

# CITY OF ESCONDIDO

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## Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** 07/13/21

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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.

**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 recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the ADA Coordinator at 760-839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

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**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.

**1. Future Neighborhood Meetings**

**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 try to limit your testimony to three minutes.**

**1. MODIFICATION TO A MASTER AND PRECISE DEVELOPMENT PLAN – PLANNING CASE NO. PHG 19-0075:**

REQUEST: A Modification to a Master and Precise Development Plan for Mercedes Benz of Escondido. The proposed project involves the demolition of the existing showroom (approximately 30,800 square feet) and construction of a new, approximately 48,842 square foot two-story showroom, along with reconfiguration of parking areas and access driveways, and new signage. The existing multi-story vehicle storage building and repair areas would remain.

PROPERTY SIZE AND LOCATION: The approximately 4.9-acre project site is located on the southwest corner of W. 9th Avenue and Canterbury Place, address at 1109 W. 9th Avenue (Assessor's Parcel Nos. 235-100-58, -60, and -70).

ENVIRONMENTAL STATUS: The Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15332 (In-Fill Development Projects).

APPLICANT: Mercedes Benz of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A



**2. GENERAL PLAN AMENDMENT / HOUSING ELEMENT UPDATE – PLANNING CASE NO. PHG 20-0030:**

REQUEST: The Housing Element is one of the mandatory elements of the General Plan and is required by State law to be updated for the 2021-2029 planning period. The City of Escondido has prepared a Draft Housing Element which includes an analysis required by State law related to: 1) existing demographics and housing characteristics; 2) market, government, and environmental constraints; 3) land, financial, and administrative resources available to meet housing demand; 4) establishment of goals and policies to address housing needs; and 5) a review of past accomplishments under the 2013-2021 Housing Element. Minor text amendments are also proposed for the Community Health and Safety Chapter of the General Plan to address environmental justice considerations. At this time, the Planning Commission is being asked to hold a public hearing on the Draft Housing Element, receive any public input, and make a recommendation to the City Council. The proposal also includes a request to adopt an Addendum to the previously certified Final Environmental Impact Report for 2012 General Plan Update, Downtown Specific Plan Update, and Climate Action Plan ("Final EIR"). The City Council will then conduct a public hearing and take action on the Final Housing Element.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: An Addendum to the Final EIR was prepared to meet the requirements of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"), the regulations promulgated thereunder (14 California Code of Regulations section 15000 et seq.) ("CEQA Guidelines"), and the City's Environmental Review Guidelines (Article 47 of the Escondido Zoning Code). The Addendum is appropriate pursuant to CEQA Guidelines section 15164 because only minor changes and additions to the Final EIR are necessary to address the Project changes and no circumstances exist calling for the preparation of a subsequent or supplemental EIR pursuant to CEQA Guidelines sections 15162 and 15163.

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Recommend Approval to City Council

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: August 11, 2021

**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. [PLOT PLAN / APOLLO ASSISTED LIVING FACILITY – PLANNING CASE NO. PL 21-0117:](#)**

Request: A Plot Plan for a 3,099 square foot basement expansion associated with an approved assisted living facility, and an Addendum to the approved Mitigated Negative Declaration for the expansion of the Brush Management Zone associated with a proposed Fuel Modification Plan.

Location: 3141 E. Valley Parkway

Applicant: NOAA Group

Staff Recommendation: Approval

**I. 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.

**J. PLANNING COMMISSIONERS**

**K. DIRECTOR'S REPORT**

**L. ADJOURNMENT**

**CITY OF ESCONDIDO**

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

**July 13, 2021**

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; Ingrid Rainey, Vice-Chair; Dao Doan, Commissioner; Rick Paul, Commissioner; Herminia Ramirez, Commissioner; Nathan Serrato, Commissioner; and Stan Weiler, Commissioner.

**Commissioners absent:** None.

**Staff present:** Adam Finestone, Interim Director of Community Development; Kurt Whitman, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Jay Paul, Senior Planner, Darren Parker, Associate Planner; and Joanne Tasher, Minutes Clerk.

**MINUTES:**

Moved by Commissioner Weiler, seconded by Commissioner Serrato, to approve the Action Minutes of the June 22, 2021, Planning Commission meeting. Motion carried unanimously (7-0). Ayes: Barba, Doan, Paul, Rainey, Ramirez, Serrato, and Weiler.

**WRITTEN COMMUNICATIONS:**

Two pieces of correspondence from (former) Director Mike Strong, regarding the Housing Element Community Outreach and the status of Housing Element and communication with HCD.

**FUTURE NEIGHBORHOOD MEETINGS:** None.

**ORAL COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

**1. TENTATIVE SUBDIVISION MAP AND GRADING EXEMPTION – PL 21-0056:**

**REQUEST:** Tentative Subdivision Map for six single-family residential lots in the R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) zone. A Grading Exemption is requested for a fill slope up to 12 feet in height located towards the southwestern section of the project site.

**PROPERTY SIZE AND LOCATION:** The approximately 2.1-acre site is located on the southeastern corner of North Broadway and La Lomita Drive (Accessor's Parcel No. 227-180-27-00).

**ENVIRONMENTAL STATUS:** The Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15332 (In-Fill Development Projects).

**STAFF RECOMMENDATION:** Approval

**COMMISSION DISCUSSION:**

The Planning Commission discussed the project and Commission Weiler inquired about the street frontage.

**PUBLIC SPEAKERS:** None.

**COMMISSION ACTION:**

Motion by Commissioner Paul, seconded by Vice-Chair Rainey to approve Planning Commission Resolution 2021-11 as presented by staff. Motion carried unanimously. Ayes: Barba, Doan, Paul, Rainey, Ramirez, Serrato and Weiler. Noes: None.

## **CURRENT BUSINESS:**

### **1. Green Infrastructure Plan**

The Green Infrastructure Subcommittee (Chair Barba and Commissioners Ramirez and Serrato) provided a presentation.

#### **COMMISSION DISCUSSION:**

Commissioners had a brief discussion.

#### **COMMISSION ACTION:**

No action was taken; information was presented and discussed.

### **2. Housing and Community Investment Study (HCIS) – East Valley Specific Plan (Planning Case No.: PHG 20-0028)**

Staff provided an informational report and status update to the Commission on the East Valley Specific Plan.

#### **COMMISSION DISCUSSION:**

Commissioners had a brief discussion.

#### **COMMISSION ACTION:**

No action was taken; information was presented and discussed.

### **3. Housing and Community Investment Study (HCIS) – Housing Element (Planning Case No.: PHG 20-0030)**

Staff provided an informational report and status update to the Commission on the Housing Element.

**COMMISSION DISCUSSION:**

Commissioners had a brief discussion.

**COMMISSION ACTION:**

No action was taken; information was presented and discussed.

**ORAL COMMUNICATIONS:** None.

**PLANNING COMMISSIONERS:**

**DIRECTOR'S REPORT:**

The Housing Element and the Mercedes Benz expansion project are anticipated to be presented at the July 27, 2021 Planning Commission meeting.

