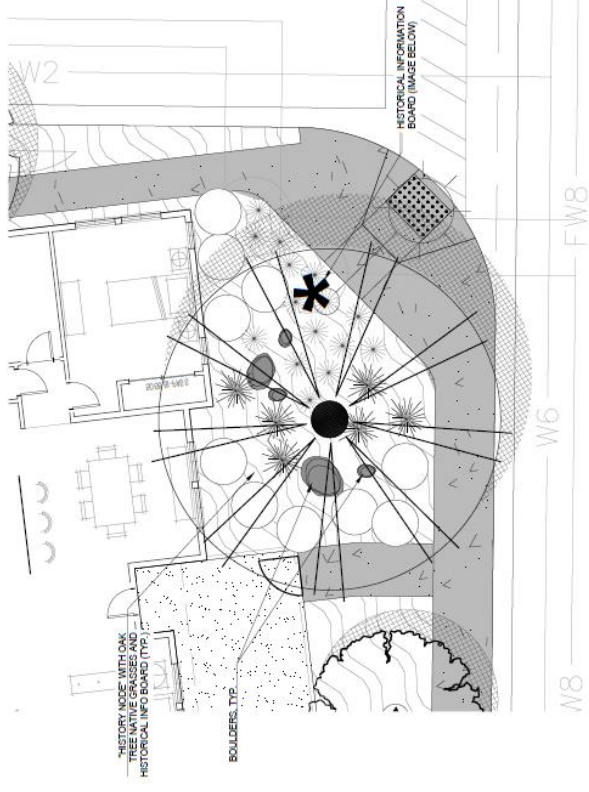
2245 LYONS BLVD. #200  
 CARLSBAD, CA 92008  
 TEL: 760.439.8877  
 FAX: 760.439.8878  
**gmp**  
 LANDSCAPE  
 ARCHITECTURE  
 & PLANNING

**CONCEPT PLAN**  
 CONCEPTUAL LANDSCAPE PLAN

**IRIS AVE.: ESCONDIDO, CA**  
**HALLMARK COMMUNITIES**  
 1410 W. MARYLAND AVE., SUITE 200  
 ESCONDIDO, CALIFORNIA 92027



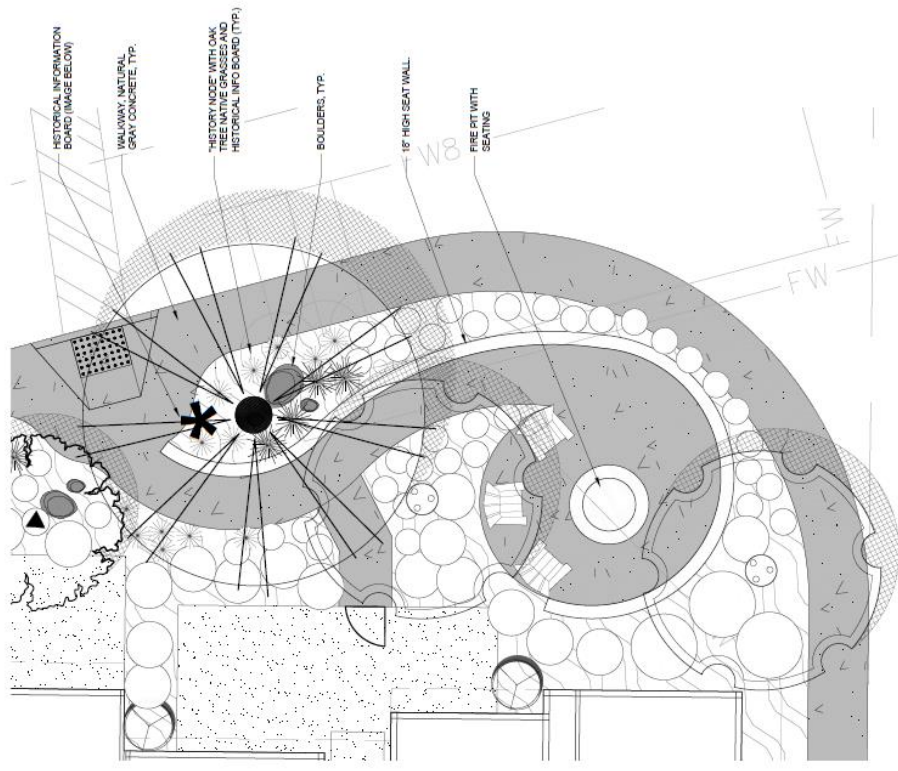




**"HISTORICAL NODE" - TYPICAL**



**SAMPLE HISTORICAL INFORMATION BOARD**  
 HISTORIC PHOTOGRAPHS AND/OR LANDMARKS TO BE  
 DISPLAYED IN STATIONS ACROSS THE COMMUNITY



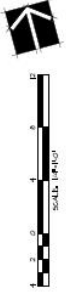
**AMENITY SPACE BLDG 19**



1ST SUBMITTAL: 08-08-2021  
 2ND SUBMITTAL: 07-08-2021  
 3RD SUBMITTAL: 10-10-2021

**L-3**

SHEET 03 OF 6  
 GMP JOB# 20-071

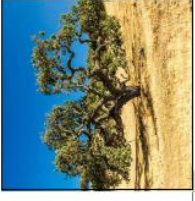
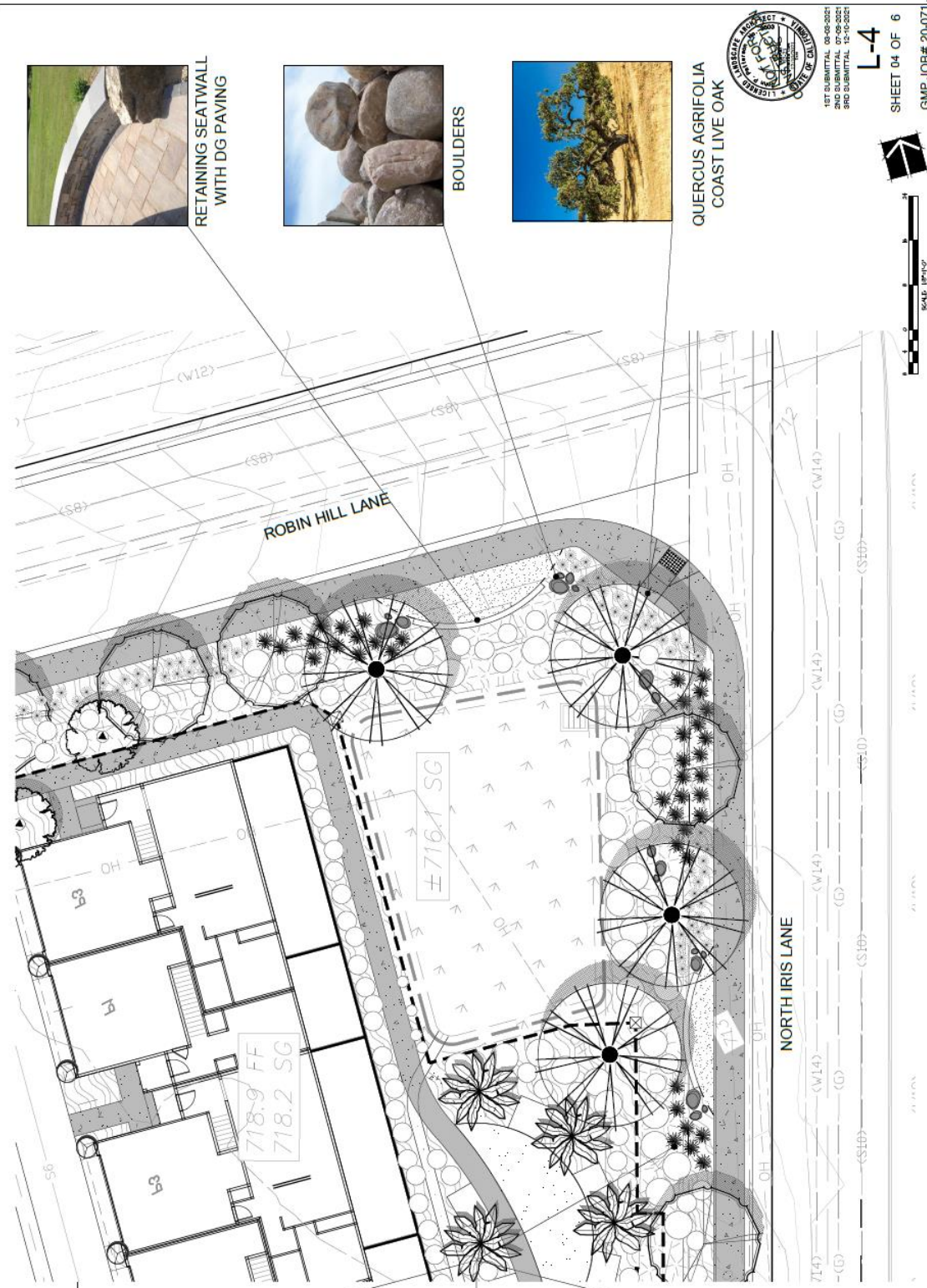


**CONCEPT PLAN**

ENLARGEMENTS

**IRIS AVE.: ESCONDIDO, CA**  
**HALLMARK COMMUNITIES**  
 740 LOMA SANTA FE DR., SUITE 204  
 SOLANA BEACH, CALIFORNIA 92672





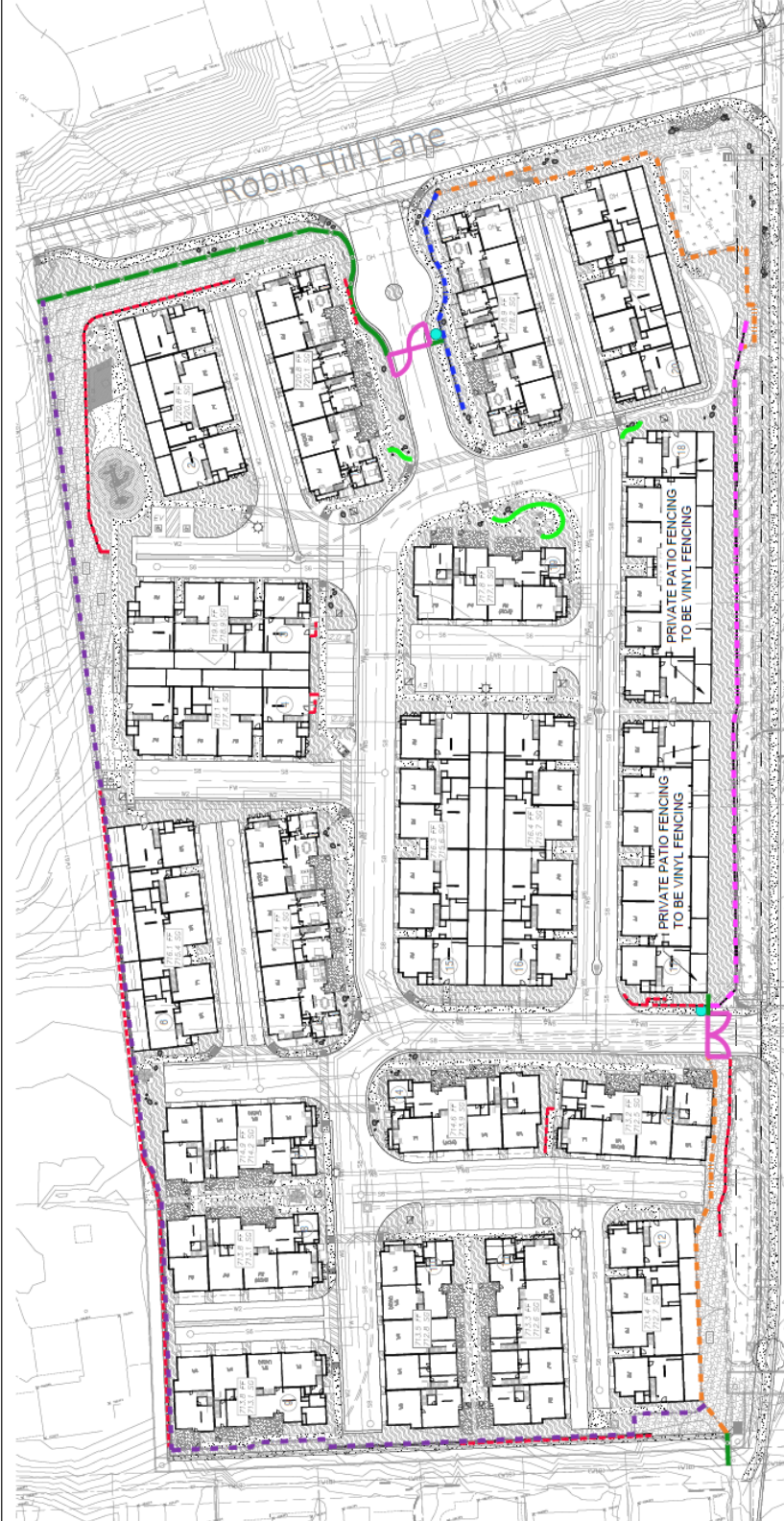
1ST SUBMITTAL 03-05-2021  
2ND SUBMITTAL 07-05-2021  
3RD SUBMITTAL 12-10-2021

L-4  
SHEET 04 OF 6  
GMP JOB# 20-071



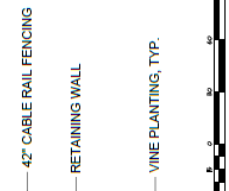
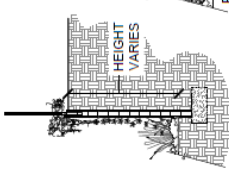
**CONCEPT PLAN**  
CONCEPTUAL IMAGERY

**IRIS AVE.: ESCONDIDO, CA**  
**HALLMARK COMMUNITIES**  
740 LOMAS SANTA FE DR., SUITE 204  
SOLANA BEACH, CALIFORNIA 92078



- CONCEPTUAL FENCE AND WALL LEGEND**
- 5" TUBE STEEL FENCE (DETAIL A / L-6)
  - RETAINING WALL PER CIVIL ENGINEER
  - 5" VINYL FENCE (DETAIL B / L-6)
  - RETAINING WALL WITH 42" CABLE RAIL ATOP (DETAIL C / L-6)
  - RETAINING WALL WITH 42" TS FENCING ATOP (DETAIL D / L-6)
  - FREESTANDING MASONRY WALL (DETAIL E / L-6)
  - DECORATIVE LOW WALL (DETAIL F / L-6)
  - VEHICULAR GATE
  - PEDESTRIAN GATE

RETAINING WALL WITH VINE PLANTING AND CABLE RAIL FENCING ATOP



42" CABLE RAIL FENCING  
RETAINING WALL  
VINE PLANTING, TYP.

ELEVATION, NOT TO SCALE



1ST SUBMITTAL 08-09-2021  
2ND SUBMITTAL 07-09-2021  
3RD SUBMITTAL 12-10-2021

L-5  
SHEET 05 OF 6

GMP JOB# 20-071

7500 VAN ALLEN AVE  
SAN DIEGO, CA 92108  
PH: 619.594.8800  
WWW.GMP.COM  
LANDSCAPE ARCHITECTURE  
& PLANNING

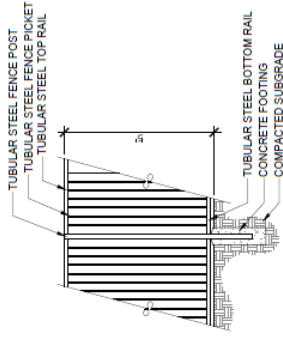


# CONCEPT PLAN

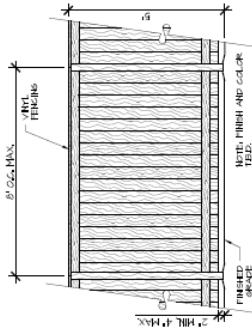
FENCE & WALL PLAN

**IRIS AVE.: ESCONDIDO, CA**  
**HALLMARK COMMUNITIES**  
740 LOMAS SANTA FE DR., SUITE 204  
SOLANA BEACH, CALIFORNIA 92075

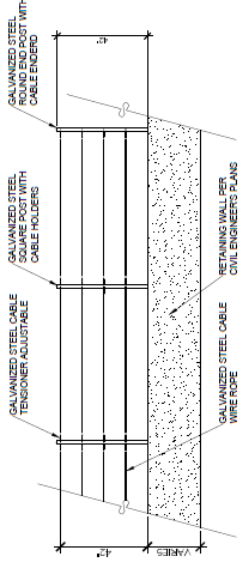




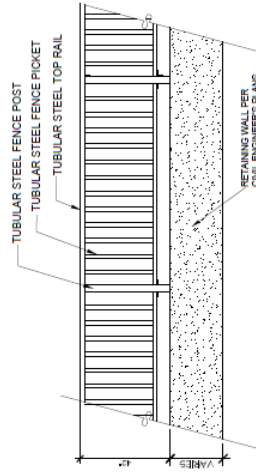
**(A)** TUBULAR STEEL FENCE



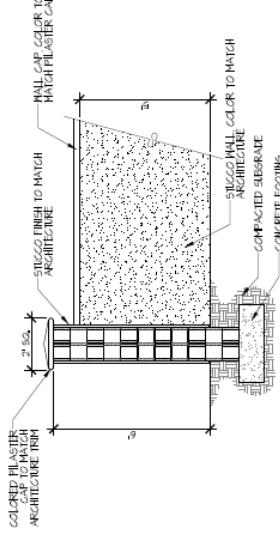
**(B)** VINYL FENCING



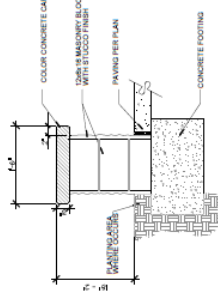
**(C)** CABLE GUARDRAIL ATOP RETAINING WALL



**(D)** TUBE STEEL FENCE ATOP RETAINING WALL



**(E)** PILASTER AND STUCCO WALL



**(F)** TYPICAL SITE SEAT WALL



1ST SUBMITTAL 08-08-2021  
 2ND SUBMITTAL 08-08-2021  
 3RD SUBMITTAL 08-08-2021

**L-6**  
 SHEET 06 OF 6

GMP JOB# 20-071



2001 LYONS AVENUE  
 ESCONDIDO, CA 92029  
 951-681-8877  
 GMP ARCHITECTURE & PLANNING

**CONCEPT PLAN**  
 FENCE & WALL PLAN

**IRIS AVE.: ESCONDIDO, CA**  
**HALLMARK COMMUNITIES**  
 240 LOMAS SANITO, P.O. BOX 204  
 ESCONDIDO, CALIFORNIA 92029



**Typical**  
**2 & 3-Story Conventional Homes**

- Plan 1: ± 1,679 SF, 3 Bedroom, 2.5 Bath, Den
- Plan 2: ± 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 3: ± 1,911 SF, 4 Bedroom, 3 Bath, Loft
- 2-car side-by-side garages
- Private rear yards