**ADJOURNMENT:**

Chair Barba adjourned the meeting at 8:50 p.m.

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Adam Finestone, Secretary to the  
Escondido Planning Commission

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Joanne Tasher, Minutes Clerk

## PLANNING COMMISSION

Agenda Item No.: G.1  
Date: July 27, 2021

**PROJECT NUMBER / NAME:** PHG 19-0075 / Mercedes Benz of Escondido

**REQUEST:** A Modification to a Master and Precise Development Plan for Mercedes Benz of Escondido. The proposed project involves the demolition of the existing showroom (approximately 30,800 square feet) and construction of a new, approximately 48,842 square foot two-story showroom, along with reconfiguration of parking areas and access driveways, and new signage.

**LOCATION:** On the southwest corner of West Ninth Avenue and Canterbury Place, address at 1109 W. Ninth Avenue

**APN / APNS:** 235-100-58-00, 235-100-60-00, and 235-100-70-00.

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

**APPLICANT:** Envision Escondido Real Estate, LLC (Mercedes Benz of Escondido)

**PRIMARY REPRESENTATIVE:** DFA Architects

**DISCRETIONARY ACTIONS REQUESTED:** Modification to a Master and Precise Development Plan

**PREVIOUS ACTIONS:** N/A

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

**CEQA RECOMMENDATION:** Approve the Categorical Exemption pursuant to CEQA Guidelines section 15332 (In-fill Development Projects)

**STAFF RECOMMENDATION:** Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2021-12

**CITY COUNCIL HEARING REQUIRED:** ☐ YES ☒ NO

**REPORT APPROVALS:**

☒ Adam Finestone, AICP  
Interim Director of Community Development

**BACKGROUND:**

The approximately 4.94-acre Project site consists of three parcels and is developed with a Mercedes Benz auto dealership, repair facilities, and vehicle display and storage areas. The property fronts onto West Ninth Avenue on the north, Interstate 15 on the west, and Canterbury Place on the east. Access to the facility is provided from several driveways along Canterbury Place. Surrounding land uses include the Infinity auto dealership to the north (across West Ninth Street), office buildings to the east, single-family residential development to the south, and Interstate 15 on the west. The Lexus auto dealership and multi-family residential development is located farther to the west across Interstate 15. The Mercedes Benz dealership was originally developed in the 1980s and the facility has been modified several times over the years to include a multistory building for vehicle repair and storage, upgrades to the dealership building, modified architecture, and new signage,

**SUMMARY OF REQUEST:**

Mercedes Benz of Escondido ("Applicant") submitted an application for a Modification to an existing Master and Precise Development Plan for the auto dealership to demolish the existing, 30,800 square foot showroom and construct a new 48,842 square foot, two-story showroom. Other uses on site, including the vehicle repair and storage building, and inventory storage, would remain with minor modifications. The existing dealership is located within the Planned Development Commercial zone as shown in Attachment 1 to this staff report.

**A. SUPPLEMENTAL DETAILS OF REQUEST:**

- |                        |                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Property Size:      | 4.94 acres (includes 3 parcels)                                                                                                                                                                                                                                                                                                                                         |
| 2. Existing Buildings: | Showroom/Office/Display - 24,000 SF (1st floor)<br>General Office/Admin/Parts – 2,000 SF (2nd Floor)<br>Service Reception Canopy – 4,800 SF<br>Service/Repair – 32,925 SF (ground floor)<br>Parking Decks - 30,125 SF (2nd Floor); 30,125 SF (roof level)<br><u>Car Wash – 1,680 SF</u><br>Total SF – 125,655 SF<br>Total Building Area (without roof deck) – 95,530 SF |
| 3. Proposed Demo:      | 26,000 SF Showroom and General Office/Parts department<br><u>4,800 SF Service Reception Canopy</u><br>Total Demo 30,800 SF                                                                                                                                                                                                                                              |
| 4. Proposed Buildings: | Showroom/Sales/Office/Display - 22,259 SF (1st floor)<br>Showroom/Sales/Office/Display – 18,328 SF (2nd floor)<br><u>Service Reception Canopy - 8,255 SF</u><br>Total New Area - 48,842 SF<br>Net Building Increase – 18,042 SF                                                                                                                                         |



5. Building Height: 38' top of new showroom roof/parapet
6. Materials/Colors Modern Branding Design, composite panel exterior and clear glass wall and storefront type elements. Dark gray/black, white and silver tones and accents. Chrome finished columns.
7. Parking Required: Indoor (showroom): 1 space per 2,000 SF floor area  
Outdoor (sales lot): 3 spaces, plus one for each 20 display spaces.  
Total Required: 62 Spaces
- Parking Provided: Up to 320 spaces available throughout the site based on operational characteristics and customer/employee demand. Designated customer spaces arranged around the new showroom area.
8. Signage: All existing signage to be removed or refaced and new rebranding/retrofit program to be implemented. 10 total signs requested.
- Freestanding Signs:  
Pylon sign – 25' high, refaced, internally illuminated – 91 SF  
Pylon sign – 6.5' high, refaced, internally illuminated – 45 SF  
Directional Signage (5 total) – 5.5' and 3.5' in height, refaced
- Wall Signs:  
Mercedes Logo Star (1) 9.3' diameter, 70 SF  
Individual Letter Mercedes Benz identified (2) installed on windows 157 SF each (314 SF total)  
AMG Brand identifier (1) installed on windows – 65 SF  
Service Entry Sign (1) – 33.2 SF

## **B. PROJECT ANALYSIS:**

### **1. General Plan Conformance:**

The City's General Plan land-use designation for the project site is Planned Commercial (PC) and the Project site is located within the Canterbury Place Planned Commercial development. A Master Development Plan was approved for development of the Canterbury Place Planned Commercial area, which includes the Mercedes Benz auto dealership and a variety of office buildings. The Canterbury Place Planned Commercial Area limits the scale of development and nature of uses in order to generate no more than 3,690 vehicle trips per day. A Traffic Analysis prepared by Darnell and Associates indicated 1,987 average daily trips along Canterbury Place south of W. Ninth Avenue. The proposed project would generate an additional 141 daily trips, which would not exceed the threshold. Therefore, it has been determined the proposed Mercedes Benz Project would not result in any significant traffic or transportation-related impacts.

2. Site/Building Design:

The Mercedes Benz dealership was the first building to be constructed within the Canterbury Place Planned Commercial area and originally was designed with a California/Mediterranean architectural theme. The dealership has been expanded since its original construction and the showroom facade and signage modified with more modern branding elements. Several of the original California/Mediterranean elements remain. The Applicant is proposing to construct a new modern showroom building incorporating the latest Mercedes Benz corporate theme, which includes a more contemporary design and colors (black, gray, silver and white). The existing multi-story service and vehicle storage building would remain and would be repainted to match the new color scheme. The parking and vehicle display area along the northern side of the building would be modified along with new and upgraded landscaping. The two driveways along Canterbury Place also would be modified to better serve the project and service area entrance. A new corporate branding program would be incorporated into the building and site through new and refaced signage. Project plans are attached to this staff report as Exhibit "B" to draft Planning Commission Resolution No. 2021-12.

**C. ENVIRONMENTAL STATUS:**

California Environmental Quality Act ("CEQA") Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The Project qualifies for an exemption under CEQA Guidelines section 15332 (In-Fill Development Projects). A CEQA Notice of Exemption has been prepared for the Project and is attached to this staff report as Attachment 2. The Notice of Exemption demonstrates that the Project qualifies for the exemption and will not have a significant effect on the environment.

**D. PUBLIC INPUT:**

Staff has not received any correspondence from the public regarding the Project as of the writing of this report. Staff has been in coordinating review of the project with California Department of Transportation (Caltrans) due to the proximity of Interstate 15 on the west. The current design of the project and require improvements would not trigger permits from Caltrans. Any proposed work within Caltrans right-of-way would require approvals, encroachment permits, and/or lease agreement(s) with Caltrans.

**E. CONCLUSION AND RECOMMENDATION:**

The proposed Project is consistent with the General Plan land use designation (Planned Commercial) and the underlying Planned Development-Commercial standards. The Planning Commission is the final decision-maker for all land use development applications that consist of a Modification to a Master and Precise Development Plan as long as the changes are consistent with the purpose of the master development plan and do not affect the boundaries of the subject zone, or change uses of land or the location or amounts of land devoted to specific land uses.

Project Name: PHG 19-0075  
Planning Commission Meeting  
Date: July 27, 2021

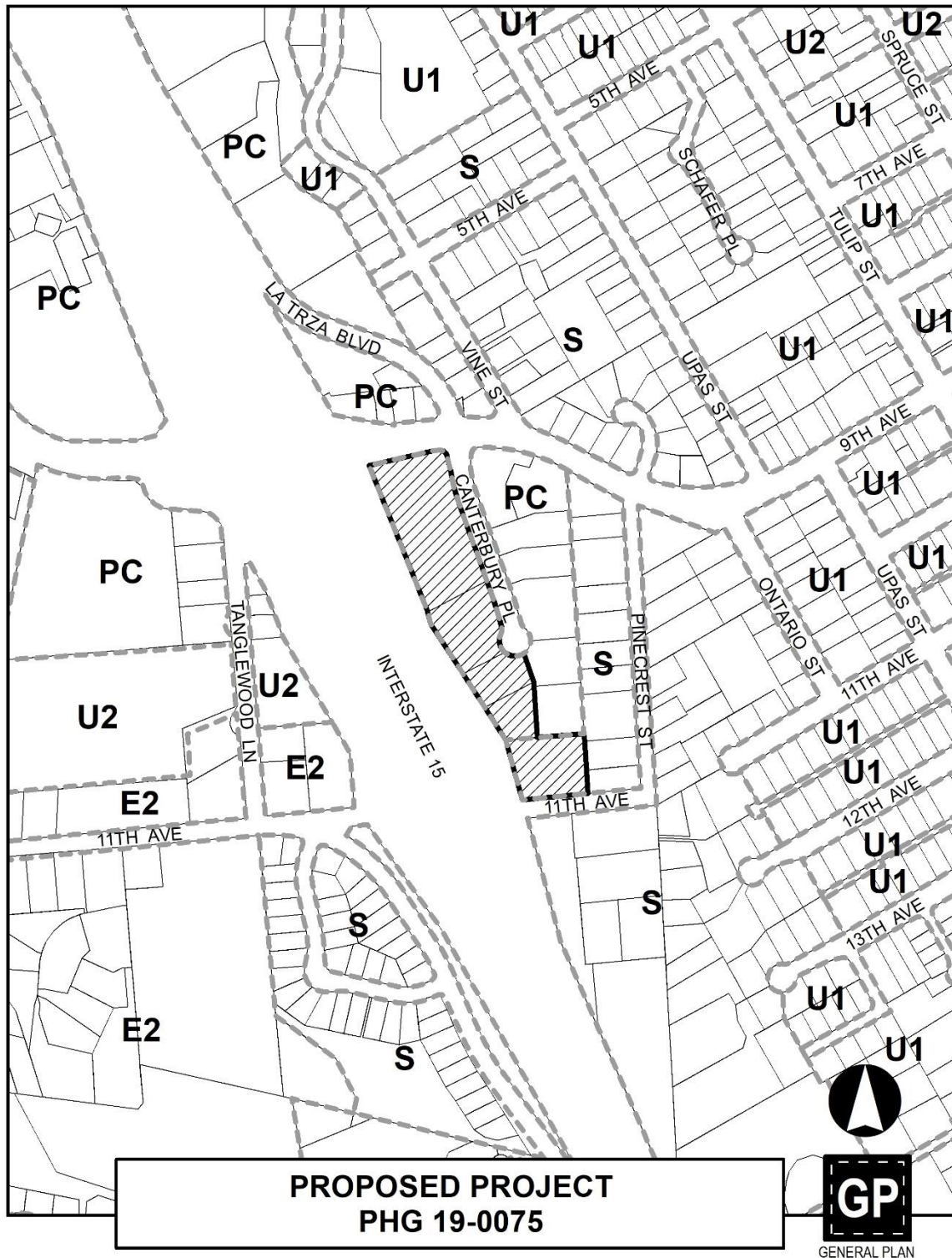
Staff recommends that the Planning Commission adopt Planning Commission Resolution No. 2021-12, approving the proposed Modification to the Master and Precise Development Plan, as described in this staff report and as detailed in Exhibits “A” through “D” to the draft resolution.