**Typical**  
**2 & 3-Story Interlocking Alley Homes**

- Plan 1: ± 1,228 SF, 2 Bedroom, 2 Bath
- Plan 2: ± 1,463 SF, 3 Bedroom, 3 Bath
- Plan 3: ± 1,933 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4
- Plan 4: ± 1,840 SF, 4 Bedroom, 3.5 Bath
- 2-car side-by-side garages

**Project Summary**

Total Site Area: ± 7.7 Acres  
 Total Units: 102 Homes  
 • (52) 2 & 3-Story Interlocking Alley Homes  
 • (14) Plan 1: ± 1,228 SF, 2 Bedroom, 2 Bath  
 • (14) Plan 2: ± 1,463 SF, 3 Bedroom, 3 Bath  
 • (8) Plan 3: ± 1,933 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4  
 • (16) Plan 4: ± 1,840 SF, 4 Bedroom, 3.5 Bath  
 • (50) 2 & 3-Story Conventional Homes  
 • (16) Plan 1: ± 1,679 SF, 3 Bedroom, 2.5 Bath, Den  
 • (18) Plan 2: ± 1,812 SF, 3 Bedroom, 2.5 Bath, Loft, Opt. Bed 4  
 • (16) Plan 3: ± 1,911 SF, 4 Bedroom, 3 Bath, Loft

Gross Density: 13.2 Homes per Acre  
 Net Density: 14.6 Homes per Net Acre

**Parking:**  
 Required:  
 • (14) 2 Bedroom x 1.75 Spaces = 24.5 Spaces  
 • (30) 3 Bedroom x 2.0 Spaces = 76 Spaces  
 • (58) 4 Bedroom x 2.0 Spaces = 100 Spaces  
 • (102) Guest x 0.25 Spaces = 25.5 Spaces

Provided:  
 • Garage: 204 Spaces  
 • Head In: 25 Spaces (8.5 x 18')  
 • ADA: 2 Spaces (9 x 18')  
 • "EV" = Future EVCS

**Open Space:**  
 Provided:  
 • Private Open Space (Patios & Decks): 21,034 SF (5' Min. Dimension)  
 • Common Area w/ Grades less than 10%: 64,247 SF (10' Min. Dimension)  
 • Recreational Areas: 11,359 SF (10' Min. Dimension)

**Setbacks:**  
 Front Yard: 15.6' Min.  
 Interior Side Yard: 13.1' Min.  
 Street Side Yard: 33.4' Min.  
 Rear Yard: 15.4' Min.

- Notes:**
- Site plan is to conceptual purposes only.
  - Setbacks are minimum setbacks for all buildings.
  - Setbacks are subject to change due to the design.
  - Setbacks are subject to change due to the design.
  - Setbacks are subject to change due to the design.
  - Setbacks are subject to change due to the design.
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  - Setbacks are subject to change due to the design.

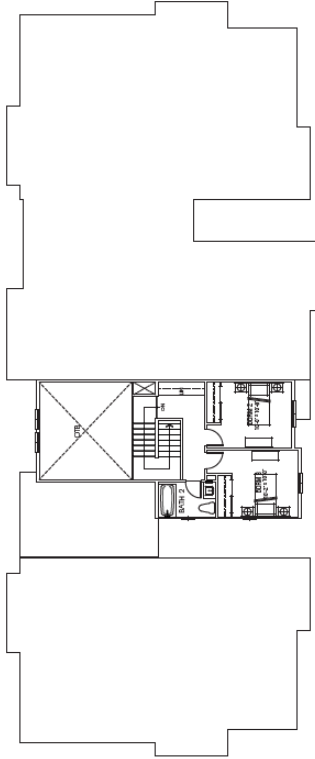


**Conceptual Site Plan**

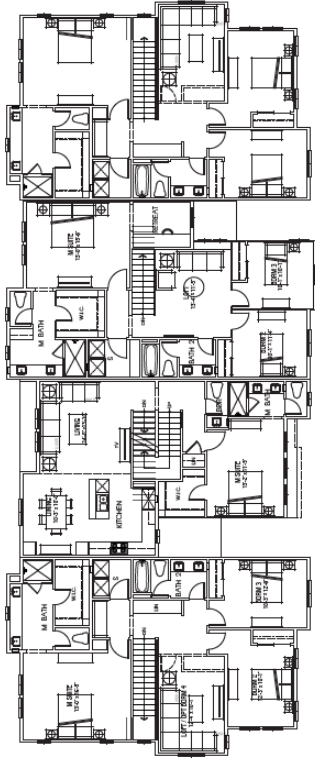
**IRIS**  
 ESCONDIDO, CA

SP-1  
 CITY SUBMITTAL 3  
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

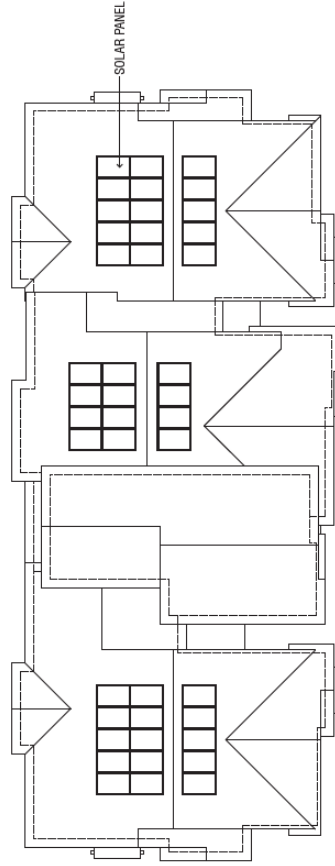




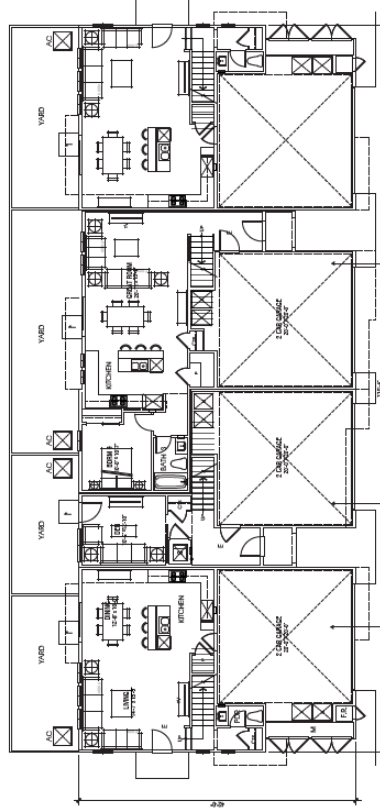
Third Floor



Second Floor



Roof



First Floor

OVERALL BUILDING AREA: ±8,890 SF  
 OCCUPANCY: R2  
 CONSTRUCTION TYPE: VB  
 SPRINKLER SYSTEM: Full 13

NOTE: FLOOR COVERAGE MAY VARY DUE TO METHOD OF CALCULATION  
 1. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN  
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN  
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

4 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans



IRIS  
 ESCONDIDO, CA



A-1  
 CITY SUBMITTAL 3  
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Right



Rear



Left



Front

Color Scheme 2 Shown,  
Refer to Sheet CM-1

Note: Artist's conception, colors, materials  
and application may vary.

**BUILDING MATERIAL**

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

**4 PLEX CONVENTIONAL HOMES | Conceptual Elevations**



**IRIS**

ESCONDIDO, CA

A-2

CITY SUBMITTAL 3

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ORANGE COUNTY, LOS ANGELES - BAY AREA



Front Perspective



Rear Perspective

**4 PLEX CONVENTIONAL HOMES | Conceptual Perspectives**

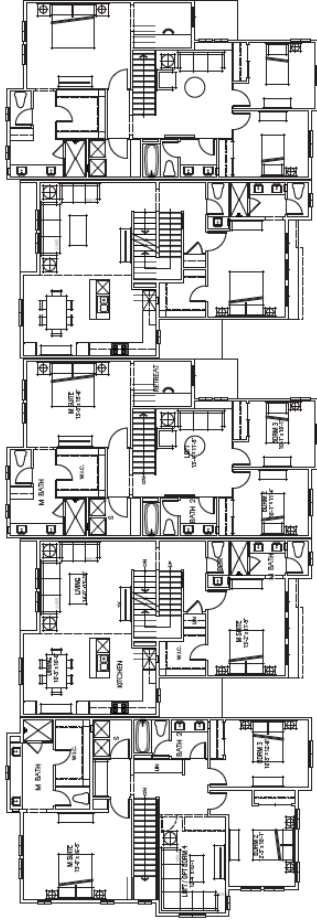
**IRIS**

ESCONDIDO, CA

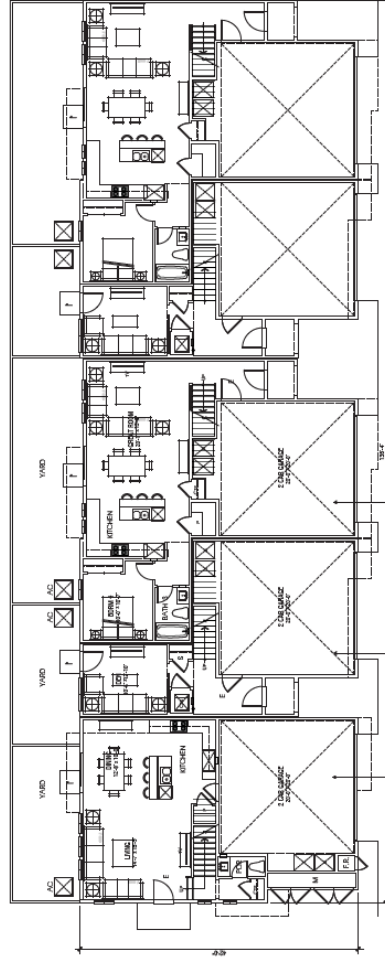
A-3

CITY SUBMITTAL 3

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Second Floor



First Floor

OVERALL BUILDING AREA: ±11,205 SF

OCCUPANCY: R2  
 CONSTRUCTION TYPE: VB  
 SPRINKLER SYSTEM: Full 13

NOTE:  
 1. UTILITY FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION  
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN  
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND COORDINATION PER SOLAR CONSULTANT

5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans



IRIS

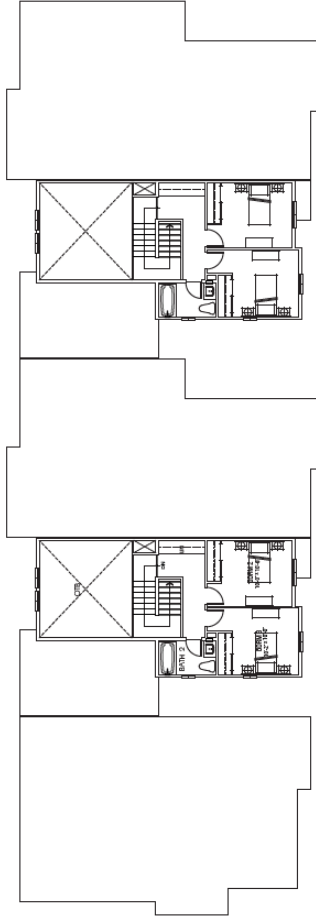
ESCONDIDO, CA



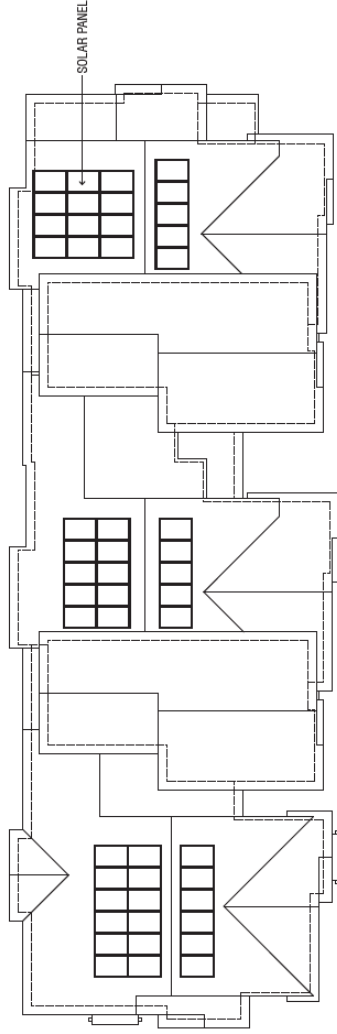
A-4

CITY SUBMITTAL 3  
 12-16-21

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Third Floor



Roof

OCCUPANCY: R2  
 CONSTRUCTION TYPE: VB  
 SPRINKLER SYSTEM: Full 13

NOTE:  
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION  
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT  
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND  
 CONFIGURATION PER SOLAR CONSULTANT



5 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA

A-5  
 CITY SUBMITTAL 3  
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Right



Rear



Left



Front

Note: Artist's conception, colors, materials and application may vary.

Color Scheme 1 Shown,  
Refer to Sheet CM-1

**BUILDING MATERIAL**

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco with Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

**5 PLEX CONVENTIONAL HOMES | Conceptual Elevations**



**IRIS**

ESCONDIDO, CA

A-6

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Front Perspective



Rear Perspective

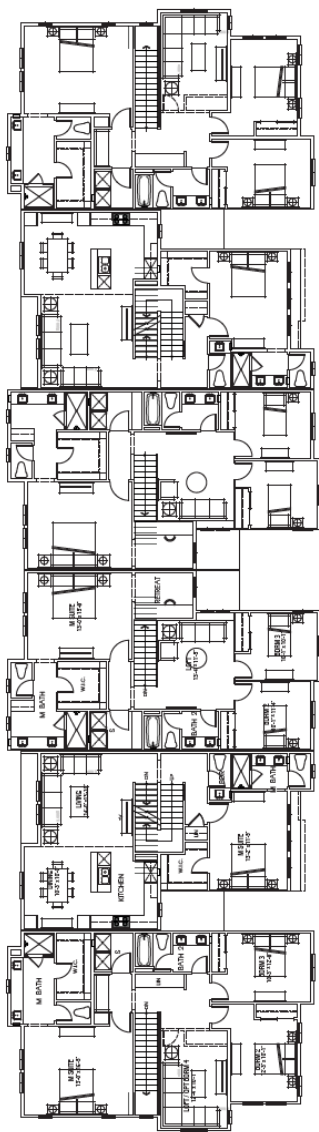
**5 PLEX CONVENTIONAL HOMES | Conceptual Perspectives**

**IRIS**

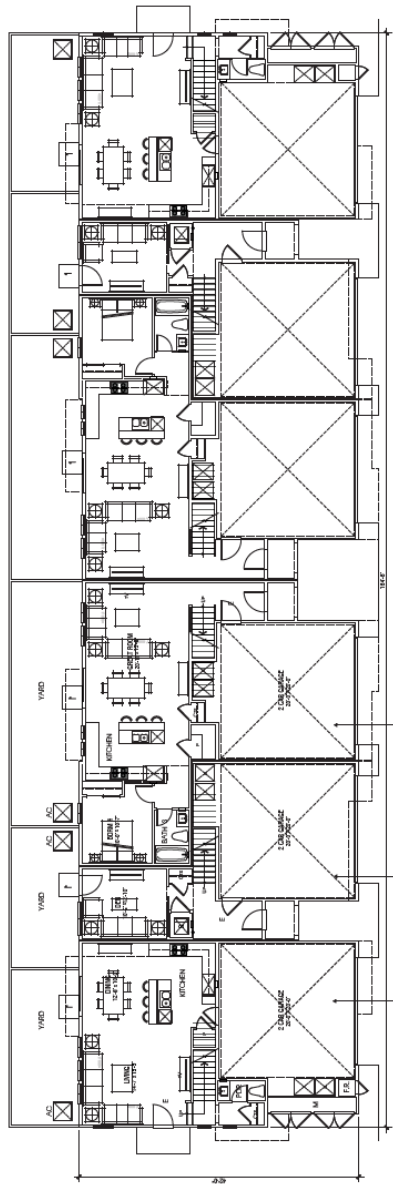
ESCONDIDO, CA

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 CITY SUBMITTAL 3  
 A-7





Second Floor



First Floor

OVERALL BUILDING AREA: ±13,360 SF  
 OCCUPANCY: R2  
 CONSTRUCTION TYPE: VB  
 SPRINKLER SYSTEM: Full 13

NOTE:  
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION  
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN  
 3. CONCEPTUAL LAYOUT. USE CONCEPTUAL, FINAL LAYOUT AND CONSTRUCTION PER SOLAR CONSULTANT

6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans

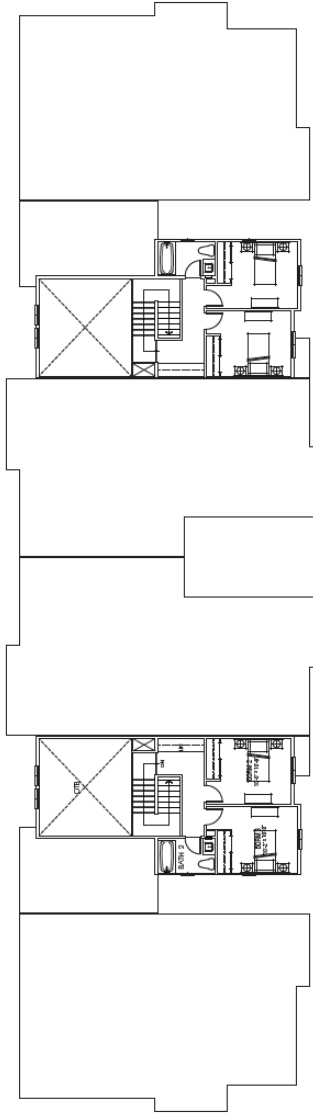


IRIS  
 ESCONDIDO, CA

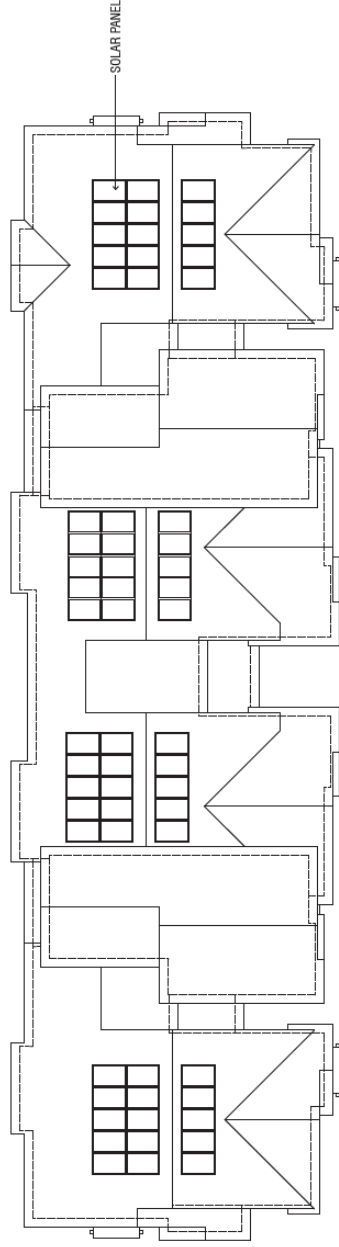


A-8  
 CITY SUBMITTAL 3  
 12-10-21

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Third Floor



Roof

OCCUPANCY: R2  
 CONSTRUCTION TYPE: VB  
 SPRINKLER SYSTEM: Full 13

NOTE:  
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION.  
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL LAYOUT AND FINISHES.  
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

**6 PLEX CONVENTIONAL HOMES | Conceptual Floor Plans**



**IRIS**  
 ESCONDIDO, CA

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 CITY SUBMITTAL 3  
 A-9





Right



Rear



Left



Front

**BUILDING MATERIAL**

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

Note: Artist's conception, colors, materials and application may vary.

Color Scheme 1 Shown,  
Refer to Sheet CM-1



**6 PLEX CONVENTIONAL HOMES | Conceptual Elevations**

**IRIS**

ESCONDIDO, CA

A-10

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Front Perspective



Rear Perspective

**6 PLEX CONVENTIONAL HOMES | Conceptual Perspectives**

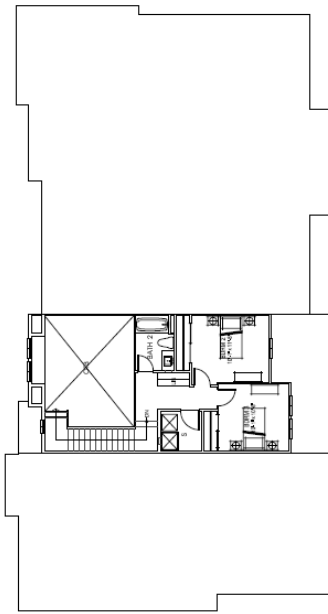
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ESCONDIDO, CA

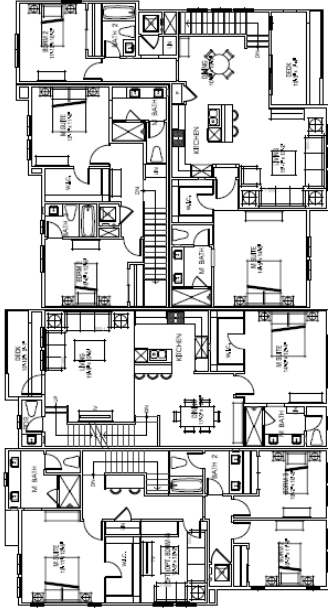
A-11

CITY SUBMITTAL 3

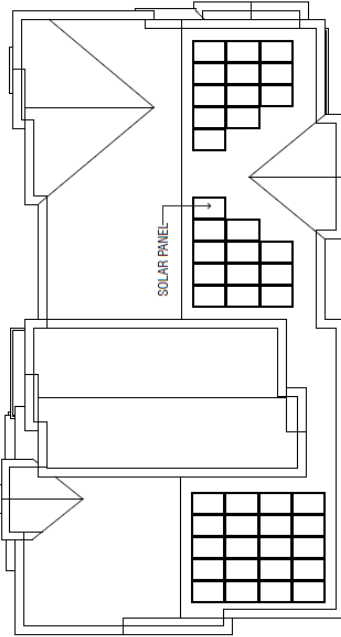
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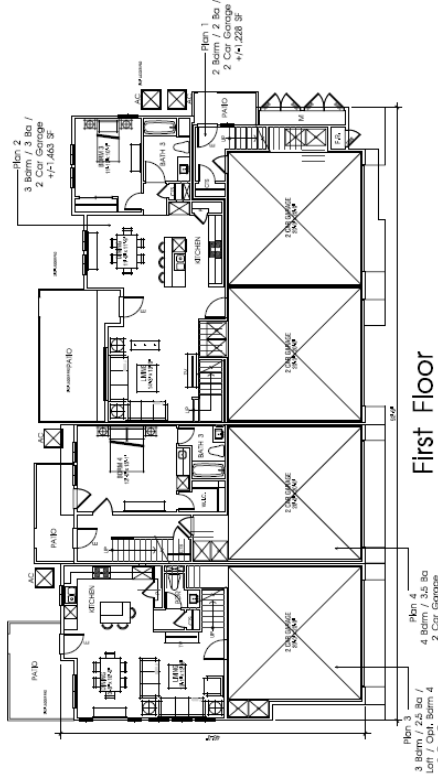
Third Floor



Second Floor



Roof



First Floor

OVERALL BUILDING AREA: ±8,034 SF

OCCUPANCY: R2

CONSTRUCTION TYPE: VB

SPRINKLER SYSTEM: Full 13

NOTE:

1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN

3. SOLAR PANEL FOOTPRINT ARE CONCEPTUAL. FINAL LAYOUT AND COMPENSATION PER SOLAR CONSULTANT

4 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA



A-12

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Rear



Front



Right



Left

Note: Artist's conception; colors, materials and application may vary.

Note: Artist's conception; colors, materials and application may vary.

**BUILDING MATERIAL**

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accents: Fiber Cement Trim
- Deck Accents: Metal Pillar Trim
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

**4 PLEX ALLEY HOMES | Conceptual Elevations**



**IRIS**  
ESCONDIDO, CA

**A-13**

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Front Perspective



Rear Perspective

**4 PLEX ALLEY HOMES | Conceptual Perspectives**

**IRIS**

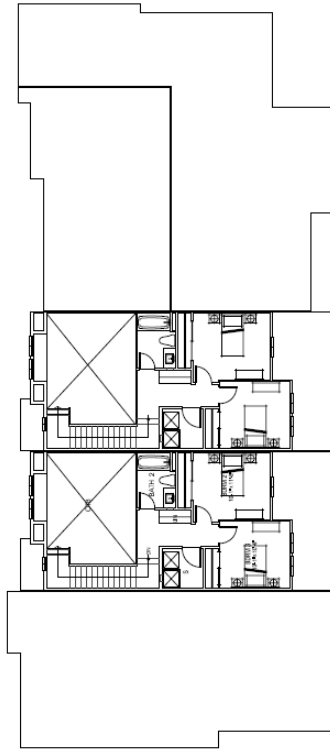
ESCONDIDO, CA

A-14

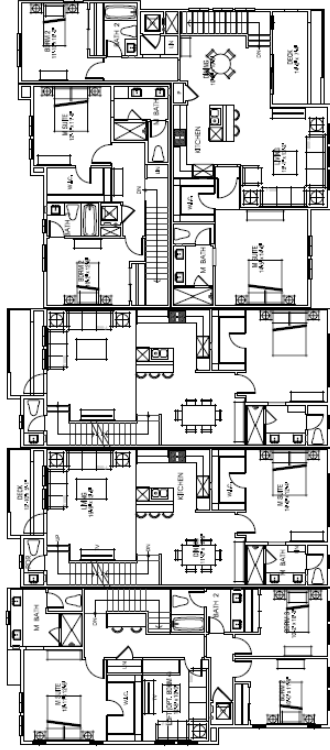
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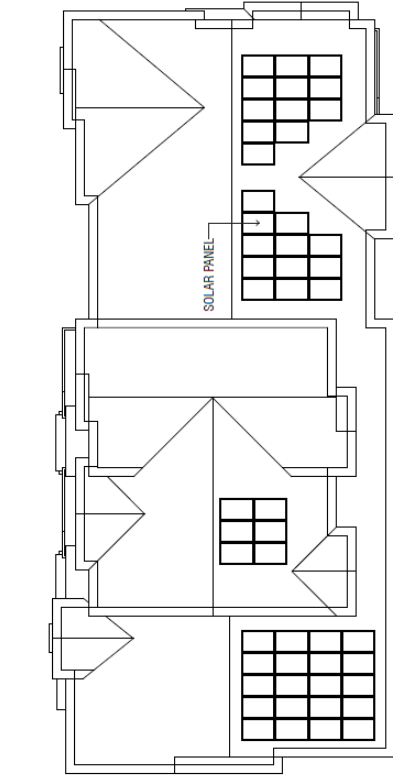




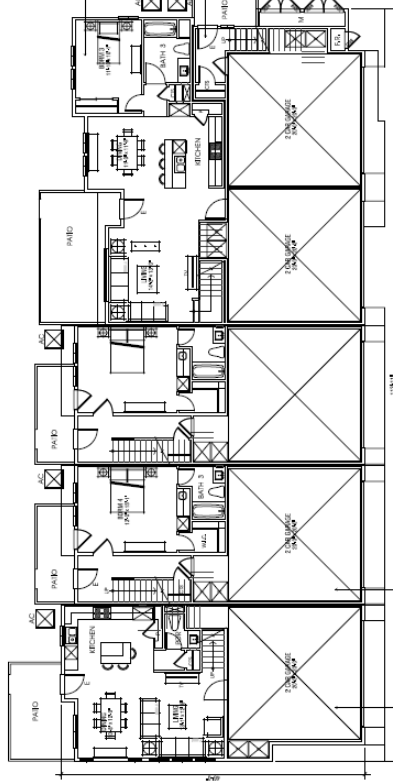
Third Floor



Second Floor



Roof



First Floor

OVERALL BUILDING AREA: ±10,200 SF

OCCUPANCY: R2

CONSTRUCTION TYPE: VB

SPRINKLER SYSTEM: FUI T3

NOTE:

1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION
2. DIMENSIONS AND FINISHES ARE CONCEPTUAL. NEED FURTHER REFINEMENTS TO REFLECT ELEVATION DESIGN.
3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

5 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS

ESCONDIDO, CA

A-15

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Right



Rear



Left



Front

Note: Artist's conception; colors, materials and application may vary.

Color Scheme 1 Shown,  
Refer to Sheet CM-1

**BUILDING MATERIAL**

- Roof: Composite Shingle
- Exterior: Stucco Finish, Fiber Cement Siding
- Accent Windows: Fiber Cement Trim
- Deck Accents: Metal Railing
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors



**5 PLEX ALLEY HOMES | Conceptual Perspectives**

**IRIS**

ESCONDIDO, CA

A-16

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Front Perspective



Rear Perspective

**5 PLEX ALLEY HOMES | Conceptual Perspectives**

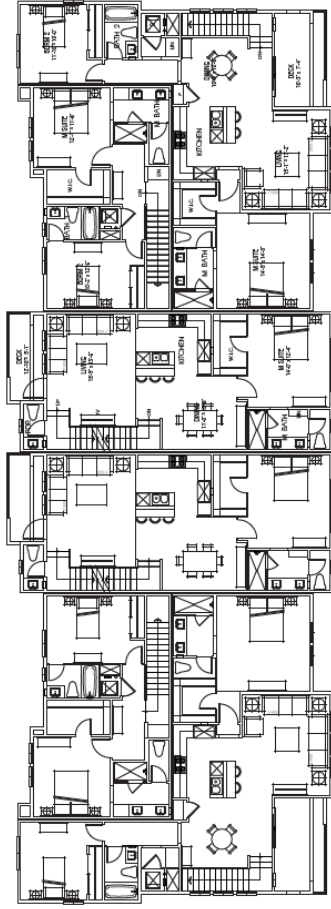
**IRIS**

ESCONDIDO, CA

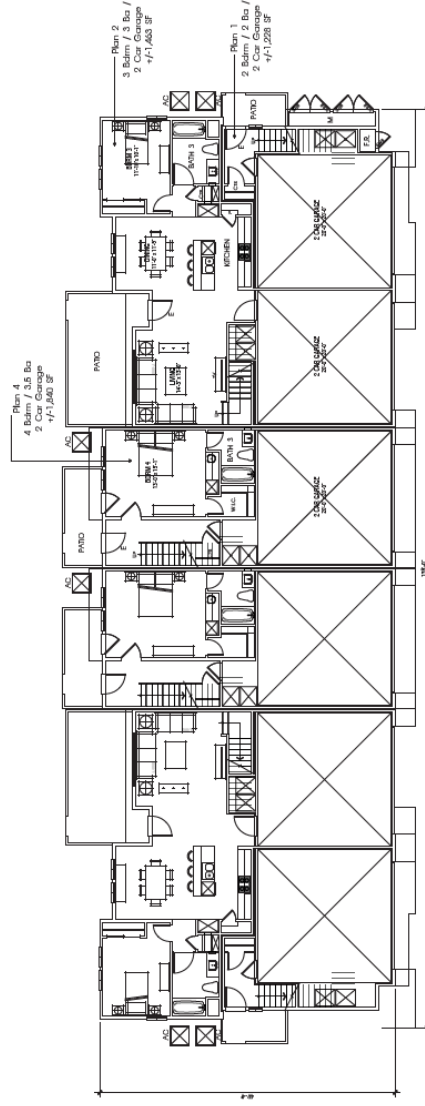
A-17

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Second Floor



First Floor

OVERALL BUILDING AREA: ±11,850 SF

OCCUPANCY: R2  
 CONSTRUCTION TYPE: VB  
 SPRINKLER SYSTEM: Full 13

NOTE:  
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION  
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL LAYOUT  
 3. SEE ARCHITECTURAL LAYOUT FOR CONCEPTUAL FINAL LAYOUT AND CONTRIBUTION PER SOLAR CONSULTANT



6 PLEX ALLEY HOMES | Conceptual Floor Plans

IRIS

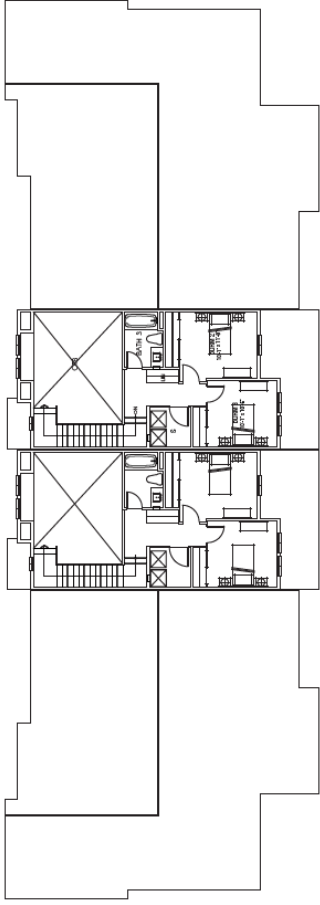
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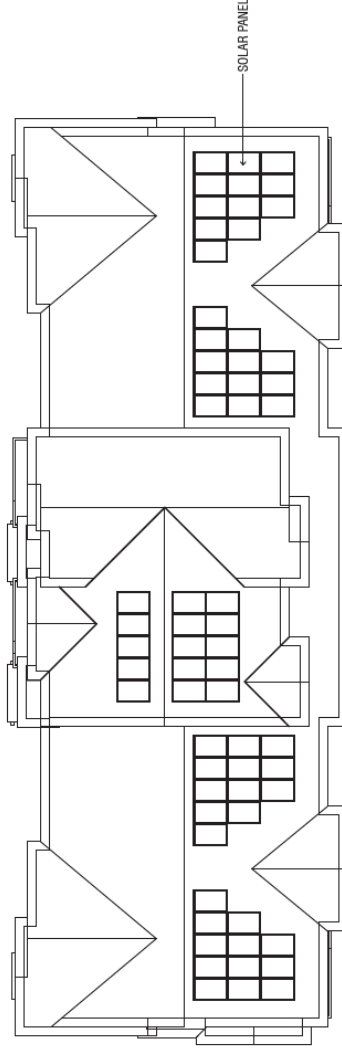
A-18

CITY SUBMITTAL 3

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Third Floor



Roof

OCCUPANCY: R2  
 CONSTRUCTION TYPE: VB  
 SPRINKLER SYSTEM: Full 13

NOTE:  
 1. SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION  
 2. FLOOR PLANS WILL NEED FURTHER REFINEMENTS TO REFLECT CONCEPTUAL LAYOUT  
 3. SOLAR PANEL LAYOUT ARE CONCEPTUAL. FINAL LAYOUT AND CONFIGURATION PER SOLAR CONSULTANT

**6 PLEX ALLEY HOMES | Conceptual Floor Plans**



**IRIS**

ESCONDIDO, CA



A-19  
 CITY SUBMITTAL 3  
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Right



Rear



Left



Front

Note: Artist's conception; colors, materials and application may vary.

Color Scheme 1 Shown, Refer to Sheet CM-1

**BUILDING MATERIAL**

- Roof: Composite Shingle
- Exterior: Slat, Finish, Fiber Cement, Sliding
- Accent Windows: Fiber Cement, Trim
- Deck Accents: Metal Railing
- Window & Door Trim: Stucco over Foam Trim
- Entry Door: Decorative Front Entry Door
- Garage Door: Sectional Garage Doors

**6 PLEX ALLEY HOMES | Conceptual Elevations**



**IRIS**

ESCONDIDO, CA

A-20

CITY SUBMITTAL 3

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Front Perspective



Rear Perspective

**6 PLEX ALLEY HOMES | Conceptual Perspectives**

**IRIS**

ESCONDIDO, CA

A-21

CITY SUBMITTAL 3

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# PLANNING COMMISSION

Agenda Item No.: **G.3**  
Date: December 13, 2022

**PROJECT NUMBER / NAME:** PL22-0645 / 2022 Omnibus Zoning Code Update

**REQUEST:** A series of amendments to the Escondido Zoning Code to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Article 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 22 (Heliport Overlay Zone), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise).