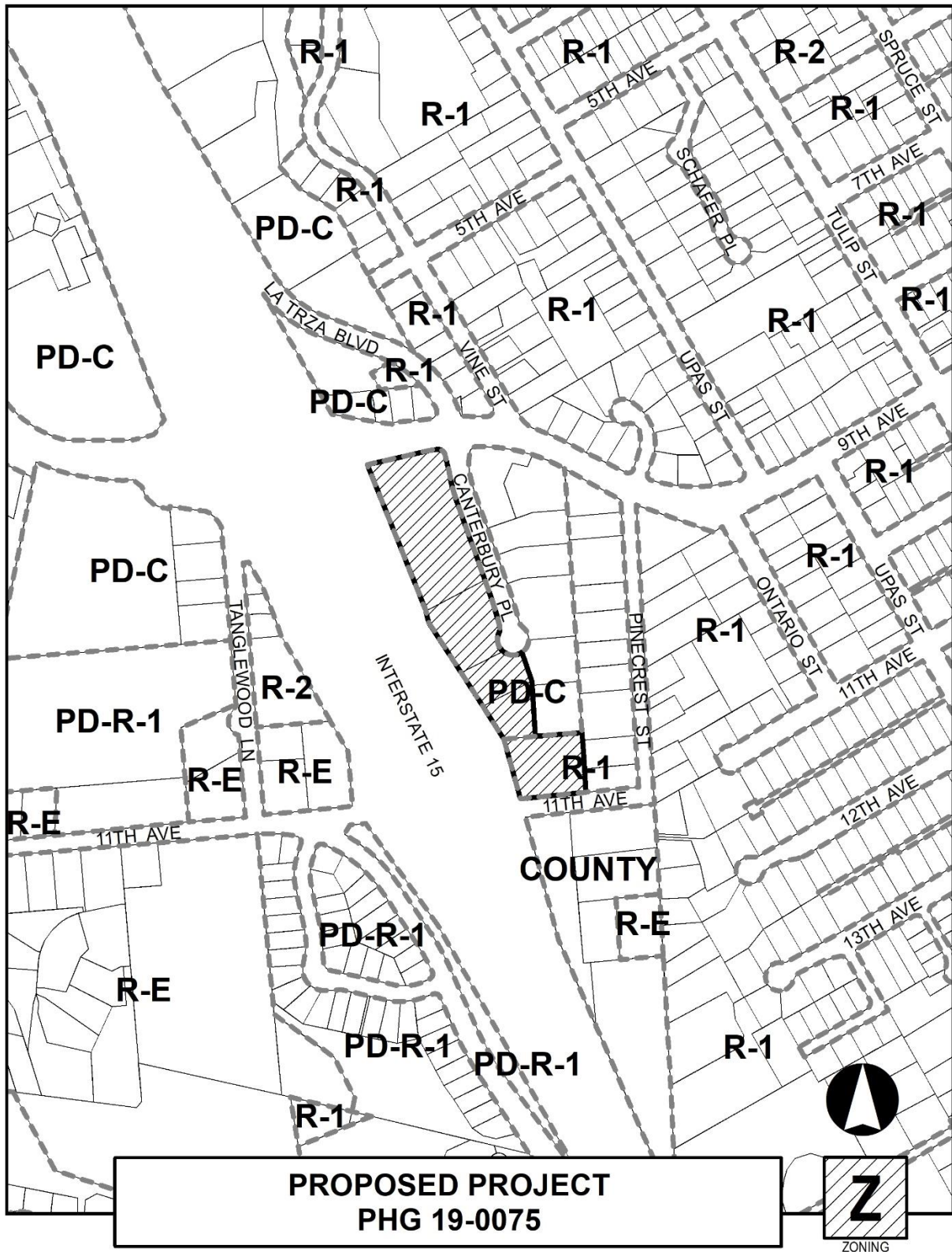
**ATTACHMENTS:**

1. Location and General Plan Map
2. CEQA Notice of Exemption
3. Draft Planning Commission Resolution No. 2021- 12, with Exhibits “A,” “B,” “C,” and “D”

## ATTACHMENT 1

### PHG 19-0075









**ATTACHMENT 2**  
CITY OF ESCONDIDO  
PLANNING DIVISION  
201 NORTH BROADWAY  
ESCONDIDO, CA 92025-2798  
760-839-4671

## Notice of Exemption

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

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

**Project Title/Case No: Master and Precise Plan Modification / Case No. PHG 19-0075**  
**"Mercedes Benz of Escondido"**

**Project Location - Specific:** 4.94 acres of land generally located on the southwest corner of W. 9th Avenue and Canterbury Place, addressed as 1101 W. 9th Avenue, Assessor Parcel Numbers 235-100-58,00, 235-100-60-00 and 235-100-70-00.

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

**Description of Project:** A Modification to a Master and Precise Development Plan for Mercedes Benz of Escondido. The proposed project involves the demolition of the existing showroom (approximately 30,800 square feet) and construction of a new, approximately 48,842 square foot two-story showroom, along with reconfiguration of parking areas and access driveways, and new signage.

**Name of Public Agency Approving Project:** City of Escondido

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

Name: Envision Escondido Real Estate, LLC (Mercedes Benz of Escondido)

Address: 1101 W. 9th Avenue, Escondido, CA 92025

Telephone: 626-859-1202

☒ Private entity ☐ School district ☐ Local public Agency ☐ State agency ☐ Other special district

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

**Reasons why project is exempt:** The 4.94-acre project site is within City limits and is surrounded by urban/commercial. The design of the project is consistent with the applicable Planned Commercial (PC) General Plan land-use designation and all applicable general plan policies as well as with applicable Planned Development-Commercial (PD-C) zoning designation and regulations. It has been determined the project would not result in any significant impacts to traffic, noise, air quality, or water quality. The project site does not contain any sensitive habitat and all required utilities and public services can be provided to the site with existing facilities located within adjacent streets or easements.

**Lead Agency Contact Person:**

Area Code/Telephone/Extension: 760-839-4537

Signature: J Paul  
Jay Paul, Senior Planner

July 19, 2021  
Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

**Attachment 3**  
**PHG 19-0075**

Planning Commission  
Hearing Date: July 27, 2021  
Effective Date: August 7, 2021

PLANNING COMMISSION RESOLUTION NO. 2021-12

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MODIFICATION TO A MASTER AND  
PRECISE DEVELOPMENT PLAN FOR THE  
MERCEDES BENZ OF ESCONDIDO AUTO  
DEALERSHIP

APPLICANT: Envision Escondido Real Estate, LLC (Mercedes Benz of Escondido)

CASE NO: PHG 19-0075

WHEREAS, Envision Escondido Real Estate, LLC (Mercedes Benz of Escondido) ("Applicant"), filed a land use development application, Planning Case No. PHG 19-0075 ("Application") constituting a request for a modification to a Master and Precise Development Plan to allow for the demolition of the existing showroom (approximately 30,800 square feet) and construction of a new, approximately 48,842 square foot two-story showroom, along with reconfiguration of parking areas and access driveways, and new signage ("Project") on 4.94 acres of land located at 1101 W. Ninth Avenue (APNs 235-100-58-00, 235-100-60-00, and 235-100-70-00), in the Planned Development-Commercial Zone; and

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

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the 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, an auto dealership is a permitted use within the Planned Development-Commercial Zone and Canterbury Place Planned Commercial land-use designation, subject to the approval of a Master and Precise Development Plan, in accordance with Section 19 of the Escondido Zoning Code; and

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

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

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

WHEREAS, on July 27, 2021, 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 July 27, 2021, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

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

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

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

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

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

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

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, [www.escondido.org](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 27<sup>th</sup> day of July, 2021, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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KATHARINE BARBA, Chair  
Escondido Planning Commission

ATTEST:

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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.