**LOCATION:** Citywide

**APPLICANT:** City of Escondido

**APN / APNS:** N/A

**PRIMARY REPRESENTATIVE:**  
Development Services, Planning  
Division

**GENERAL PLAN / ZONING:** N/A

**DISCRETIONARY ACTIONS REQUESTED:** Zoning Code Text Amendments

**PREVIOUS ACTIONS:** N/A

**PROJECT PLANNER:** Veronica Morones, Principal Planner

**CEQA RECOMMENDATION:** Statutorily or categorically exempt pursuant to Public Resources Code section 21080.17 and CEQA Guidelines sections 15282(h), 15301, 15303, or does not qualify as a "project" under CEQA.

**STAFF RECOMMENDATION:** Recommend approval of the Project to City Council

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2022-16

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

- Andrew Firestine, AICP, Development Services Director
- Adam Finestone, AICP, City Planner

**A. BACKGROUND:**

It is important that municipalities periodically review and update their codes and regulations to ensure they stay current and up-to-date. In 2017, the City initiated a new, reoccurring work program to annually review the Zoning Code to determine whether any updates are required such as state-mandated changes, error corrections, clarification of ambiguities or inconsistencies, conformance to the City’s Communications Plan (requiring use of AP Style), and address today’s land use challenges. Now, as established, the Planning Division is able to maintain a regular process and consistent schedule for maintaining the City’s codes and regulations. These amendments are combined into a single clean-up batch proposal as a means of efficiently modifying the Zoning Code titled the Omnibus Zoning Code Update.

The 2022 batch of amendments affects many articles of the Escondido Zoning Code, which is Chapter 33 – Zoning of the Escondido Municipal Code (EMC). As with past omnibus updates, a majority of the changes are minor and meant to directly provide guidance to the public regarding Zoning Code requirements in Escondido. This year’s omnibus also includes a full repeal of Article 22 – Heliport Overlay Zone, since the previous Palomar Hospital site is under redevelopment and reflecting the development of Palomar Hospital on the west side of the City.

Zoning Code text amendments are prepared as separate ordinances and require Planning Commission recommendation and City Council adoption.

**B. PROJECT ANALYSIS:**

For the 2022 Omnibus Zoning Code Update, the suggested amendment list includes modifications to various articles within the Zoning Code. The Articles and their corresponding proposed modification are detailed in Table 1 below. Further analysis is provided for Articles in denoted in **bold**.

**TABLE 1 - SUMMARY OF PROPOSED CHANGES**

Article	Proposed Change
Article 1 - General Provisions and Definitions	Creation of various new definitions and reference to an existing definition in another Chapter of the Escondido Municipal Code
Article 6 - Residential Zones	Clarification of development standards related to accessory structures
<b>Article 16 – Commercial Zones</b>	<b>Consistency alignment with Article 63, Sec. 33-1348 – Hotel Conversions;</b> reformatting
Article 22 – Heliport Overlay (H-O) Zone	Removal due to redevelopment of the prior Palomar Hospital site and relocation of the hospital use

Article 26 – Industrial Zones	Addition of broadcasting, recording, and sound studio use in industrial zones
Article 27 – Emergency Shelter Overlay	Reference clean up
<b>Article 39 – Off-Street Parking</b>	<b>Allows for parking adjustments subject to an Administrative Adjustment to be processed by CUP if required as a function of the use;</b> consistency cleanup of parking requirements for ADUs and Emergency Shelters
Article 44 – Home Occupations	Home Occupation Permit process streamlining
Article 47 – Environmental Quality	Consistency cleanups with the Climate Action Plan
Article 49 – Air Space Condominium and Community Apartment Projects	Consistency alignment with Chapter 32 – Subdivisions of the EMC
Article 56 – Miscellaneous Development Standards	Prohibiting use of barbed wire in residential zones
Article 57 – Miscellaneous Use Restrictions	Clarification of entitlement requirements for school uses
Article 61 – Administration and Enforcement	Clarification of general plan amendment initiation; extension of plot plan approval expiration
<b>Article 63 – Transient Lodging Facilities</b>	Clarification of requirements; <b>modification to residential density allowances for single-room occupancy projects</b>
Article 64 – Design Review	Consistency alignment with proposed changes to Article 49
Article 66 – Sign Ordinance	Reference clean up
Article 67 – Density Bonus and Residential Incentives	Correction of grammatical error; consistency with State law
<b>Article 70 – Accessory Dwelling Units and Junior Accessory Dwelling Units</b>	Clarification of requirements; <b>process streamlining</b>
Article 73 – Temporary Uses, Outdoor Display and Sale of Retail Merchandise	Clarification of requirements

A strikethrough and underlined version of all proposed Zoning Code changes is provided under Attachment 1. Exhibit B to Planning Commission Resolution No. 2022-16 (Attachment 2) provides a “clean” copy of the changes and reflects what they will look like if adopted by City Council.



### **Article 16 – Commercial Zones**

The proposed change would permit for SRO units as a use allowed only within the General Commercial zone subject to the requirements of Article 63, Section 33-1348 – Hotel Conversions. In July 2021, City Council adopted the hotel conversion ordinance which authorized the ability for existing hotels and motels in all zoning districts to be converted to a range of housing types, such as multi-family residential, and single-room occupancy (SRO) units through the hotel conversion permit process (plot plan process). The ordinance was adopted with the intention of streamlining conversions and with a substantial demonstration of need for transitional housing and a desire to create regulatory incentives to encourage the conversion of hotels and models to supportive housing, transitional housing, and affordable housing. However, the hotel conversion ordinance did not include any modifications to any use tables within the Zoning Code at the time of adoption. Therefore, outside of certain specific plan areas that already permitted hotel conversions (such as the South Centre City Specific Plan), hotel conversions are not identified as a permitted use in any nonresidential zones.

### **Article 39 – Off-Street Parking**

The proposed change would streamline the parking adjustment process for requests up to 25 percent. Article 39, Section 33-764 outlines the process for adjustments to nonresidential parking requirements. Under current regulations, up to 25 percent of the number of required parking spaces may be adjusted (i.e., waived) through the administrative adjustment permit process. Similarly, a minor conditional use permit (MCUP) may be processed to exceed the 25 percent threshold (i.e., waiving of required parking in excess of 25 percent). The proposed change would allow for project requests that include a regular CUP, coupled with a request for a reduction in parking up to 25 percent, to do so as a part of the parent CUP and not require an additional administrative adjustment permit. The proposed process parallels the existing process for parking adjustments in excess of 25 percent. In projects that require a CUP, coupled with a request for a parking reduction in excess of 25 percent (which would require a MCUP), the two requests are processed under the parent CUP. Without this change, a project proposing a conditional use with a parking reduction up to 25 percent would be required to obtain both a CUP for the use and an administrative adjustment permit for the parking reduction. Requests for parking adjustments up to 25 percent without a CUP would still be required to go through the administrative adjustment process.

### **Article 63 – Transient Lodging Facilities**

The proposed change would allow for hotel or motel conversion projects to request an increase in the number of units up to 15 percent the existing number of permitted rooms through the CUP process for 100 percent SRO conversions only. The adoption of the hotel conversion ordinance in July 2021 established a residential density development standard for hotel conversions. Specifically, this residential density standard limits the number of proposed residential units to the number of existing rooms in the hotel or motel use. The hotel conversion ordinance also includes a minimum and maximum unit size for single-room occupancy (SRO) units, which is one of the types of housing units a hotel or motel may be converted to under Article 63. No other minimum/maximum unit size is established under the hotel conversion ordinance for other housing types. In existing hotels and motels, larger suites and rooms, as well as conference, meeting, and office space, may yield additional square footage for units that cannot currently be

converted because it would result in additional units. While the intent of the residential density standard is to inhibit intensification beyond that of the existing hotel or motel uses, the proposed language modification would allow for flexibility in 100 percent SRO unit conversions subject to the CUP process. The need for flexibility arises from Article 63's restriction of SRO unit size, limiting SROs to a maximum floor area of 400 square feet, and that SROs typically experience smaller occupancy numbers than traditional multi-family housing, such as apartments. The CUP process would ensure that any proposed increase beyond the permitted unit count to the hotel or motel does not result in an adverse impact to the site and community by having to meet required CUP findings. Hotel or motel conversions proposing 100 percent SRO units with no increase beyond the existing permitted room count would not be required to obtain a CUP.

### **Article 70 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

The proposed change would streamline the accessory and junior accessory dwelling unit (ADU/JADU) permit process for single-family zoned properties. The City currently requires an applicant to obtain a planning permit for an ADU and JADU prior to obtaining a building permit. In an effort to simplify and streamline the ADU building process, the proposed changes to Article 70 would eliminate the planning permit requirement for ADUs and JADUs proposed on single-family zoned properties. Under the proposed modifications, an applicant would be able to permit an ADU through the building permit process, which would still allow the planning division to review for required development standards. For ADUs and JADUs proposed on multi-family zoned properties, an ADU planning permit would still be required and no change to the existing multi-family process would occur.

### **General Plan Conformance**

The proposed zoning code amendments are consistent with the General Plan in that they will not adversely impact the public health, safety and welfare because those related to Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 16 (Commercial Zones), Article 22 (Heliport Overlay Zone), Article 26 (Industrial Zones), Article 27 (Emergency Shelter Overlay), Article 39 (Off-Street Parking), Article 44 (Home Occupations), Article 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), Article 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), Article 64 (Design Review), Article 66 (Sign Ordinance), Article 67 (Density Bonus and Residential Incentives), Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Article 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) are nominal in nature and/or are a requirement of state law. Further, the proposed changes to those articles listed above as well as the more substantive modifications outlined in Article 16 (Commercial Zones) Article 39 (Off-Street Parking), Article 63 (Transient Lodging Facilities), and Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are consistent with the Land Use and Community Form Chapter, Goal 2 and subsequent policy 2.1 in that the proposed changes provide clarification and cleanup of regulations that clearly and effectively implement land use development goals and objectives. The basis of establishing and updating, as necessary, local standards and guidelines for land use activities ensures land use compatibility is achieved. The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure. The proposed Zoning Code changes would make the code more internally consistent, and easier to

understand and apply. The amendments make corrections, clarifications, and updates to improve the application process or how the codes are administered.

**FISCAL ANALYSIS:**

There will be no fiscal impact to the City of Escondido as a result of these amendments.

**C. ENVIRONMENTAL STATUS:**

There are a number of CEQA exemptions that are applicable to the 2022 Omnibus Zoning Code Update, all listed below. Some of the proposed amendments are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines. The following is a list of categorical or statutory exemptions under CEQA that apply to the various proposed changes, in addition to section 15378(b)(5):

- The amendments that relate to error correction, formatting changes, and general reference cleans up, specifically those in Article 1 (General Provisions and Definitions), Article 22 (Heliport Overlay Zone), Article 27 (Emergency Shelter Overlay), Article 39 (Off-Street Parking), Article 44 (Home Occupations), Article 47 (Environmental Quality), Article 49 (Air Space Condominium and Community Apartment Projects), Article 57 (Miscellaneous Use Restrictions), Article 61 (Administration and Enforcement), Article 64 (Design Review), Article 66 (Sign Ordinance), Article 67 (Density Bonus and Residential Incentives), and Article 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines. The scope of these proposed changes includes corrective clerical errors or clarification of ambiguities and relates to organizational and administrative actions of government that will not result in direct or indirect physical changes in the environment.
- The amendments that relate to accessory dwelling units (Article 70) are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h). Under Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code (Accessory Dwelling Unit law). CEQA Guidelines section 15282(h) statutorily exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of sections 65852.1 and 65852.2 of the Government Code as set forth in section 21080.17 of the Public Resources Code.
- The amendment that relates to fences and walls (Article 56) is categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures).
- The amendments that relate to a zone's permitted use table (Article 16 and Article 26) are categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities) as such uses are either already permitted in less intensive zones (i.e., broadcasting is an existing permitted use within commercial zones and SRO units are permitted through the hotel conversion permit process within existing structures).

- The amendments that relate to clarification of development standards for accessory buildings (Article 6) are categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures) as such regulations set maximum limits for size and area of such improvements.
- The amendments that relate to the applicability of an administrative adjustment of required parking up to 50 percent being processed under a conditional use permit when applied for concurrent with a conditional use (Article 39) and an up to 15 percent increase in residential density for hotel conversions proposing 100 percent SRO units (Article 63) are categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities) as such regulatory changes would result in negligible or no expansion of the existing or former uses. The administrative adjustment modification would streamline the number of permits required only in instances where a conditional use is applicable. Potential increases in 100 percent SRO unit hotel conversions would still be subject to the development standards of section 33-1348, which include limits on the ability to expand the existing structure for the purposes of conversion.

**D. PUBLIC INPUT:**

The 2022 Omnibus Zoning Code Update was noticed in accordance with Article 61, Division 6 of the Escondido Zoning Code. A public notice was published in the Escondido Times Advocate at least ten calendar days prior to this public hearing. Due to the nature of an Omnibus Zoning Code Update, staff did not conduct specific project-related outreach. As of the time the staff report was prepared, no public correspondence was received.

**E. CONCLUSION AND RECOMMENDATION:**

The Planning Division maintains a regular process and consistent schedule for maintaining the City's codes and regulations. These amendments are combined into a single clean-up batch proposal, referred to as the annual omnibus code cleanup, as a means of efficiently modifying the Zoning Code. The City proposes to amend the Municipal Code and Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure. The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. No other discretionary permits are requested or required.

**ATTACHMENTS:**

1. Strikethrough and underline of proposed changes
2. Draft Planning Commission Resolution No. 2022- 16 including Exhibits A - Findings, and B – Clean copy of proposed changes

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

**~~Bold Strikethrough~~** – Language Removed

**Bold Underline** – Proposed Language

# Omnibus 2022

## ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

### Definitions for Adjacent and Abutting, Restaurant, Off-Street Parking

#### Sec. 33-8. Definitions.

**Abutting- a structure, lot, or parcel of land having a common boundary with another structure, lot, or parcel of land including a structure, lot, or parcel of land which have no common boundary other than a common corner.**

**Adjacent- a structure, lot, or parcel of land that is close or contiguous to another structure, lot, or parcel of land.**

*Director* means the director of ~~community~~ development **services**.

**Restaurant- See Restaurant, Sec. 14-1.1 of Chapter 14**

**Off-Street Parking: A site, or portion of a site, devoted to the parking of motor vehicles outside of the public right-of-way, including parking spaces, aisles, and access drives.**

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

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**ARTICLE 6. RESIDENTIAL ZONES**

**Size of Accessory Structures/Buildings to Primary**

**Sec. 33-103. Accessory buildings and building requirements.**

(a) Accessory buildings located within a required side or rear yard setback area for the primary structure shall be limited to one ~~(1)~~ story and ~~sixteen~~(16) feet in height.

(b) Accessory buildings are subject to the property development standards as set forth in section 33-107, building requirements, generally.

(1) In addition to the restrictions of section 33-107, a guest house or accessory dwelling unit shall not have a total floor area that exceeds ~~fifty (50%) percent~~ of the existing living area of the main building, unless otherwise permitted pursuant to Article 70.

(2) A guest house may be attached to an accessory dwelling unit provided that the overall combined floor area of the combined building or structure does not exceed ~~seventy-five (75%) percent~~ of the main unit.

**(3) In addition to the restrictions of sections 33-102 and 33-107, any attached or detached accessory structure/building shall not exceed 49% of the existing/proposed habitable space area of the main building, unless otherwise permitted pursuant to Article 70.**

(c) The minimum distance between the residence (or main building) and a detached accessory building shall be ~~ten~~(10) feet. If the residence (or main building) and detached accessory building are both one ~~(1)~~ story in height, then the minimum separation requirement may be reduced to five ~~(5)~~ feet. A minimum of five ~~(5)~~ feet is maintained for clear access between the detached accessory building and any other building or structure.

(d) Nothing in this section or in section 33-107 shall be construed to limit the development of an accessory dwelling unit in the location and manner as specified by Article 70.



**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

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**Bold Underline** – Proposed Language

**ARTICLE 16. COMMERCIAL ZONES**

**Addition of SRO use in Commercial Zones**

**Sec. 33-332. Principal land uses.**

The following Table 33-332 lists those uses in the commercial districts which are permitted (P) subject to administrative or plot plan review, or subject to a conditional use permit (C). Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter. In the planned development zones, permitted uses are identified in each planned development master plan approval. In addition to the uses listed below, the following uses shall be subject to conditional use permit requirements of section 33-1200 et seq., of this chapter.

(a) Any use or structure permitted or conditionally permitted in a zone and involving hazardous materials is subject to conditional use permit requirements of section 33-666 et seq., of this chapter.

(b) All uses permitted in the CN zone operating between the hours of 11:00 p.m. and 7:00 a.m. are subject to a minor conditional use permit.

(c) All uses and development permitted in the PD zone are subject to section 33-400 et seq., of this chapter.

**(d) The conversion of existing or vacant automobile dealerships to a new, substantially different, use shall require plot plan review pursuant to section 33-344 of this article.**

**Table 33-332**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

~~The conversion of existing or vacant automobile dealerships to a new, substantially different, use shall require plot plan review pursuant to section 33-344 of this article.~~

*Note: The following use category to be added.*

Use Title	CG	CN	CP
Residential and Lodging			
<u>Single-Room Occupancy Units (Article 63)</u>	<u>P<sup>1</sup></u>		

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

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**Bold Underline** – Proposed Language

**1 Single-Room Occupancy (SROs) Units shall only be permitted as a result of conversion from existing hotel/motel uses in the CG zone subject to Article 63, section 33-1348.**

P = Permitted use.