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JOANNE TASHER, Minutes Clerk  
Escondido Planning Commission

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

**EXHIBIT "A"**  
**Legal Description**  
**PHG 19-0075**

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

**PARCEL A:**

Those portions of Lots 2 and 3 in block 313, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 724, filed in the Office of the County Recorder of San Diego County, August 13, 1892, according to Certificate of Compliance recorded January 13, 1995 as File No. 1995-17869 of Official Records, more particularly described as follows:

Beginning at the Northwestern coiner of that land described in the Directors Deed from the State of California to Wiggins, et al, recorded August 8, 1983 at File/Page No. 83-275658, in the Office of the County Recorder of said San Diego County; thence North 77° 08' 25" East (record North 77° 07' 05" East) along the Southerly line of Ninth Avenue a distance of 231.05 feet; thence North 85° 18' 58" East 90.64 feet; thence South 04° 41' 03" East 40.89 feet to the beginning of a tangent 521 foot radius curve, concave Easterly, a radial line at said point bearing South 85° 18' 57" West; thence Southerly along the arc of said curve through a central angle of 15° 00' 07" an arc length of 136.40 feet; thence South 19° 41' 02" East 292.41 feet; thence South 62° 19' 40" West 270.65 feet to the intersection with the Easterly right-of-way line of the Escondido Freeway (11-SD-15) as described in said Directors Deed from the State of California to Wiggins, et al; thence North 15° 27' 22" West along said Easterly right-of-way line of the Escondido Freeway 7.38 feet; thence continuing along said Easterly right-of-way line North 21° 53' 39" West 548.31 feet to the point of beginning, said parcel described in Certificate of Compliance recorded January 13, 1995 as Instrument No. 1995-0017869 of Official Records.

APN: 235-100-58

**PARCEL B:**

Remainder Parcel of Escondido Tract No. 766-R, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 13472, filed in the Office of the County Recorder of San Diego County, August 26, 1997 and as corrected by Certificate of Corrections recorded March 6, 1998 as Instrument No. 1998-120967 and June 16, 1999 as Instrument No. 1999-0421960, both of Official Records.

APN: 235-100-60

**PARCEL D:**

Lot 10 of Escondido Tract No. 766-R, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 13472, filed in the Office of the County Recorder of San Diego County, on August 26, 1997 and as corrected by Certificate of Corrections recorded March 6, 1998 as Instrument No. 1998-120967 and June 16, 1999 as Instrument No. 1999-0421960, both of Official Records.

APN: 235-100-70

**EXHIBIT "B"**  
**Project Plans**  
**PHG 19-0075**

**LEGAL DESCRIPTION**

PARCEL A:  
THOSE PORTIONS OF LOTS 2 AND 3 IN BLOCK 313, IN THE CITY OF ESCONDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 11, 1982, ACCORDING TO : RECORDED JANUARY 11, 1985 AS FILE NO. 1995-11869 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

APN: 235-100-58

PARCEL C:  
REMANUER PARCEL OF ESCOMIDO TRACT NO. 786-2, IN THE CITY OF ESCOMIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 13472, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 26, 1997 AND AS CORRECTED BY CERTIFICATE OF CORRECTIONS RECORDED MARCH 6, 1998 AS INSTRUMENT NO. 1998-120867 AND JUNE 16, 1999 AS INSTRUMENT NO. 1999-047980, BOTH OF OFFICIAL RECORDS.

APN: 235-100-60

PARCEL D:  
IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. L1472, FILED IN THE OFFICE OF THE COUNTY RECORDER  
OF SAN DIEGO COUNTY, ON AUGUST 26, 1997 AND AS CORRECTED BY CERTIFICATE OF CORRECTIONS RECORDED MARCH 6, 1998 AS INSTRUMENT NO. 1988-120967 AND JUNE 16, 1999 AS INSTRUMENT NO.  
1999-0471960, BOTH OF OFFICIAL RECORDS.

235-100-70  
APN:

## BENCHMARK

#### DESCRIPTION:

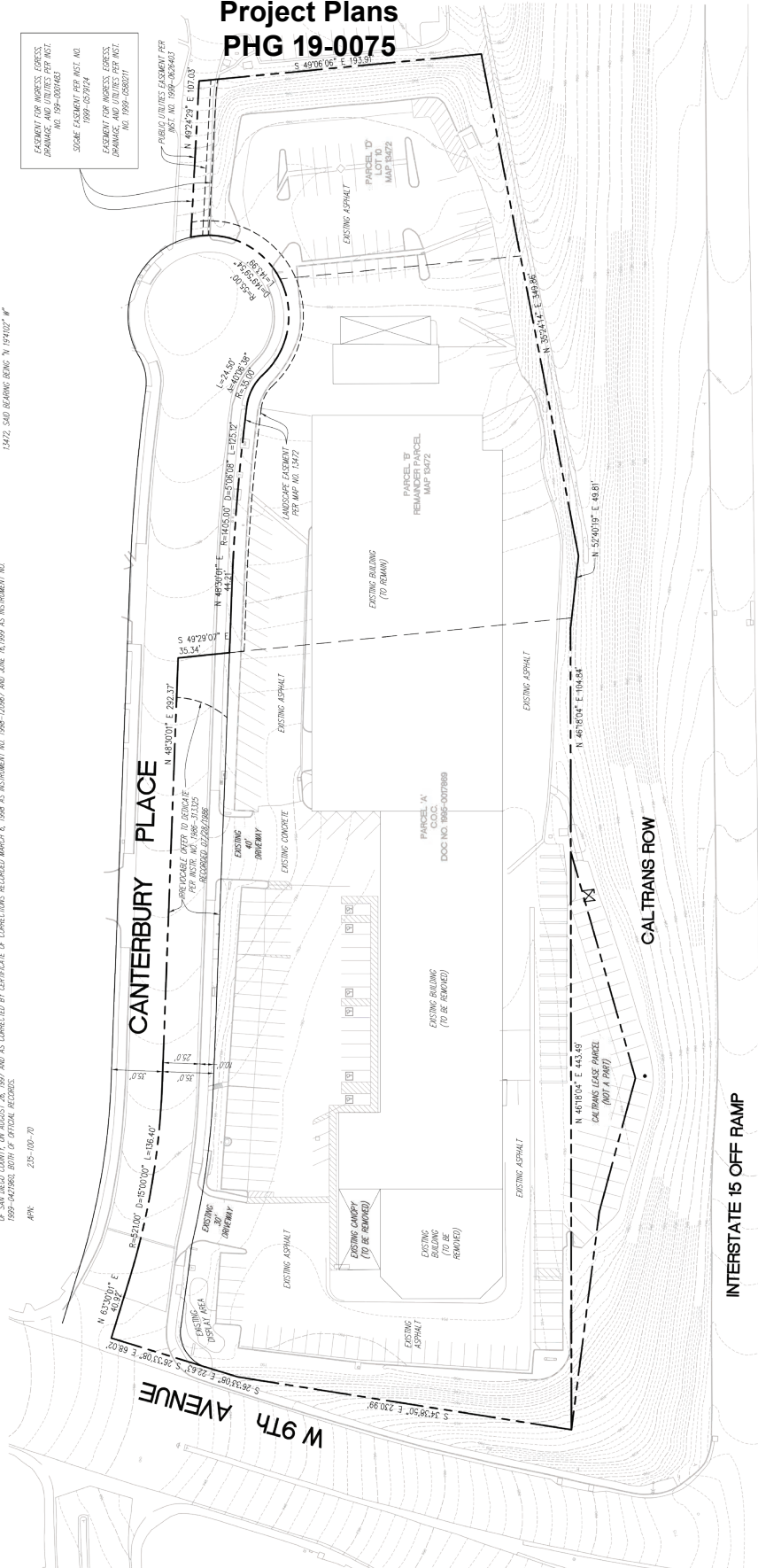
CITY OF ESCONDO BENCHMARK NO. "98-A" BEING A CHASELED SQUARE IN TOP OF CURB AT THE WESTERLY BEGINNING OF CURB RETURN AT THE NORTHWEST CORNER OF 9TH AVENUE AND UPAS STREET.