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

**~~Strikethrough~~** – Language Removed

**Underline** – Proposed Language

**ARTICLE 22. HELIPORT OVERLAY (H-O) ZONE**

**Removal of the Heliport Overlay Zone as it is no longer applicable**

**Article 22. RESERVED**

**~~Sec. 33-490. Purpose.~~**

~~—The purpose of the heliport overlay H-O zone is to eliminate potential safety problems by ensuring that the heights of structures in the vicinity of the Palomar Hospital remain compatible with the approved height and location of the flight path of the hospital's emergency heliport facility. A secondary purpose is to provide a mechanism by which owners and or prospective owners are made aware of height restrictions encumbering their property. (Zoning Code, Ch. 104, § 1047.1)~~

**~~Sec. 33-491. Use in combination.~~**

~~—The H-O zone may be applied in conjunction with any residential or commercial zoning category impacted by the flight path of the approved Palomar Hospital emergency heliport facility. (Zoning Code, Ch. 104, § 1047.2)~~

**~~Sec. 33-492. Permitted and conditional uses.~~**

~~—All permitted and conditional uses permitted by the zone over which the H-O designation is applied shall remain as specified by the individual zone. (Zoning Code, Ch. 104, § 1047.3)~~

**~~Sec. 33-493. Permitted accessory uses and structures.~~**

~~—All accessory uses and structures set forth in the provisions of the zone over which the H-O zone is applied shall remain as specified by the individual zone. (Zoning Code, Ch. 104, § 1047.4)~~

**~~Sec. 33-494 Property development standards.~~**

~~—(a) Property development standards as specified in the provisions of the zone over which the H-O zoning is applied shall prevail, except that height restrictions as specified in section 33-495 of this article shall prevail in cases where the height restrictions of the underlying zone are less restrictive.~~

~~—(b) In addition to the development standards imposed by section subsection (a) of this section, the following standard shall also apply:~~

~~—As a condition of approval for any new use or expansion of any existing use requiring a building permit, a deed restriction or equivalent document establishing a maximum~~

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

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~~height limit consistent with the requirements of section 33-495 shall be recorded. The language of the deed restriction or equivalent document shall be in a form satisfactory to the city attorney. This document shall have the dual purpose of both preventing potential safety problems resulting from structures encroaching into the required heliport flight path and alerting future owners as to the presence of the height restrictions. (Zoning Code, Ch. 104, § 1047.5)~~

~~Sec. 33-495. Height restrictions.~~

~~—Within the limits of the H-O zone as described in Figure 33-495, no structure may exceed the following maximum elevations:~~

<del>Area No.</del>	<del>Maximum Height</del>
<del>Area 1</del>	<del>780' MSL</del>
<del>Area 2</del>	<del>835' MSL</del>
<del>Area 3</del>	<del>900' MSL</del>
<del>Area 4</del>	<del>970' MSL</del>
<del>Area 5</del>	<del>780' MSL</del>
<del>Area 6</del>	<del>820' MSL</del>
<del>Area 7</del>	<del>860' MSL</del>
<del>Area 8</del>	<del>900' MSL</del>
<del>Area 9</del>	<del>920' MSL</del>
<del>Area 10</del>	<del>940' MSL</del>
<del>Area 11</del>	<del>980' MSL</del>

**Figure 33-495**

*Note: Figure to be removed*

~~(Zoning Code, Ch. 104, § 1047.6)~~

~~Secs. 33-496—33-497. Reserved.~~

**LEGEND:**

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**Bold Underline** – Proposed Language

**ARTICLE 26. INDUSTRIAL ZONES**

**Addition of Broadcasting and Recording Studios in select Industrial Zones**

**Sec. 33-564. Land uses.**

*Note: The following use category to be added*

**Table 33-564**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

Use Title	I-O	M-1	M-2	I-P
<b><u>Broadcasting (radio and/or television), recording, and/or sound studios<sup>3</sup></u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Notes:

\* = As determined by the director and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.

\*\* = Retail or support service components greater than the maximum ~~fifteen (15%)~~ **percent** floor area/sales allowed by section 33-565 (Accessory uses and structures) is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566— Specialized retail uses.

\*\*\* = Only on sites immediately adjacent to the general commercial zone and within ~~five hundred (500)~~ **five hundred** feet of public transportation.

\*\*\*\* = Only on sites within the emergency shelter overlay, Figure 33-661, and subject to the requirements of Article 27.

\*\*\*\*\* = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.

1 = Pursuant to Article 33 of the zoning code (recycling facilities).

2 = Pursuant to section 33-576 of this article (animal boarding and daycare).

**3 = Includes instruction. Pursuant to Chapter 17, Article 12 (noise abatement and control)**

P = Permitted use.

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

**~~Strikethrough~~** – Language Removed

**Underline** – Proposed Language

C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).



**LEGEND:**

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**Bold Underline** – Proposed Language

**ARTICLE 27. EMERGENCY SHELTER OVERLAY**

**Clarify Emergency Shelter Parking Requirements**

**Sec. 33-595. Development standards.**

(d) Off-street parking shall comply with Article ~~36~~ 39, Off-Street Parking. Non-operational and non-registered vehicles shall not be kept on the site.

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

**~~Bold Strikethrough~~** – Language Removed

**Bold Underline** – Proposed Language

**ARTICLE 39. OFF-STREET PARKING**

**Streamlining nonresidential parking adjustments**

**Sec. 33-764. Adjustments to nonresidential parking.**

- (a) Administrative Adjustment. For uses in nonresidential zones, adjustments up to ~~twenty-five (25%) percent~~ of the number of parking spaces required by section 33-765 may be considered by the director upon the submittal of an application for an administrative adjustment, with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed ~~twenty-five (25%) percent~~ of the overall number of parking spaces required for the entire property.

1. When an adjustment to the number of parking spaces required for uses in a nonresidential zone is made in conjunction with a conditional use permit, the decision-making body for said conditional use permit shall be authorized to act on the parking adjustment as part of the action on the conditional use permit. No separate administrative adjustment shall be required.

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

~~**Bold Strikethrough**~~ – Language Removed

**Bold Underline** – Proposed Language

**Removal of ADU parking requirement consistent with Article 70 and removal of redundancy emergency shelter use parking standard**

**Sec. 33-765. Parking spaces required.**

*Note: The following use category to be modified: Accessory dwelling units.  
The following use category to be removed: Emergency Shelters*

Use	Parking Spaces Required
<b>Residential</b>	
<b>Accessory dwelling units</b>	<del>One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use in accordance with section 33-1474 of Article 70. All spaces shall be located on-site. <u>None.</u></del>
<u><b>Hotel Conversions</b></u>	<u><b>Subject to Article 63, Sec. 33-1348(e)(11)</b></u>
<del><b>Emergency shelters</b></del>	<del>One (1) parking space for each employee, volunteer, service provider and non-client who will be on-site during peak periods, plus one (1) space per three (3) beds.</del>

**LEGEND:**

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**Bold Underline** – Proposed Language

**ARTICLE 44. HOME OCCUPATIONS**

**Home Occupation Permit Requirement**

**Sec. 33-850. Permit License required.**

A legally established dwelling unit shall not be used for business purposes unless a ~~home occupation permit (major or minor) business license~~ has first been issued by the ~~planning business license~~ division ~~of the community development department~~. A cottage food operation, as defined in the California Homemade Food Act, shall obtain a ~~minor home occupation permit business license~~. **A Microenterprise Home Kitchen Operation (MEHKO), as defined by the County of San Diego Department of Environmental Health and Quality, shall obtain a business license. A business license for a home occupation shall not relieve the permittee of any other requirements of this code or other applicable law pertaining to licenses and license taxes.**

**Sec. 33-851. Procedure.**

The director ~~of community development~~ may, upon application, **authorize the issuance of a home occupation permit business license for a home occupation. Said license which** shall state the home occupation permitted, the conditions attached, and any time limitations thereon. The ~~permit~~**license** shall not be issued unless the director is satisfied that the applicant will comply with all the conditions listed in sections 33-852 to 33-854 of this article ~~and the applicant has agreed in writing to comply with the conditions as applicable~~.

**Sec. 33-852. Minor Home Occupations Permits.**

A ~~minor home occupation permit~~**business license** is required for any business operated in a dwelling unit or accessory building which has little to no external indication of commercial activity and which is not a major home occupation, as authorized by section 33-853. Each and every one of the following conditions must be observed at all times by the holder of ~~a minor home occupation permit~~**the business license**.

(a) Employees. Employees or assistants who are not occupants of the dwelling shall not be employed on the premises, except where specifically permitted by law.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed ~~twenty-five (25%) percent~~ of the total floor area of all legal structures on the premises.

**LEGEND:**

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(c) Inventory and supplies for the home occupation shall not occupy more than **fifty** ~~(50%) percent~~ of the permitted home occupation area.

(d) No structural alterations to the interior of the dwelling are permitted for the occupation if they would make it difficult to return the dwelling to exclusive residential use. External changes, which make the dwelling appear less residential in nature or function are prohibited.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence.

(f) No customer services or sales of goods, wares or merchandise shall be made on the premises, except where specifically permitted by law.

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses shall not be used in any advertising (i.e., newspaper advertisements, bulletin boards, paid electronic advertisements, and the like) unless otherwise required by law. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

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(3) No more than one ~~(1)~~ business vehicle and one ~~(1)~~ trailer **isare** allowed for each resident involved in the home occupation.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) On-site manufacturing is prohibited as a ~~minor~~ home occupation, with the exception of custom and visual art crafts (e.g., jewelry, art, ceramics, etc.), custom sewing and fabric crafts, and light wood working.

(l) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

(2) Customers. On-site customers are prohibited **except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(3).**

(3) Deliveries or pick-ups by normal delivery services shall occur between 8:~~00~~ a.m. and 5:~~00~~ p.m. No more than two ~~(2)~~ deliveries per day **except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(9).**

(m) Cottage food operations. The following conditions shall apply to a minor home occupation for a cottage food operation **(CFO).**

(1) No more than one ~~(1) home occupation permit for cottage food operations~~ **CFO** is permissible per legally established dwelling unit.

(2) No more than one ~~(1)~~ part-time non-resident ~~cottage food operation~~ **CFO** employee is allowed on the premises at a time.

(3) On-premises customers and non-resident employee(s) of a CFO are limited to ~~8:00~~ a.m. to ~~5:00~~ p.m., ~~forty (40)~~ hours per week maximum. The required residential parking for the dwelling unit shall not be used by the CFO customers and employee(s).

(4) A ~~cottage food operation~~ **CFO** shall comply with all other limitations of the California Homemade Food Act, which may be amended over time.

(n) Notwithstanding the above, all minor home occupations are also subject to the general conditions listed in section 33-854.



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**(o) Microenterprise Home Kitchen Operations (MEHKO) shall be subject to Title 6, Division 1, Chapter 5 of the San Diego County Code of Regulatory Ordinances, which may be amended over time.**

**Sec. 33-853. Major home occupations Reserved.**

A ~~major home occupation permit~~**business license** is required for any business operated in a dwelling unit or accessory building which may have or has external indication of commercial activity, but remains a home occupation and not a primary ~~business use of the property~~. Each and every one of the following conditions must be observed at all times by the holder of a ~~major home occupation permit~~**the business license**.

(a) Employees. Only members of the family or household residing on the premises, and no more than two ~~(2)~~ non-residents who commute to the home to work, may be continuously employed at any one time on the site, except where specifically permitted by law. For the purposes of this article, a non-resident employee includes an employee, business partner, co-owner, or other person affiliated with the major home occupation who does not reside on the site, but who visits the site as part of the home occupation. This provision does not allow employee shifts, with each shift staffed by different non-resident employees even when only two ~~(2)~~ non-resident employees are at the site at any one time.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed ~~thirty-three (33%) percent~~ of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than ~~fifty (50%) percent~~ of the permitted home occupation area.

(d) Although the dwelling and site must remain residential in appearance, internal or external changes may be necessary to support the home occupation, such as lighting and access control.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence, except for the outdoor storage of soft landscaping materials. The outdoor storage of said soft landscaping materials is permitted only if the material is not visible from the public right-of-way. The storage of said materials must also not create a nuisance to surrounding property owners.

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(f) Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair styling services), except for merchandise crafted on-site (e.g., crafts and artwork).

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses may be used in print or electronic advertising provided that it is made clear that any on all on-site services are provided and/or offered by appointment only. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property as drop-in or unannounced visits.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) Home occupations with customer access shall maintain a driveway with a minimum depth of ~~twenty~~ (20) feet from the back of sidewalk, or edge of public right-of-way if no sidewalk exists, and be made available to customers or non-resident employees during business hours.

(3) The site shall have adequate on-site parking to accommodate the anticipated additional traffic or parking demand resulting from the proposed home occupation use, which may limit the intensity of home occupation types.

(4) With the exception of approved driveways, and supplemental parking allowances per section 33-110, no parking shall be allowed in required front or side yard setbacks.

(5) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

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(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic that noticeably affects the residential character of the neighborhood.

(2) Customers. No more than eight ~~(8)~~ clients or customers shall be on the premises in any one ~~(4)~~ day.

(3) Traffic, which exceeds eight ~~(8)~~ clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.

(4) Customer or client business-related visits and non-resident employee arrivals and departures shall occur between ~~8:00~~ a.m. and ~~8:00~~ p.m.

(5) Deliveries or pick-ups by normal delivery services shall occur between ~~8:00~~ a.m. and ~~5:00~~ p.m.

(l) If the major home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained prior to approval.

(m) Notwithstanding the above, all major home occupations are also subject to the general conditions listed in section 33-854.

**Sec. 33-854. General conditions.**

The following conditions are applicable to minor and major home occupations, in addition to the conditions provided for in section 33-852 for minor home occupations and section 33-853 for major home occupations.

(a) Any special condition established by the director and made of record in the home occupation ~~permit~~ **business license**, as ~~he or she~~ **they** may deem necessary to carry out the intent of this section, shall be met.

(b) Prohibited uses. The following uses are not incidental and secondary to the use of the dwelling as a residence nor are they compatible with surrounding residential uses and

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shall be prohibited as home occupations, notwithstanding the provisions of any other section of this article.

(1) Motor vehicle, trailer, boat, and heavy equipment repair or restoration (body or mechanical), upholstery, and painting;

(2) Vehicle services, including stereo and car alarm installation, and on-site vehicle detailing (washing, waxing, etc.);

(3) Vehicle on-site sales;

(4) Medical or professional clinics;

(5) Veterinary clinics;

(6) Commercial kennels and on-site pet day care facilities;

(7) Massage establishments;

(8) Tattoo and/or body art/piercing establishments;

(9) Ammunition, explosives, or fireworks sales, use, or manufacturing;

(10) Manufacture of any type of fuel(s) for use, storage, dispensing, or sales; and

(11) Other similar uses determined by the director not to be incidental or secondary to or compatible with residential activities.

(c) There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.

(d) The home occupation shall not create impacts on municipal or utility services or community facilities from hazardous materials and other materials introduced into the wastewater system in excess of levels usually and customarily related to residential uses.

(e) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

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(f) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not alter the residential character of the premises.

(g) The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood as follows:

(1) No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation or interferes with radio and television reception, shall exceed that which is normally produced in a single-family dwelling.

(2) Any noise generated by the home occupation shall be consistent with the requirements of Article 12 (Noise Abatement and Control) of Chapter 17 (Offenses) of the Escondido Municipal Code.

(3) No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.

(h) All **business licenses for** home occupations ~~permits~~ are subject to immediate cancellation in the event that the zoning regulations applicable to the premises are amended to prohibit such use.

(i) A ~~home occupation permit~~ **business license for a home occupation** issued to one ~~(1)~~ person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the ~~permit~~ **license**.

**Sec. 33-855. Noncompliance.**

Any **business license for a** home occupation ~~permit~~ shall be revoked by the **business license division at the direction of the** director of ~~community development~~ upon violation of any requirements of this article, or upon failure to comply with any of the conditions or limitations of the ~~permit~~ **license**, unless such violation is corrected within three ~~(3)~~ days of the giving of written notice thereof. A ~~permit~~ **license** may be revoked for repeated violation of the requirements of this article, notwithstanding compliance with the notice.

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**Sec. 33-856. Denial or revocation.**

In the event of denial of any ~~permit~~license, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be ~~had made to the planning commission, whose decision shall be final~~pursuant to section 33-1303.

**Sec. 33-857. ~~Business license also required~~Reserved.**

~~A home occupation permit is not a business license and the granting of a home occupation permit shall not relieve the permittee of any other requirements of this code pertaining to business licenses and license taxes.~~



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**ARTICLE 47. ENVIRONMENTAL QUALITY**

**Climate Action Plan consistency clean up**

**Sec. 33-924. Coordination of CEQA, quality of life standards, and growth management provisions.**

(a) Negative and mitigated negative declarations. In situations where the preparation of a negative declaration is otherwise appropriate, yet quality of life standard deficiencies are found to exist, a negative declaration may still be prepared under the following circumstances, as applicable:

(6) Greenhouse gas (GHG) emissions. In situations where a negative declaration is otherwise appropriate, the following incremental GHG emissions are generally not considered significant:

(A) Projects that do not generate more than ~~two thousand five hundred (2,500)~~ metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) GHG emissions and that are consistent with the General Plan, or

(B) Projects generating more than ~~two thousand five hundred (2,500)~~ MT of CO<sub>2</sub>e that are consistent with the general plan, and that have demonstrated consistency with the Climate Action Plan (CAP) through completion of the CAP Consistency Checklist, adopted by separate resolution, or

(C) Projects generating more than ~~five hundred (500)~~ MT of CO<sub>2</sub>e that are consistent with the general plan, and that cannot demonstrate consistency with the CAP through completion of the CAP Consistency Checklist due to unique land uses or circumstances for which no measures in the checklist would apply, but that can demonstrate consistency with the CAP through comparison to a numerical GHG threshold of 2.0 MT CO<sub>2</sub>e per service population per year, or

(D) Projects that are not consistent with the general plan and will generate greater GHG emissions than the allowable uses under the existing general plan land use designation that demonstrate through a project-specific analysis quantifying GHG emissions that through mitigation and design features, the project reduces GHG emissions consistent with the CAP;

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**ARTICLE 49. AIR SPACE CONDOMINIUM AND COMMUNITY APARTMENT PROJECTS**

**Align condominium or condominium conversions with the subdivision ordinance**

**Sec. 33-951. Condominium or condominium conversion application**

(a) Permit required for new condominium projects and conversions to condominium ownership. A condominium permit and design review shall be required for all condominiums to be constructed or for existing buildings to be converted to condominiums in the City of Escondido.

(1) Application for a condominium permit ~~in the Downtown Specific Plan, East Valley Specific Plan, and South Centre City Specific Plan~~ shall be made to the director of ~~community~~-development services, unless the action includes discretionary permits for which the planning commission or city council is the decision-making body.

~~—(2) Application for a condominium permit in any other area of the city not covered by subsection (a)(1) shall be made to the city council, through the planning division and in accordance with procedures set forth in this chapter.~~

**Sec. 33-952. Commission action.**

If required under pursuant to section 33-951~~(a)(2)~~, the planning commission shall review the application for a condominium permit and recommendation of the planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter, ~~and a~~A recommendation shall be forwarded to the city council if the action includes discretionary permits for which the city council is the decision-maker.