ELEVATION: 699.23' (NGVD29)

## BASIS OF BEARINGS

THE CENTERLINE OF CANTERBURY PLACE AS SHOWN ON MAP 13472, SAID BEARING BEING  $N 19^{\circ}102' W$

EASEMENT FOR INGRESS, EGRESS,  
DRAINAGE, AND UTILITIES PER INST.  
NO. 199-0001483



INTERSTATE 15 OFF RAMP

# PROPOSED PROJECT: PL 19-0075

## CONSTRAINTS MAP

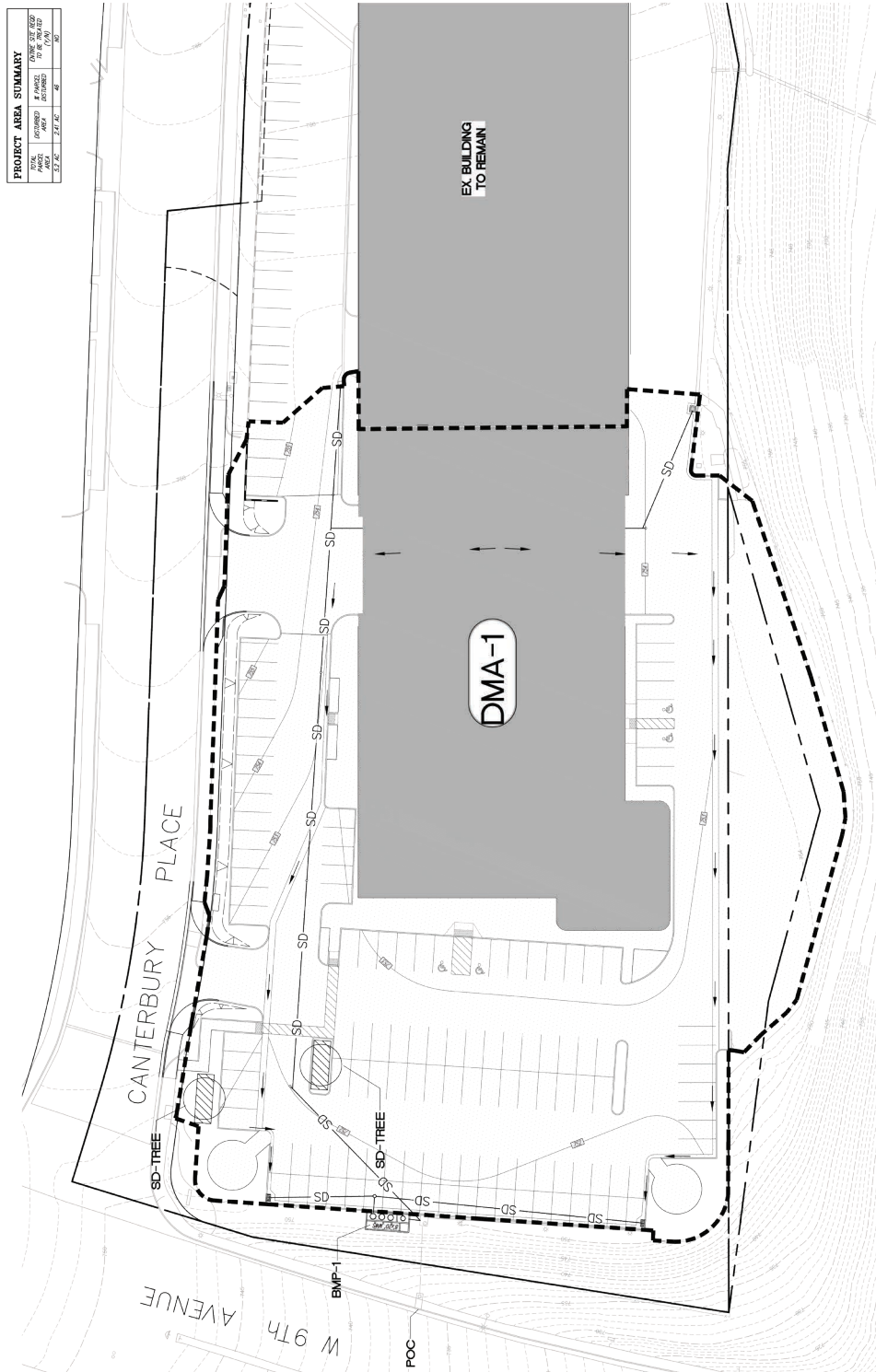




**PROPOSED PROJECT: PL 19-0075**  
**CONCEPTUAL UTILITY PLAN**



# PROPOSED PROJECT: PL 19-0075 CONCEPTUAL BMP MAP



PROPOSED PROJECT: PL 19-0075  
STORMWATER BIOFILTRATION SYSTEM

| SITE SPECIFIC DATA                         |              |                  |           |
|--------------------------------------------|--------------|------------------|-----------|
| PROJECT NUMBER                             |              |                  |           |
| PROJECT NAME                               |              |                  |           |
| PROJECT LOCATION                           |              |                  |           |
| STRUCTURE ID                               |              |                  |           |
| TREATMENT REQUIRED                         |              | FLOW BASED (CFS) |           |
| VOLUME BASED (CFT)                         | N/A          | 0.577            |           |
| PEAK BYPASS REQUIRED (CFS) - IF APPLICABLE |              |                  |           |
| PIPE DATA                                  | I.E.         | MATERIAL         | OFFLINE   |
| INLET PIPE 1                               |              |                  | DIAMETER  |
| INLET PIPE 2                               | N/A          | N/A              | N/A       |
| OUTLET PIPE                                |              |                  |           |
|                                            | PRETREATMENT | BIOFILTRATION    | DISCHARGE |
|                                            |              |                  |           |
| RIM ELEVATION                              |              |                  |           |
| SURFACE LOAD                               | PEDESTRIAN   |                  |           |
| FRAME & COVER                              | 36" x 48"    | OPEN PLANTER     | #24"      |

NOTES:

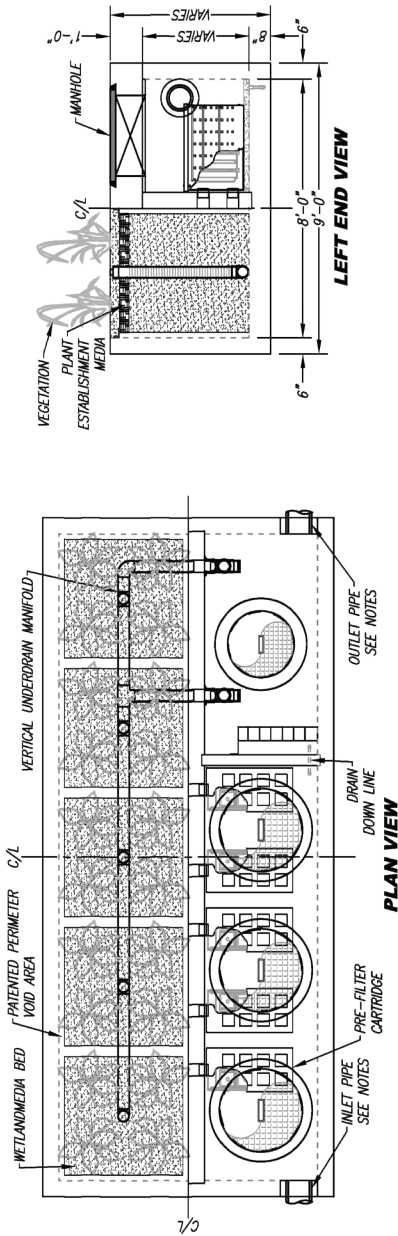
\* PRELIMINARY NOT FOR CONSTRUCTION

INSTALLATION NOTES

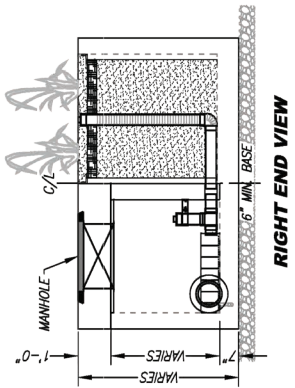
- CONTRACTOR TO PROVIDE ALL LABOR, EQUIPMENT, MATERIALS AND INCIDENTALS REQUIRED TO OFFLOAD AND INSTALL THE SYSTEM AND INSURE THE SYSTEM IS PROTECTED FROM DAMAGE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES IN THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES IN THE PROJECT AREA.
- CONTRACTOR TO PROVIDE A MINIMUM 6" LEVEL ROCK BASE UNLESS SPECIFIED BY THE PROJECT ENGINEER. CONTRACTOR IS RESPONSIBLE TO VERIFY THE PROJECT ENGINEER'S RECOMMENDED BASE SPECIFICATIONS.
- CONTRACTOR TO SUPPLY AND INSTALL ALL EXTERNAL CONNECTING PIPES. ALL PIPES MUST BE FLUSH WITH INSIDE SURFACE OF CONCRETE. (PIPES CANNOT INTRUDE BEYOND FLUSH). INVERT OF OUTFLOW PIPE MUST BE FLUSH WITH DISCHARGE CHAMBER FLOOR. ALL PIPES SHALL BE SEALED WATER TIGHT PER MANUFACTURERS STANDARD CONNECTION DETAIL.
- CONTRACTOR RESPONSIBLE FOR INSTALLATION OF ALL RISERS, MANHOLES, AND HATCHES. CONTRACTOR TO GROUT ALL MANHOLES AND HATCHES TO MATCH FINISHED SURFACE UNLESS SPECIFIED OTHERWISE.
- VEGETATION SUPPLIED AND INSTALLED BY OTHERS. ALL UNITS WITH VEGETATION MUST HAVE DRIP OR SPRAY IRRIGATION SUPPLIED AND INSTALLED BY OTHERS.
- CONTRACTOR RESPONSIBLE FOR CONTACTING BIO CLEAN FOR ACTIVATION OF UNIT. MANUFACTURERS WARRANTY IS VOID WITH OUT PROPER ACTIVATION BY A BIO CLEAN REPRESENTATIVE.

GENERAL NOTES

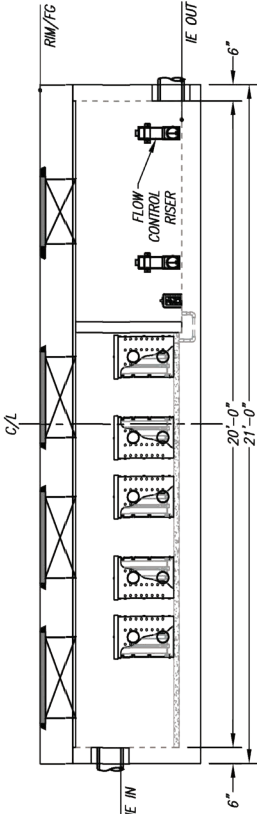
- MANUFACTURER TO PROVIDE ALL MATERIALS UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS, ELEVATIONS, SPECIFICATIONS AND CAPACITIES ARE SUBJECT TO CHANGE. FOR PROJECT SPECIFIC DRAWINGS DETAILING EXACT DIMENSIONS, WEIGHTS AND ACCESSORIES PLEASE CONTACT BIO CLEAN.



LEFT END VIEW



RIGHT END VIEW



ELEVATION VIEW

|                                     |       |
|-------------------------------------|-------|
| TREATMENT FLOW (CFS)                | 0.577 |
| OPERATING HEAD (FT)                 | 3.4   |
| PRETREATMENT LOADING RATE (GPM/SF)  | 2.0   |
| WETLAND MEDIA LOADING RATE (GPM/SF) | 1.0   |

MWS-L-8-20-V  
STORMWATER BIOFILTRATION SYSTEM  
STANDARD DETAIL

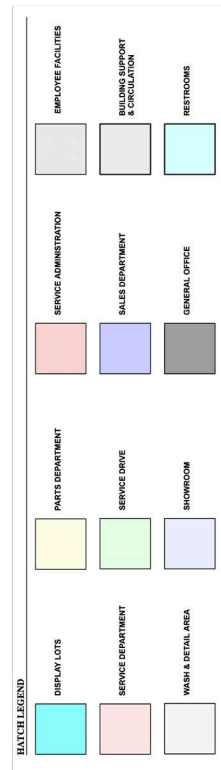


PROPRIETARY AND CONFIDENTIAL:  
THE INFORMATION CONTAINED IN THIS DOCUMENT IS THE SOLE PROPERTY OF BIO CLEAN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF FORTERRA.