**Sec. 33-954. City council action.**

If required under pursuant to section 33-951~~(a)(2)~~, after the submission of a formal recommendation by the planning commission, the city council shall review the application and recommendation during a public hearing held in accordance with Division 6 of Article 61 of this chapter, and shall approve, modify or disapprove the ~~action of the planning commission~~condominium permit.

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**Sec. 33-964. Required notices to tenants.**

Condominium permits for the conversion of existing units are subject to all state-mandated notice requirements including:

(a) Current tenants of the apartments to be converted must be notified through mail, a minimum of ~~sixty (60)~~ days prior to the filing of the application;

(b) Written notice of the proposed conversion, has been, and will continue to be given to all subsequent tenants;

(c) Each tenant has received ~~ten (10)~~ days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate;

(d) Written notice of intent to convert has been, or will be provided to current residents for a minimum duration of ~~one hundred eighty (180)~~ days prior to terminating tenancy;

(e) Notice must be provided to each tenant a minimum of ~~ten (10)~~ days prior to any public hearing on the conversion;

(f) A copy of the staff report must be provided to each tenant a minimum of three ~~(3)~~ days prior to any scheduled public hearing involving the proposed conversion. The applicant shall pay all copying, mailing, and handling costs in an amount adopted by resolution of the city council;

(g) Notice of the ~~city council's~~ **ultimate authority's** decision must be provided to each tenant ~~ten (10)~~ days after the approval of a final map;

(h) A ~~ninety (90)~~ day notice of exclusive right to purchase from date of issuance of the subdivision public report per Section 11018.2 of the [Business and Professions Code](#).

In addition to the notice requirements listed in this section, tenants shall be given notice of preferential opportunities to purchase an alternate unit on a first-come, first-serve basis. Additionally, the notice of intent to convert may not be provided until after ~~city council~~ approval of the tentative subdivision map and condominium permit.

All notices must be personally delivered or sent via certified U.S. mail.

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**ARTICLE 56. MISCELLANEOUS DEVELOPMENT STANDARDS**

**Modifications to barbed wire allowances**

**Sec. 33-1083. General fence and wall provisions**

(a) Materials. Fences or walls may be constructed of any suitable materials in a manner appropriate to its design.

**(1) Prohibited Materials:**

**(A) ~~Fences shall not contain electrification.~~ Electrified fencing**

**(B) In any residential zoning district, ~~B~~barbed wire, razor wire, or other similar fences with affixed sharp instruments;**

**(C) Subsection (B) above notwithstanding, ~~are specifically not permitted in any residential zoning district, except that~~ barbed wire is permitted in agricultural ~~and residential estate~~ zones on properties being used for agriculture or animal husbandry, subject to the following criteria:**

**(i) Properties must be a minimum of two acres;**

**(ii) Such fencing shall not be kept in a manner that is unsafe, abandoned or a materially dangerous condition;**

**(iii) Such fencing shall be set back from any public street or other public right-of-way a minimum of 20 feet unless it is not visible from such street or right-of-way; and**

**(iv) Such fencing shall not be placed on the rooftop of any building.**

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**ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

**Clarifying what Entitlement (if any) is required for Schools**

**Sec. 33-1103. Nursery, primary and secondary education.**

~~Conditional use permits~~ For nursery, primary and secondary education (except small and family day care homes), **permits as required by the underlying zoning designation**, may be granted by the **director**, zoning administrator or planning commission upon consideration of the following criteria:

(a) An off-street area for the loading and unloading of children from vehicles should be provided and should be designed so as to provide for the forward movement of vehicles both upon entering and leaving the site;

(b) The ~~conditional~~ use ~~permit~~ shall be conditioned upon there being off-street parking in conformance with Article 39 of this chapter.

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**ARTICLE 61. AMEDNMENTS AND ZONE CHANGES**

**Incorporation of general plan amendment initiation**

**Sec. 33-1261. Application, initiation and fee.**

**(a)** An application for a zoning amendment may be initiated by the city or by the owner of property subject to the amendment. Applications shall be on city forms and accompanied by the applicable fee.

**(b)** **An application for a general plan amendment/specific plan amendment may be initiated by the city or by the owner of property subject to the amendment. Applications initiated by the owner of the property subject to the amendment require initiation authorization by the city council. Applications shall be on city forms and accompanied by the applicable fees.**

**Plot plan expiration**

**Sec. 33-1317. Expiration and extension of time.**

Unless otherwise specified in the action approving a plot plan, said approval shall become automatically null and void unless the project authorized by the plot plan approval has been substantially implemented within ~~twelve (1224)~~ months from the approval date. The abandonment or non-use of a plot plan approval for a period of ~~twelve (1224)~~ months shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.



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**ARTICLE 63. TRANSIENT LODGING FACILITIES**

**Hotel conversion update: permit type, unit count and parking.**

**Sec. 33-1348. Hotel conversions.**

(e) Development Standards and Land Use Regulations. Development regulations shall be those of the base district in any zoning district in which an existing hotel or motel is located to ensure that hotel conversions may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Exceptions to the development standards and land use regulations of any zoning district as enumerated in this subsection shall be provided to incentivize the reuse of hotel, motels, and other transient lodgings for group home or quarters, SRO units, multifamily housing, or combination thereof. When there are General Plan, Zoning Map, or specific plan amendments contemplated or under study as part of the hotel conversion request, the city may apply additional terms, limitations, or conditions to the application request so that the use more closely aligns with applicable, objective General Plan and zoning standards.

(1) Minimum Lot Size. There shall be no applicable minimum lot width, depth, or total lot size for hotel and motel conversions.

(2) Residential Density. The resulting number of residential units after the conversion shall be no greater than the number of guest rooms in the existing hotel or motel **unless otherwise described below.**

**(A) For 100% SRO conversions, a request to increase the number of residential units up to 15% of the number of permitted guest rooms in the existing hotel or motel may be considered by the planning commission upon submittal of a conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council.**

(11) Parking. The number of off-street parking spaces required in connection with any particular land use shall be not less than the amount set forth ~~by Article 39 of the Zoning Code unless modified herein~~ **below.**

~~(A) The number of off-street parking spaces required in connection with any particular land use shall be not less than the amount set forth by Article 39 of the Zoning Code unless modified herein.~~

~~(i)(A)~~ **(A)** Market rate SRO/**Multi-family** units shall provide a minimum of one ~~(1)~~ parking space per unit.

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~~(ii)~~**(B)** The parking required for restricted group homes or quarters, SRO units, or multifamily dwelling units to be sold or rented to lower income households or target populations shall not exceed 0.5 parking spaces per unit.

~~(iii)~~**(C)** If utilized for supportive housing development, consistent with Supportive Housing Law ([Government Code](#) sections 65650 – 65656), if the supportive housing is located within one-half (1/2) mile of a public transit stop, no minimum parking requirements shall be applied for the units occupied by supportive housing residents, pursuant to [Government Code](#) section 65654.

~~(B)~~**(D)** Guest Parking Requirements.

(i) Market rate SRO units shall provide one ~~(1)~~ guest parking space for every eight ~~(8)~~ SRO units (0.125 guest parking spaced per unit).

(ii) The requirement to provide guest parking is waived for restricted, lower-income affordable dwelling units. Restricted SRO units or multifamily units with more than **thirty** ~~(30)~~ converted guest rooms shall not be eligible for this waiver provision for the portion of units that exceeds ~~thirty (30)~~ units; and shall provide one ~~(1)~~ guest parking space for every eight ~~(8)~~ SRO units (0.125 guest parking spaces per SRO unit), with a minimum of one ~~(1)~~ guest parking space per project and a maximum of ~~fifteen (15)~~ stalls for guest parking.

(C) With the exception of projects that allow only senior residents, projects that have less than one ~~(1)~~ automobile parking space per unit shall provide one ~~(1)~~ easily accessible space for storing and locking a bicycle per unit. For projects that provide one ~~(1)~~ or more parking spaces per unit, at least one ~~(1)~~ bicycle storage space for every three ~~(3)~~ units shall be provided.

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**ARTICLE 64. DESIGN REVIEW**

**Align condominium or condominium conversions with the subdivision ordinance**

**Sec. 33-1354. Jurisdiction.**

The following commercial, industrial, multifamily residential, and other projects shall be subject to design review by the planning commission, unless otherwise noted:

(a) Planned development projects, condominium permits **requiring a tentative subdivision map**, and all projects (besides single-family projects) requiring discretionary approval by the planning commission and involving new construction;

(b) Proposed development standards or design guidelines for specific plans and overlay districts;

(c) Proposed signs as specified pursuant to Article 66, Sign Ordinance;

(d) City-initiated projects that involve public facilities, including, but not limited to, libraries, major park structures, police stations, or fire stations, or major architectural or site modifications to existing public facilities.

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**ARTICLE 66. SIGN ORDINANCE**

**Reference Correction**

**Sec. 33-1395. Sign standards—General.**

All permanent freestanding signs shall not obstruct the vehicle sight distance area at the intersections and driveways to the satisfaction of the engineering department. Freestanding signs shall not be placed within easements or over utility lines, except with the prior written approval of all easement holders. Any site plans submitted in conjunction with a sign permit application for a freestanding sign shall identify the location of easements or public or private utilities within ~~fifty (50)~~ feet of the proposed sign location. On sites where the existing street is not constructed to the full designated width, signs shall be located behind the ultimate property line unless otherwise approved by the planning division and the engineering department with an agreement for future removal or relocation. In addition, all permanent freestanding signs shall incorporate the numerical address, or range of addresses, of the parcel or commercial center at which the sign is located. The area of the address shall not be counted in the area of the signs. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11:~~00~~ p.m. and sunrise, unless exempt pursuant to Article ~~25~~ 35, Outdoor Lighting.

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**ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES**

**Consistency clean up items for state law compliance**

**Sec. 33-1413. Stand incentives for new residential construction**

Sec. 33-1413. Standard incentives for new residential construction.

(b) Density bonus. When a developer seeks and agrees to construct a housing development meeting the criteria specified in subsection (a) of this section, the decision-making body shall grant a density bonus subject to the following:

(1) The amount of density bonus to which a housing development is entitled shall vary. The density bonus may be increased according to the percentage of affordable housing units provided above the minimum percentages established in subsection (a) of this section, but shall not exceed ~~thirty-five (3550%) percent~~, except in accordance with subsection (~~dc~~) of this section or as otherwise authorized by State Density Bonus Law.

(c) Density bonus in excess of 3550%. In cases where a developer requests a density bonus in excess of that which is specified in this section, the city council may grant, at its discretion, the requested density bonus, subject to the following:

(1) The project meets the requirements of this article and State Density Bonus Law.

(2) The requested density increase, if granted, is an additional density bonus and shall be considered an incentive.

(3) The city council may require some portion of the additional density bonus units to be designated as target units, at its discretion.

(d) Granting a lower density bonus. A qualified developer for a density bonus and/or additional incentives and concessions pursuant to subsection (a) of this section may request and accept a lesser density bonus, including no increase in density, and shall still be entitled to those additional concessions or incentives as specified in 33-1415. No reduction will be allowed in the number of target units required.

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

**~~Bold Strikethrough~~** – Language Removed

**Bold Underline** – Proposed Language

**ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**Removal of accessory dwelling unit permit for single family residential only**

**Sec. 33-1471. Reserved**

Sec. 33-1471. ~~Reserved~~ Permitted zones.

Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential uses, subject to ~~the approval of an accessory dwelling unit permit~~ Sec. 33-1472 of this Article.

**Sec. 33-1472. ~~Permitted zones~~ Permit required.**

~~—Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential use, subject to the approval of an accessory dwelling unit permit.~~

(a) Accessory dwelling units on properties with legally established multifamily residential dwellings are subject to the approval of an accessory dwelling unit permit.

(b) Accessory dwelling units and junior accessory dwelling units on properties with legally-established single-family residential dwellings are subject to the approval of a building permit, unless additional requirements apply as described under Sec. 33-1475, Other Regulations.

**Modification to allowable conversion space of habitable structures**

**Sec. 33-1473. Occupancy limitations.**

(a) Allowed use.

(3) Number of accessory dwelling units on legal lots with existing multifamily dwelling units:

(A) Shall be permitted to construct at least one accessory dwelling unit within portions of existing multifamily dwelling structures that are existing non-habitable space, and shall allow up to ~~twenty-five (25%) percent~~ of the units in each existing multifamily dwelling structure, in accordance with [Government Code](#) section 65852.2(e).



**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

**Bold Strikethrough** – Language Removed

**Bold Underline** – Proposed Language

**Existing detached accessory structures cannot be attached to a multi-family dwelling structure for the purposes of creating an accessory dwelling unit; ~~or and~~**

(B) Not more than two **(2)** accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.

(C) For purposes of this article, “multifamily dwelling structure” or “multifamily dwelling” is defined as a structure with two **(2)** or more attached dwellings on a single lot.

**Sec. 33-1477. Application and procedure.**

The director shall approve or disapprove an application for an accessory dwelling unit ~~or junior accessory dwelling unit~~, ministerially, within ~~sixty (60)~~ days after receiving a complete application. ~~if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the director may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the director acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.~~ If the applicant requests a delay, the ~~sixty (60)~~ day time period shall be tolled for the period of the delay. **Only accessory dwelling units associated with existing multi-family dwelling units shall be required to obtain an accessory dwelling unit permit.**

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

**~~Bold Strikethrough~~** – Language Removed

**Bold Underline** – Proposed Language

**ARTICLE 73. TEMPORARY USES, OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE**

**Application of Article 35 on Temporary Use Permit Events**

**Sec. 33-1534. Development standards.**

(9) All exterior lighting utilized in conjunction with outdoor displays, **or temporary events approved with a temporary use permit**, shall conform to the requirements of Article 35, Outdoor Lighting.

ATTACHMENT 2

Planning Commission  
Hearing Date: December 13, 2022  
Effective Date: December 14, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-16

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
RECOMMENDING APPROVAL TO AMEND VARIOUS  
ARTICLES OF THE ESCONDIDO ZONING CODE

APPLICANT: City of Escondido

CASE NO: PL22-0645

WHEREAS, the City of Escondido Planning Division has conducted an annual review of the Escondido Zoning Code to determine if any revisions are necessary to reflect State mandated changes; to correct errors or inconsistencies; and to address land use considerations that may previously been overlooked; and

WHEREAS, Planning Division staff identified the need to amend Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 22 (Heliport Overlay Zone), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions ), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) 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, City staff provided publishing of public notice of the application in accordance with City and State public noticing requirements; and

WHEREAS, on December 13, 2022, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the 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. Oral testimony from City staff, interested parties, and the public;
- b. The staff report, dated December 13, 2022, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public 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 proposed Zoning Code Amendments are statutorily or categorically exempt from further review pursuant to various sections of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, as further described in the staff report. The proposed Zoning Code Amendments would not, in and of themselves, result in development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate review under the California Environmental Quality Act (CEQA).

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 "A," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The 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.

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 13<sup>th</sup> day of December, 2022, by the following vote, to wit:

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

\_\_\_\_\_  
KATHARINE BARBA, Chair  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
ADAM FINESTONE, Secretary of the  
Escondido Planning Commission

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

\_\_\_\_\_  
, Minutes Clerk  
Escondido Planning Commission

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



## EXHIBIT "A"

### PLANNING CASE NOS. PL22-0645.

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

##### Zoning Code Amendment Determinations:

1. That the public health, safety and welfare will not be adversely affected by the proposed change in that:
  - a. the proposed batch of Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed batch of Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities, and;
  - b. over the years, staff and members of the public have found certain sections of the Escondido Zoning Code are sometimes vague, unclear, or conflicting, which results in confusion and potential disagreement in Code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure our resident-focused government through transparent services and positive organizational culture. These Zoning Code amendments are the result of such review.
2. That the property involved is suitable for the uses permitted by the proposed Zoning Code amendments in that:
  - a. there is not a project-specific site proposed for the Project. The proposed Zoning Code amendments would go into effect Citywide and would affect all properties subject to the Escondido Municipal Code and their respective land use designation and zoning district, as is appropriate for the Zoning Code amendments, and;
  - b. the proposed Zoning Code amendments would not be detrimental to surrounding properties in that the Zoning Code amendments which affect uses, such as those in Articles 16 (Commercial Zones), 26 (Industrial

Zones), and 63 (Transient Lodging Facilities) have been reviewed under prior ordinances adopted by the City of Escondido and reviewed for their consistency with existing uses (i.e., Articles 16 and 63) and/or are permitted within less intensive land use designations and found to have no adverse impacts within those land use categories; therefore, allowance of their use within a more intensive land use designation and zoning districts would have no adverse impacts (i.e., Article 26).

3. That the uses permitted by the proposed Zoning Code amendments would not be detrimental to surrounding properties in that the Zoning Code amendments which affect uses, such as those in Articles 16 (Commercial Zones), 26 (Industrial Zones), and 63 (Transient Lodging Facilities) have been reviewed under prior ordinances adopted by the City of Escondido and reviewed for their consistency with existing uses (i.e., Articles 16 and 63) and/or are permitted within less intensive land use designations and found to have no adverse impacts within those land use categories; therefore, allowance of their use within a more intensive land use designation and zoning districts would have no adverse impacts (i.e., Article 26);
4. That the proposed Zoning Code amendments are consistent with the adopted general plan in that:
  - a. the Land Use and Community Form chapter states “Escondido’s growth and development patterns are to be managed in a way that does not overwhelm or reduce the quality of community services, safety and protection provided by the city.” The proposed Zoning Code amendments are consistent with this statement and will not adversely impact the public health, safety and welfare because those related to Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 16 (Commercial Zones), Article 22 (Heliport Overlay Zone), Article 26 (Industrial Zones), Article 27 (Emergency Shelter Overlay), Article 39 (Off-Street Parking), Article 44 (Home Occupations), Article 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), Article 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), Article 64 (Design Review), Article 66 (Sign Ordinance), Article 67 (Density Bonus and Residential Incentives), Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Article 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) are nominal in nature and/or are a requirement of state law, and;
  - b. the proposed Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed Zoning Code

amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

5. That the relationship of the proposed Zoning Code amendments is applicable to specific plans in that the proposed Project would not conflict with any specific plan as the proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

# Omnibus 2022

## **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS**

### **Definitions for Adjacent and Abutting, Restaurant, Off-Street Parking**

#### **Sec. 33-8. Definitions.**

Abutting- a structure, lot, or parcel of land having a common boundary with another structure, lot, or parcel of land including a structure, lot, or parcel of land which have no common boundary other than a common corner.

Adjacent- a structure, lot, or parcel of land that is close or contiguous to another structure, lot, or parcel of land.

*Director* means the director of development services.

Restaurant- See *Restaurant, Sec. 14-1.1 of Chapter 14*

Off-Street Parking: A site, or portion of a site, devoted to the parking of motor vehicles outside of the public right-of-way, including parking spaces, aisles, and access drives.

## **ARTICLE 6. RESIDENTIAL ZONES**

### **Size of Accessory Structures/Buildings to Primary**

#### **Sec. 33-103. Accessory buildings and building requirements.**

(a) Accessory buildings located within a required side or rear yard setback area for the primary structure shall be limited to one story and 16 feet in height.

(b) Accessory buildings are subject to the property development standards as set forth in section 33-107, building requirements, generally.

(1) In addition to the restrictions of section 33-107, a guest house or accessory dwelling unit shall not have a total floor area that exceeds 50% of the existing living area of the main building, unless otherwise permitted pursuant to Article 70.

(2) A guest house may be attached to an accessory dwelling unit provided that the overall combined floor area of the combined building or structure does not exceed 75% of the main unit.

(3) In addition to the restrictions of sections 33-102 and 33-107, any attached or detached accessory structure/building shall not exceed 49% of the existing/proposed habitable space area of the main building, unless otherwise permitted pursuant to Article 70.

(c) The minimum distance between the residence (or main building) and a detached accessory building shall be 10 feet. If the residence (or main building) and detached accessory building are both one story in height, then the minimum separation requirement may be reduced to five feet. A minimum of five feet is maintained for clear access between the detached accessory building and any other building or structure.

(d) Nothing in this section or in section 33-107 shall be construed to limit the development of an accessory dwelling unit in the location and manner as specified by Article 70.

**ARTICLE 16. COMMERCIAL ZONES**

**Addition of SRO use in Commercial Zones**

**Sec. 33-332. Principal land uses.**

The following Table 33-332 lists those uses in the commercial districts which are permitted (P) subject to administrative or plot plan review, or subject to a conditional use permit (C). Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter. In the planned development zones, permitted uses are identified in each planned development master plan approval. In addition to the uses listed below, the following uses shall be subject to conditional use permit requirements of section 33-1200 et seq., of this chapter.

(a) Any use or structure permitted or conditionally permitted in a zone and involving hazardous materials is subject to conditional use permit requirements of section 33-666 et seq., of this chapter.

(b) All uses permitted in the CN zone operating between the hours of 11 p.m. and 7 a.m. are subject to a minor conditional use permit.

(c) All uses and development permitted in the PD zone are subject to section 33-400 et seq., of this chapter.

(d) The conversion of existing or vacant automobile dealerships to a new, substantially different, use shall require plot plan review pursuant to section 33-344 of this article.

**Table 33-332**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

*Note: The following use category to be added.*

Use Title	CG	CN	CP
<b>Residential and Lodging</b>			
Single-Room Occupancy Units (Article 63)	P <sup>1</sup>		

1 Single-Room Occupancy (SROs) Units shall only be permitted as a result of conversion from existing hotel/motel uses in the CG zone subject to Article 63, section 33-1348.

P = Permitted use.



**ARTICLE 22. HELIPORT OVERLAY (H-O) ZONE**

**Removal of the Heliport Overlay Zone as it is no longer applicable**

Article 22. RESERVED

**ARTICLE 26. INDUSTRIAL ZONES**

**Addition of Broadcasting and Recording Studios in select Industrial Zones**

**Sec. 33-564. Land uses.**

*Note: The following use category to be added*

**Table 33-564**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

<b>Use Title</b>	<b>I-O</b>	<b>M-1</b>	<b>M-2</b>	<b>I-P</b>
Broadcasting (radio and/or television), recording, and/or sound studios <sup>3</sup>	P	P	P	P

Notes:

\* = As determined by the director and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.

\*\* = Retail or support service components greater than the maximum 15% floor area/sales allowed by section 33-565 (Accessory uses and structures) is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.

\*\*\* = Only on sites immediately adjacent to the general commercial zone and within 500 feet of public transportation.

\*\*\*\* = Only on sites within the emergency shelter overlay, Figure 33-661, and subject to the requirements of Article 27.

\*\*\*\*\* = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.

1 = Pursuant to Article 33 of the zoning code (recycling facilities).

2 = Pursuant to section 33-576 of this article (animal boarding and daycare).

3 = Includes instruction. Pursuant to Chapter 17, Article 12 (noise abatement and control)

P = Permitted use.

C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).

**ARTICLE 27. EMERGENCY SHELTER OVERLAY**  
**Clarify Emergency Shelter Parking Requirements**

**Sec. 33-595. Development standards.**

(d) Off-street parking shall comply with Article 39, Off-Street Parking. Non-operational and non-registered vehicles shall not be kept on the site.

## **ARTICLE 39. OFF-STREET PARKING**

### **Streamlining nonresidential parking adjustments**

#### **Sec. 33-764. Adjustments to nonresidential parking.**

- (a) Administrative Adjustment. For uses in nonresidential zones, adjustments up to 25% of the number of parking spaces required by section 33-765 may be considered by the director upon the submittal of an application for an administrative adjustment, with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed 25% of the overall number of parking spaces required for the entire property.
1. When an adjustment to the number of parking spaces required for uses in a nonresidential zone is made in conjunction with a conditional use permit, the decision-making body for said conditional use permit shall be authorized to act on the parking adjustment as part of the action on the conditional use permit. No separate administrative adjustment shall be required.

**Removal of ADU parking requirement consistent with Article 70 and removal of redundancy emergency shelter use parking standard**

**Sec. 33-765. Parking spaces required.**

*Note: The following use category to be modified: Accessory dwelling units.  
The following use category to be removed: Emergency Shelters*

<b>Use</b>	<b>Parking Spaces Required</b>
<b>Residential</b>	
Accessory dwelling units	None.
Hotel Conversions	Subject to Article 63, Sec. 33-1348(e)(11)

## **ARTICLE 44. HOME OCCUPATIONS**

### **Home Occupation Permit Requirement**

#### **Sec. 33-850. License required.**

A legally established dwelling unit shall not be used for business purposes unless a business license has first been issued by the business license division. A cottage food operation, as defined in the California Homemade Food Act, shall obtain a business license. A Microenterprise Home Kitchen Operation (MEHKO), as defined by the County of San Diego Department of Environmental Health and Quality, shall obtain a business license. A business license for a home occupation shall not relieve the permittee of any other requirements of this code or other applicable law pertaining to licenses and license taxes.

#### **Sec. 33-851. Procedure.**

The director may, upon application, authorize the issuance of a business license for a home occupation. Said license shall state the home occupation permitted, the conditions attached, and any time limitations thereon. The license shall not be issued unless the director is satisfied that the applicant will comply with all the conditions listed in sections 33-852 to 33-854 of this article as applicable.

#### **Sec. 33-852. Minor Home Occupations.**

A business license is required for any business operated in a dwelling unit or accessory building which has little to no external indication of commercial activity and which is not a major home occupation, as authorized by section 33-853. Each and every one of the following conditions must be observed at all times by the holder of the business license.

(a) Employees. Employees or assistants who are not occupants of the dwelling shall not be employed on the premises, except where specifically permitted by law.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed 25% of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than 50% of the permitted home occupation area.

(d) No structural alterations to the interior of the dwelling are permitted for the occupation if they would make it difficult to return the dwelling to exclusive residential use. External changes, which make the dwelling appear less residential in nature or function are prohibited.



(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence.

(f) No customer services or sales of goods, wares or merchandise shall be made on the premises, except where specifically permitted by law.

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses shall not be used in any advertising (i.e., newspaper advertisements, bulletin boards, paid electronic advertisements, and the like) unless otherwise required by law. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

(3) No more than one business vehicle and one trailer are allowed for each resident involved in the home occupation.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) On-site manufacturing is prohibited as a home occupation, with the exception of custom and visual art crafts (e.g., jewelry, art, ceramics, etc.), custom sewing and fabric crafts, and light wood working.

(l) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

(2) Customers. On-site customers are prohibited except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(3).

(3) Deliveries or pick-ups by normal delivery services shall occur between 8 a.m. and 5 p.m. No more than two deliveries per day except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(9).

(m) Cottage food operations. The following conditions shall apply to a minor home occupation for a cottage food operation (CFO).

(1) No more than one CFO is permissible per legally established dwelling unit.

(2) No more than one part-time non-resident CFO employee is allowed on the premises at a time.

(3) On-premises customers and non-resident employee(s) of a CFO are limited to 8 a.m. to 5 p.m., 40 hours per week maximum. The required residential parking for the dwelling unit shall not be used by the CFO customers and employee(s).

(4) A CFO shall comply with all other limitations of the California Homemade Food Act, which may be amended over time.

(n) Notwithstanding the above, all minor home occupations are also subject to the general conditions listed in section 33-854.

(o) Microenterprise Home Kitchen Operations (MEHKO) shall be subject to Chapter 5 of the San Diego County Code of Regulatory Ordinances, which may be amended over time.

#### Sec. 33-853. Major home occupations.

A business license is required for any business operated in a dwelling unit or accessory building which may have or has external indication of commercial activity, but remains a home occupation and not a primary use of the property. Each and every one of the following conditions must be observed at all times by the holder of the business license.

(a) Employees. Only members of the family or household residing on the premises, and no more than two non-residents who commute to the home to work, may be continuously employed at any one time on the site, except where specifically permitted by law. For the purposes of this article, a non-resident employee includes an employee,

business partner, co-owner, or other person affiliated with the major home occupation who does not reside on the site, but who visits the site as part of the home occupation. This provision does not allow employee shifts, with each shift staffed by different non-resident employees even when only two non-resident employees are at the site at any one time.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed 33% of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than 50% of the permitted home occupation area.

(d) Although the dwelling and site must remain residential in appearance, internal or external changes may be necessary to support the home occupation, such as lighting and access control.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence, except for the outdoor storage of soft landscaping materials. The outdoor storage of said soft landscaping materials is permitted only if the material is not visible from the public right-of-way. The storage of said materials must also not create a nuisance to surrounding property owners.

(f) Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair styling services), except for merchandise crafted on-site (e.g., crafts and artwork).

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses may be used in print or electronic advertising provided that it is made clear that any on all on-site services are provided and/or offered by appointment only. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property as drop-in or unannounced visits.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) Home occupations with customer access shall maintain a driveway with a minimum depth of 20 feet from the back of sidewalk, or edge of public right-of-way if no sidewalk exists, and be made available to customers or non-resident employees during business hours.

(3) The site shall have adequate on-site parking to accommodate the anticipated additional traffic or parking demand resulting from the proposed home occupation use, which may limit the intensity of home occupation types.

(4) With the exception of approved driveways, and supplemental parking allowances per section 33-110, no parking shall be allowed in required front or side yard setbacks.

(5) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic that noticeably affects the residential character of the neighborhood.

(2) Customers. No more than eight clients or customers shall be on the premises in any one day.

(3) Traffic, which exceeds eight clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.

(4) Customer or client business-related visits and non-resident employee arrivals and departures shall occur between 8 a.m. and 8 p.m.

(5) Deliveries or pick-ups by normal delivery services shall occur between 8 a.m. and 5 p.m.

(l) If the major home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained prior to approval.

(m) Notwithstanding the above, all major home occupations are also subject to the general conditions listed in section 33-854.

**Sec. 33-854. General conditions.**

The following conditions are applicable to minor and major home occupations, in addition to the conditions provided for in section 33-852 for minor home occupations and section 33-853 for major home occupations.

(a) Any special condition established by the director and made of record in the home occupation business license, as they may deem necessary to carry out the intent of this section, shall be met.

(b) Prohibited uses. The following uses are not incidental and secondary to the use of the dwelling as a residence nor are they compatible with surrounding residential uses and shall be prohibited as home occupations, notwithstanding the provisions of any other section of this article.

(1) Motor vehicle, trailer, boat, and heavy equipment repair or restoration (body or mechanical), upholstery, and painting;

(2) Vehicle services, including stereo and car alarm installation, and on-site vehicle detailing (washing, waxing, etc.);

(3) Vehicle on-site sales;

(4) Medical or professional clinics;

(5) Veterinary clinics;

(6) Commercial kennels and on-site pet day care facilities;

(7) Massage establishments;

(8) Tattoo and/or body art/piercing establishments;

(9) Ammunition, explosives, or fireworks sales, use, or manufacturing;

(10) Manufacture of any type of fuel(s) for use, storage, dispensing, or sales; and

(11) Other similar uses determined by the director not to be incidental or secondary to or compatible with residential activities.

(c) There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.

(d) The home occupation shall not create impacts on municipal or utility services or community facilities from hazardous materials and other materials introduced into the wastewater system in excess of levels usually and customarily related to residential uses.

(e) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

(f) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not alter the residential character of the premises.

(g) The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood as follows:

(1) No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation or interferes with radio and television reception, shall exceed that which is normally produced in a single-family dwelling.

(2) Any noise generated by the home occupation shall be consistent with the requirements of Article 12 (Noise Abatement and Control) of Chapter 17 (Offenses) of the Escondido Municipal Code.

(3) No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.

(h) All business licenses for home occupations are subject to immediate cancellation in the event that the zoning regulations applicable to the premises are amended to prohibit such use.

(i) A business license for a home occupation issued to one person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the license.

**Sec. 33-855. Noncompliance.**

Any business license for a home occupation shall be revoked by the business license division at the direction of the director of upon violation of any requirements of this article, or upon failure to comply with any of the conditions or limitations of the license, unless such violation is corrected within three days of the giving of written notice thereof. A license may be revoked for repeated violation of the requirements of this article, notwithstanding compliance with the notice.

**Sec. 33-856. Denial or revocation.**

In the event of denial of any license, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be made pursuant to section 33-1303.

**Sec. 33-857. Reserved.**



## **ARTICLE 47. ENVIRONMENTAL QUALITY**

### **Climate Action Plan consistency clean up**

#### **Sec. 33-924. Coordination of CEQA, quality of life standards, and growth management provisions.**

(a) Negative and mitigated negative declarations. In situations where the preparation of a negative declaration is otherwise appropriate, yet quality of life standard deficiencies are found to exist, a negative declaration may still be prepared under the following circumstances, as applicable:

(6) Greenhouse gas (GHG) emissions. In situations where a negative declaration is otherwise appropriate, the following incremental GHG emissions are generally not considered significant:

(A) Projects that do not generate more than 500 metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) GHG emissions and that are consistent with the General Plan, or

(B) Projects generating more than 500 MT of CO<sub>2</sub>e that are consistent with the general plan, and that have demonstrated consistency with the Climate Action Plan (CAP) through completion of the CAP Consistency Checklist, adopted by separate resolution, or

(C) Projects generating more than 500 MT of CO<sub>2</sub>e that are consistent with the general plan, and that cannot demonstrate consistency with the CAP through completion of the CAP Consistency Checklist due to unique land uses or circumstances for which no measures in the checklist would apply, but that can demonstrate consistency with the CAP through comparison to a numerical GHG threshold of 2.0 MT CO<sub>2</sub>e per service population per year, or

(D) Projects that are not consistent with the general plan and will generate greater GHG emissions than the allowable uses under the existing general plan land use designation that demonstrate through a project-specific analysis quantifying GHG emissions that through mitigation and design features, the project reduces GHG emissions consistent with the CAP;

## **ARTICLE 49. AIR SPACE CONDOMINIUM AND COMMUNITY APARTMENT PROJECTS**

### **Align condominium or condominium conversions with the subdivision ordinance**

#### **Sec. 33-951. Condominium or condominium conversion application**

(a) Permit required for new condominium projects and conversions to condominium ownership. A condominium permit and design review shall be required for all condominiums to be constructed or for existing buildings to be converted to condominiums in the City of Escondido.

(1) Application for a condominium permit shall be made to the director of development services, unless the action includes discretionary permits for which the planning commission or city council is the decision-making body.

#### **Sec. 33-952. Commission action.**

If required pursuant to section 33-951, the planning commission shall review the application for a condominium permit and recommendation of the planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter. A recommendation shall be forwarded to the city council if the action includes discretionary permits for which the city council is the decision-maker.

#### **Sec. 33-954. City council action.**

If required pursuant to section 33-951, after the submission of a formal recommendation by the planning commission, the city council shall review the application and recommendation during a public hearing held in accordance with Division 6 of Article 61 of this chapter, and shall approve, modify or disapprove the condominium permit.

#### **Sec. 33-964. Required notices to tenants.**

Condominium permits for the conversion of existing units are subject to all state-mandated notice requirements including:

(a) Current tenants of the apartments to be converted must be notified through mail, a minimum of 60-days prior to the filing of the application;

(b) Written notice of the proposed conversion, has been, and will continue to be given to all subsequent tenants;

(c) Each tenant has received 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate;

(d) Written notice of intent to convert has been, or will be provided to current residents for a minimum duration of 180 days prior to terminating tenancy;

(e) Notice must be provided to each tenant a minimum of 10 days prior to any public hearing on the conversion;

(f) A copy of the staff report must be provided to each tenant a minimum of three days prior to any scheduled public hearing involving the proposed conversion. The applicant shall pay all copying, mailing, and handling costs in an amount adopted by resolution of the city council;

(g) Notice of the ultimate authority's decision must be provided to each tenant 10 days after the approval of a final map;

(h) A 90 day notice of exclusive right to purchase from date of issuance of the subdivision public report per Section 11018.2 of the [Business and Professions Code](#).

In addition to the notice requirements listed in this section, tenants shall be given notice of preferential opportunities to purchase an alternate unit on a first-come, first-serve basis. Additionally, the notice of intent to convert may not be provided until after approval of the tentative subdivision map and condominium permit.

All notices must be personally delivered or sent via certified U.S. mail.

## **ARTICLE 56. MISCELLANEOUS DEVELOPMENT STANDARDS**

### **Modifications to barbed wire allowances**

#### **Sec. 33-1083. General fence and wall provisions**

(a) Materials. Fences or walls may be constructed of any suitable materials in a manner appropriate to its design.

(1) Prohibited Materials:

(A) Electrified fencing

(B) In any residential zoning district, barbed wire, razor wire, or other similar fences with affixed sharp instruments;

(C) Subsection (B) above notwithstanding, barbed wire is permitted in agricultural zones on properties being used for agriculture or animal husbandry, subject to the following criteria:

(i) Properties must be a minimum of two acres;

(ii) Such fencing shall not be kept in a manner that is unsafe, abandoned or a materially dangerous condition;

(iii) Such fencing shall be set back from any public street or other public right-of-way a minimum of 20 feet unless it is not visible from such street or right-of-way; and

(iv) Such fencing shall not be placed on the rooftop of any building.

## **ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

### **Clarifying what Entitlement (if any) is required for Schools**

#### **Sec. 33-1103. Nursery, primary and secondary education.**

For nursery, primary and secondary education (except small and family day care homes), permits as required by the underlying zoning designation, may be granted by the director, zoning administrator or planning commission upon consideration of the following criteria:

- (a) An off-street area for the loading and unloading of children from vehicles should be provided and should be designed so as to provide for the forward movement of vehicles both upon entering and leaving the site;
- (b) The use shall be conditioned upon there being off-street parking in conformance with Article 39 of this chapter.

## **ARTICLE 61. AMEDNMENTS AND ZONE CHANGES**

### **Incorporation of general plan amendment initiation**

#### **Sec. 33-1261. Application, initiation and fee.**

(a) An application for a zoning amendment may be initiated by the city or by the owner of property subject to the amendment. Applications shall be on city forms and accompanied by the applicable fee.

(b) An application for a general plan amendment/specific plan amendment may be initiated by the city or by the owner of property subject to the amendment. Applications initiated by the owner of the property subject to the amendment require initiation authorization by the city council. Applications shall be on city forms and accompanied by the applicable fees.

### **Plot plan expiration**

#### **Sec. 33-1317. Expiration and extension of time.**

Unless otherwise specified in the action approving a plot plan, said approval shall become automatically null and void unless the project authorized by the plot plan approval has been substantially implemented within 24 months from the approval date. The abandonment or non-use of a plot plan approval for a period of 24 months shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

## **ARTICLE 63. TRANSIENT LODGING FACILITIES**

### **Hotel conversion update: permit type, unit count and parking.**

#### **Sec. 33-1348. Hotel conversions.**

(e) Development Standards and Land Use Regulations. Development regulations shall be those of the base district in any zoning district in which an existing hotel or motel is located to ensure that hotel conversions may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Exceptions to the development standards and land use regulations of any zoning district as enumerated in this subsection shall be provided to incentivize the reuse of hotel, motels, and other transient lodgings for group home or quarters, SRO units, multifamily housing, or combination thereof. When there are General Plan, Zoning Map, or specific plan amendments contemplated or under study as part of the hotel conversion request, the city may apply additional terms, limitations, or conditions to the application request so that the use more closely aligns with applicable, objective General Plan and zoning standards.

(1) Minimum Lot Size. There shall be no applicable minimum lot width, depth, or total lot size for hotel and motel conversions.

(2) Residential Density. The resulting number of residential units after the conversion shall be no greater than the number of guest rooms in the existing hotel or motel unless otherwise described below.

(A) For 100% SRO conversions, a request to increase the number of residential units up to 15% of the number of permitted guest rooms in the existing hotel or motel may be considered by the planning commission upon submittal of a conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council.

(11) Parking. The number of off-street parking spaces required in connection with any particular land use shall be not less than the amount set forth below.

(A) Market rate SRO/Multi-family units shall provide a minimum of one parking space per unit.

(B) The parking required for restricted group homes or quarters, SRO units, or multifamily dwelling units to be sold or rented to lower income households or target populations shall not exceed 0.5 parking spaces per unit.

(C) If utilized for supportive housing development, consistent with Supportive Housing Law ([Government Code](#) sections 65650 – 65656), if the supportive housing is located within one-half (1/2) mile of a public transit stop, no minimum parking requirements shall be applied for the units occupied by supportive housing residents, pursuant to [Government Code](#) section 65654.



(D) Guest Parking Requirements.

(i) Market rate SRO units shall provide one guest parking space for every eight SRO units (0.125 guest parking spaces per unit).

(ii) The requirement to provide guest parking is waived for restricted, lower-income affordable dwelling units. Restricted SRO units or multifamily units with more than 30 converted guest rooms shall not be eligible for this waiver provision for the portion of units that exceeds 30 units; and shall provide one guest parking space for every eight SRO units (0.125 guest parking spaces per SRO unit), with a minimum of one guest parking space per project and a maximum of 15 stalls for guest parking.

(C) With the exception of projects that allow only senior residents, projects that have less than one automobile parking space per unit shall provide one easily accessible space for storing and locking a bicycle per unit. For projects that provide one or more parking spaces per unit, at least one bicycle storage space for every three units shall be provided.

## **ARTICLE 64. DESIGN REVIEW**

### **Align condominium or condominium conversions with the subdivision ordinance**

#### **Sec. 33-1354. Jurisdiction.**

The following commercial, industrial, multifamily residential, and other projects shall be subject to design review by the planning commission, unless otherwise noted:

(a) Planned development projects, condominium permits requiring a tentative subdivision map, and all projects (besides single-family projects) requiring discretionary approval by the planning commission and involving new construction;

(b) Proposed development standards or design guidelines for specific plans and overlay districts;

(c) Proposed signs as specified pursuant to Article 66, Sign Ordinance;

(d) City-initiated projects that involve public facilities, including, but not limited to, libraries, major park structures, police stations, or fire stations, or major architectural or site modifications to existing public facilities.

## **ARTICLE 66. SIGN ORDINANCE**

### **Reference Correction**

#### **Sec. 33-1395. Sign standards—General.**

All permanent freestanding signs shall not obstruct the vehicle sight distance area at the intersections and driveways to the satisfaction of the engineering department. Freestanding signs shall not be placed within easements or over utility lines, except with the prior written approval of all easement holders. Any site plans submitted in conjunction with a sign permit application for a freestanding sign shall identify the location of easements or public or private utilities within 50 feet of the proposed sign location. On sites where the existing street is not constructed to the full designated width, signs shall be located behind the ultimate property line unless otherwise approved by the planning division and the engineering department with an agreement for future removal or relocation. In addition, all permanent freestanding signs shall incorporate the numerical address, or range of addresses, of the parcel or commercial center at which the sign is located. The area of the address shall not be counted in the area of the signs. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11 p.m. and sunrise, unless exempt pursuant to Article 35, Outdoor Lighting.

## **ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES**

### **Consistency clean up items for state law compliance**

#### **Sec. 33-1413. Stand incentives for new residential construction**

Sec. 33-1413. Standard incentives for new residential construction.

(b) Density bonus. When a developer seeks and agrees to construct a housing development meeting the criteria specified in subsection (a) of this section, the decision-making body shall grant a density bonus subject to the following:

(1) The amount of density bonus to which a housing development is entitled shall vary. The density bonus may be increased according to the percentage of affordable housing units provided above the minimum percentages established in subsection (a) of this section, but shall not exceed 50%, except in accordance with subsection (c) of this section or as otherwise authorized by State Density Bonus Law.

(c) Density bonus in excess of 50%. In cases where a developer requests a density bonus in excess of that which is specified in this section, the city council may grant, at its discretion, the requested density bonus, subject to the following:

(1) The project meets the requirements of this article and State Density Bonus Law.

(2) The requested density increase, if granted, is an additional density bonus and shall be considered an incentive.

(3) The city council may require some portion of the additional density bonus units to be designated as target units, at its discretion.

(d) Granting a lower density bonus. A qualified developer for a density bonus and/or additional incentives and concessions pursuant to subsection (a) of this section may request and accept a lesser density bonus, including no increase in density, and shall still be entitled to those additional concessions or incentives as specified in 33-1415. No reduction will be allowed in the number of target units required.

## **ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

### **Removal of accessory dwelling unit permit for single family residential only**

#### **Sec. 33-1471. Reserved**

#### **Sec. 33-1471. Permitted zones.**

Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential uses, subject to Sec. 33-1472 of this Article.

#### **Sec. 33-1472. Permit required.**

(a) Accessory dwelling units on properties with legally established multifamily residential dwellings are subject to the approval of an accessory dwelling unit permit.

(b) Accessory dwelling units and junior accessory dwelling units on properties with legally-established single-family residential dwellings are subject to the approval of a building permit, unless additional requirements apply as described under Sec. 33-1475, Other Regulations.

### **Modification to allowable conversion space of habitable structures**

#### **Sec. 33-1473. Occupancy limitations.**

(a) Allowed use.

(3) Number of accessory dwelling units on legal lots with existing multifamily dwelling units:

(A) Shall be permitted to construct at least one accessory dwelling unit within portions of existing multifamily dwelling structures that are existing non-habitable space, and shall allow up to 25% of the units in each existing multifamily dwelling structure, in accordance with [Government Code](#) section 65852.2(e). Existing detached accessory structures cannot be attached to a multi-family dwelling structure for the purposes of creating an accessory dwelling unit; and

(B) Not more than two accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.

(C) For purposes of this article, “multifamily dwelling structure” or “multifamily dwelling” is defined as a structure with two or more attached dwellings on a single lot.

**Sec. 33-1477. Application and procedure.**

The director shall approve or disapprove an application for an accessory dwelling unit, ministerially, within 60 days after receiving a complete application. If the applicant requests a delay, the 60 day time period shall be tolled for the period of the delay. Only accessory dwelling units associated with existing multi-family dwelling units shall be required to obtain an accessory dwelling unit permit.

**ARTICLE 73. TEMPORARY USES, OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE**

**Application of Article 35 on Temporary Use Permit Events**

**Sec. 33-1534. Development standards.**

(9) All exterior lighting utilized in conjunction with outdoor displays, or temporary events approved with a temporary use permit, shall conform to the requirements of Article 35, Outdoor Lighting.



DATE: December 13, 2022

TO: Planning Commissioners

FROM: Veronica Morones, Principal Planner

SUBJECT: 2022 General Plan Amendment Outreach and Engagement Reporting Update

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The City of Escondido is updating the General Plan's Community Protection chapter and creating a new environmental justice chapter under the 2022 General Plan Amendment (2022 GPA) work effort, which kicked off at the end of 2021. The Escondido General Plan's Community Protection chapter serves as the Safety Element for purposes of meeting statutory requirements contained in Government Code section 65302. The City's new environmental justice chapter would overhaul the existing Community Health and Services chapter of the City's General Plan, which is an optional element (i.e., it is not a required element pursuant to Government Code section 65302). The chapter would be re-dedicated to environmental justice policies, goals, and objectives, while retaining existing applicable provisions. The creation of an environmental justice element is required pursuant to Government Code section 65302(h) and will include the identification of disadvantaged communities (Government Code § 65302(h)(1)) within the City of Escondido, as well as topics including reduction in pollution exposure, the promotion of public facilities, food access, safe and sanitary homes, physical activity, and civic engagement in the public decision-making process.

Community outreach and engagement is an integral part of the 2022 GPA work effort. Community outreach and engagement for the 2022 GPA is outlined, in both [English](#) and [Spanish](#), in the 2022 GPA outreach and engagement plan located on the 2022 GPA webpage: <https://www.escondido.org/2022-general-plan-amendment>.

In February 2022, planning staff presented the draft outreach and engagement plan to the Planning Commission and in July 2022, staff presented an outreach schedule. Over the course of the 2022 calendar year, planning staff conducted various outreach and engagement actions, such as conducting organized project meetings, speaking at various community meetings/venues, tabling at community events, and coordinating printed outreach information. A full calendar of outreach events to-date is provided under Attachment 1.

#### Organized Project Meetings

Staff conducted a total of four organized community meetings for the 2022 General Plan Amendment in 2022. Two of these meetings involved organized stakeholders, such as non-profits, public agencies, community-based organizations, etc. These organized stakeholder roundtable meetings occurred in April. Translation services were offered for both organized stakeholder roundtable meetings; however, no attendees requested translation services. Two at-large community meetings occurred in August, and included various community members, such as interested residents, local business owners, and representatives from organized stakeholders.

City staff provided translation services at one at-large community meeting. A total of 42 individuals attended across all four meetings.

#### Community Meetings/Venues

Staff presented and met with several community groups and interested individuals and groups during 2022. Staff conducted a total of 19 meetings with various organizations, groups, and individuals throughout Escondido, including but not limited to the Fire Safe Council of Southwest Escondido, San Pasqual High School and Orange Glen High School students, community members at the Park Avenue Community Center, the Healthy Escondido Coalition, and the National Latino Research Center. Included in these 19 meetings are two tribal consultations with requesting tribal governments, and three planning commission meetings (including tonight's meeting). Community meetings involved a presentation from staff on the 2022 GPA work effort, questions and answers, and in some instances, discussion on potential policy, goals, and objectives for the environmental justice element. Translation services provided at community meetings only occurred if the group hosting the meeting provided such services.

#### Community Events

From June through December, City staff attended ten organized community events for the purposes of outreach. The goal of attending community events is to engage community members where they are in an effort to connect with a larger audience. Of the ten events attended, five included citywide crowds: Cruising Grand, National Night Out, the City's Fire and Water Expo, Escondido PRIDE, and World Marketplace. Staff attended five community level events which focused on crowds at a neighborhood or community level. These included two community food distributions and a community health fair in order to reach more vulnerable communities, as well as the Escondido Library's Succulent Swap, and a speaking opportunity at Trinity Episcopal Church. City staff provided translation services at some of the community events based on translation staff availability. In total across all ten events, 212 individuals interacted with the City's activity board and questions activity, while another 365 individuals received written and/or oral information on the 2022 GPA work effort.

#### Print Outreach

In addition to the in-person outreach and engagement, City staff provided printed information through both the Spring/Summer 2022 Recreation Guide, and an opinion column in the Times Advocate. The print outreach was published in May 2022 and August 2022, respectively. The recreation guide advertisement for the 2022 GPA was printed in English and Spanish and, the Times Advocate article was printed in English only. The City's Community Services Department distributes the recreation guide and noted the recreation guide has received 5,437 digital reads, and was mailed to 44,000 households within Escondido.

#### Next Steps

The draft Environmental Justice Communities are currently available on the project webpage for public review and comment. Additional analysis related to the environmental justice element is currently underway. The City is also working on draft policy language based on the feedback from the initial phase of community engagement. Once draft language is complete, staff will return to the community to request input on the drafted language. Initially, these community open houses were scheduled for October 2021; however, due to continued opportunities for community input on the general direction of draft policy, the meetings are now scheduled to occur in early February.

Attachments:

1. 2022 GPA Outreach and Engagement Calendar

Attachment 1: 2022 GPA Outreach and Engagement Calendar

No.	Date	Meeting	Location	Type of Outreach (refer to Planning Commission report)
1	12/14/2021	Planning Commission	City Hall	Community Meetings/Venues
2	1/7/2022	Community Member	Virtual	Community Meetings/Venues
3	2/15/2022	Healthy Escondido Coalition	Virtual	Community Meetings/Venues
4	2/22/2022	Escondido Community Housing Coalition	Virtual	Community Meetings/Venues
5	2/22/2022	Planning Commission	City Hall	Community Meetings/Venues
6	3/9/2022	Escondido Together Safe Leaders	Hidden Valley Zen Center	Community Meetings/Venues
7	3/24/2022	Escondido Young Democrats	Virtual	Community Meetings/Venues
8	4/13/2022	Community Member	Phone	Community Meetings/Venues
9	4/15/2022	Organized Stakeholder Roundtable Meeting	Virtual	Organized Project Meeting
10	4/20/2022	Organized Stakeholder Roundtable Meeting	Virtual	Organized Project Meeting
11	5/5/2022	Escondido Climate Advisory Group & Sierra Club North County Group	Virtual	Community Meetings/Venues
12	Spring	Recreation Guide	Print	Print Outreach
13	5/16/2022	San Pasqual High School (3 classes)	San Pasqual High School	Community Meetings/Venues
14	5/19/2022	Tribal Consultation with Requested Tribe	Phone	Community Meetings/Venues

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 December 13, 2022  
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15	6/16/2022	National Latino Research Center	Virtual	Community Meetings/Venues
16	6/18/2022	Community Food Distribution	Neighborhood Health Care	Community Events
17	6/23/2022	Community Food Distribution	Farr Elementary	Community Events
18	7/15/2022	CAFÉ Meeting	Virtual	Community Meetings/Venues
19	7/16/2022	Neighborhood Health Care Health Fair	Neighborhood Health Care	Community Events
20	7/16/2022	Succulent Swap	Escondido Public Library	Community Events
21	7/26/2022	Planning Commission	City Hall	Community Meetings/Venues
22	7/31/2022	Escondido PRIDE	Kit Carson Park	Community Events
23	8/2/2022	National Night Out	East Valley Community Center	Community Events
24	8/4/2022	Times Advocate	Print	Print Outreach
25	8/7/2022	At-Large Community Meeting	East Valley Community Center	Organized Project Meeting
26	8/11/2022	At-Large Community Meeting	Escondido Public Library	Organized Project Meeting
27	8/12/2022	Cruising Grand (in conjunction with Escondido Together)	Cruising Grand	Community Events
28	8/26/2022	World Marketplace (in conjunction with Healthy Escondido Coalition)	Escondido World Marketplace	Community Events
29	9/22/2022	Vista Community Clinic Smoke Free Coalition	Virtual	Community Meetings/Venues

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30	9/24/2022	City of Escondido Fire and Water Expo	Kit Carson Park	Community Events
31	9/27/2022	Tuesday Talk	Park Avenue Community Center	Community Meetings/Venues
32	<b>11/8/2022</b>	Escondido Union High School District	City Hall	Community Meetings/Venues
33	<b>11/10/2022</b>	Fire Safe Council of Southwest Escondido	City Hall	Community Meetings/Venues
34	<b>11/22/2022</b>	Escondido Together – We Are One Gratitude Service	Trinity Episcopal Church	Community Events
35	<b>12/5/2022</b>	Orange Glen High School* (all government classes)	Organ Glen High School	Community Meetings/Venues

\*At the time of publishing this staff report and attachments, the Orange Glen High School event had not yet occurred.



# PLANNING COMMISSION

Agenda Item No.: L  
Date: December 13, 2022

DATE: December 13, 2022  
TO: Planning Commissioners  
FROM: Adam Finestone, City Planner  
SUBJECT: Tentative Future Agenda Items

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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:

- Bear Valley Parkway Wireless Facility
- Northeast Gateway Subdivision (64-lot single-family subdivision)
- Ash Street Subdivision (20-lot single-family subdivision)
- The Camp / Project 10X (private School at Citracado Parkway and Miller Avenue)

Policy Work:

- Business Recovery Strategy Ordinance
- East Valley Specific Plan – Status Report
- Housing Element

Informational Presentations:

- Development Process Overview
- Vehicle Miles Traveled and Traffic Impact Analysis