| MEMBERS-BENEFIT AD FACILITY ANALYSIS - PROJECTION YEAR: 2014 |                       |                       |            |
|--------------------------------------------------------------|-----------------------|-----------------------|------------|
| DEPARTMENT                                                   | REQUIRED SQ. FT.      | PROVIDED SQ. FT.      | DEFICIENCY |
| WORKSTATION                                                  | 36 STALLS x 113.172   | 66 STALLS x 26.938    | -          |
| ENCLOSURES & MISCELLANEOUS STALLS                            | -                     | -                     | -          |
| TECHNICIAN WORKSTATION                                       | 36 TECHS              | 96 TECHS              | -          |
| TECHNICIAN STORAGE EQUIPMENT                                 | 200                   | 200                   | -          |
| TECHNICIAN LOCKER ROOM                                       | 200                   | 195                   | -          |
| TECHNICIAN STORAGE AREA                                      | 14,447 SQ. FT.        | 26,807 SQ. FT.        | -          |
| <b>TOTAL AREA SQ. FT.</b>                                    | <b>14,447 SQ. FT.</b> | <b>26,807 SQ. FT.</b> |            |
| <b>WASH &amp; DETAIL AREA</b>                                |                       |                       |            |
| WASH STALLS (CAR WASH)                                       | 5 STALLS x \$2,500    | 5 STALLS x \$2,500    | -          |
| WASH EQUIPMENT                                               | -                     | -                     | -          |
| <b>TOTAL AREA SQ. FT.</b>                                    | <b>5,000 SQ. FT.</b>  | <b>5,000 SQ. FT.</b>  |            |
| <b>SERVICE ADMINISTRATION</b>                                |                       |                       |            |
| PARADE & SERVICE DIRECTOR                                    | 0                     | 119                   | -          |
| ASSISTANT SERVICE DIRECTOR                                   | 0                     | 119                   | -          |
| ASSISTANT SERVICE MANAGER                                    | 0                     | 129                   | -          |
| ASSISTANT ADMINISTRATIVE ASSISTANT                           | 100                   | 100                   | -          |
| ADMINISTRATIVE SUPPORTS                                      | 7,000                 | 7,000                 | -          |
| 4-12 GRIFFIN                                                 | 200                   | 200                   | -          |
| 13-15 GRIFFIN                                                | 200                   | 200                   | -          |
| 16-18 GRIFFIN                                                | 200                   | 200                   | -          |
| 19-21 GRIFFIN                                                | 200                   | 200                   | -          |
| 22-24 GRIFFIN                                                | 200                   | 200                   | -          |
| 25-27 GRIFFIN                                                | 200                   | 200                   | -          |
| 28-30 GRIFFIN                                                | 200                   | 200                   | -          |
| 31-33 GRIFFIN                                                | 200                   | 200                   | -          |
| 34-36 GRIFFIN                                                | 200                   | 200                   | -          |
| 37-39 GRIFFIN                                                | 200                   | 200                   | -          |
| 40-42 GRIFFIN                                                | 200                   | 200                   | -          |
| 43-45 GRIFFIN                                                | 200                   | 200                   | -          |
| 46-48 GRIFFIN                                                | 200                   | 200                   | -          |
| 49-51 GRIFFIN                                                | 200                   | 200                   | -          |
| 52-54 GRIFFIN                                                | 200                   | 200                   | -          |
| 55-57 GRIFFIN                                                | 200                   | 200                   | -          |
| 58-60 GRIFFIN                                                | 200                   | 200                   | -          |
| 61-63 GRIFFIN                                                | 200                   | 200                   | -          |
| 64-66 GRIFFIN                                                | 200                   | 200                   | -          |
| 67-69 GRIFFIN                                                | 200                   | 200                   | -          |
| 70-72 GRIFFIN                                                | 200                   | 200                   | -          |
| 73-75 GRIFFIN                                                | 200                   | 200                   | -          |
| 76-78 GRIFFIN                                                | 200                   | 200                   | -          |
| 79-81 GRIFFIN                                                | 200                   | 200                   | -          |
| 82-84 GRIFFIN                                                | 200                   | 200                   | -          |
| 85-87 GRIFFIN                                                | 200                   | 200                   | -          |
| 88-90 GRIFFIN                                                | 200                   | 200                   | -          |
| 91-93 GRIFFIN                                                | 200                   | 200                   | -          |
| 94-96 GRIFFIN                                                | 200                   | 200                   | -          |
| 97-99 GRIFFIN                                                | 200                   | 200                   | -          |
| 100-102 GRIFFIN                                              | 200                   | 200                   | -          |
| 103-105 GRIFFIN                                              | 200                   | 200                   | -          |
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| 109-111 GRIFFIN                                              | 200                   | 200                   | -          |
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| 115-117 GRIFFIN                                              | 200                   | 200                   | -          |
| 118-120 GRIFFIN                                              | 200                   | 200                   | -          |
| 121-123 GRIFFIN                                              | 200                   | 200                   | -          |
| 124-126 GRIFFIN                                              | 200                   | 200                   | -          |
| 127-129 GRIFFIN                                              | 200                   | 200                   | -          |
| 130-132 GRIFFIN                                              | 200                   | 200                   | -          |
| 133-135 GRIFFIN                                              | 200                   | 200                   | -          |
| 136-138 GRIFFIN                                              | 200                   | 200                   | -          |
| 139-141 GRIFFIN                                              | 200                   | 200                   | -          |
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| 145-147 GRIFFIN                                              | 200                   | 200                   | -          |
| 148-150 GRIFFIN                                              | 200                   | 200                   | -          |
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| 154-156 GRIFFIN                                              | 200                   | 200                   | -          |
| 157-159 GRIFFIN                                              | 200                   | 200                   | -          |
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| 163-165 GRIFFIN                                              | 200                   | 200                   | -          |
| 166-168 GRIFFIN                                              | 200                   | 200                   | -          |
| 169-171 GRIFFIN                                              | 200                   | 200                   | -          |
| 172-174 GRIFFIN                                              | 200                   | 200                   | -          |
| 175-177 GRIFFIN                                              | 200                   | 200                   | -          |
| 178-180 GRIFFIN                                              | 200                   | 200                   | -          |
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| 286-288 GRIFFIN                                              | 200                   | 200                   | -          |
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| 316-318 GRIFFIN                                              | 200                   | 200                   | -          |
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| 412-414 GRIFFIN                                              | 200                   | 200                   | -          |
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| 418-420 GRIFFIN                                              | 200                   | 200                   | -          |
| 421-423 GRIFFIN                                              | 200                   | 200                   | -          |
| 424-426 GRIFFIN                                              | 200                   | 200                   | -          |
| 427-429 GRIFFIN                                              | 200                   | 200                   | -          |
| 430-432 GRIFFIN                                              | 200                   | 200                   | -          |
| 433-435 GRIFFIN                                              | 200                   | 200                   | -          |
| 436-438 GRIFFIN                                              | 200                   | 200                   | -          |
| 439-441 GRIFFIN                                              | 200                   | 200                   | -          |
| 442-444 GRIFFIN                                              | 200                   | 200                   | -          |
| 445-447 GRIFFIN                                              | 200                   | 200                   | -          |
| 448-450 GRIFFIN                                              | 200                   | 200                   | -          |
| 451-453 GRIFFIN                                              | 200                   | 200                   | -          |
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| 493-495 GRIFFIN                                              | 200                   | 200                   | -          |
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| 574-576 GRIFFIN                                              | 200                   | 200                   | -          |
| 577-579 GRIFFIN                                              | 200                   | 200                   | -          |
| 580-582 GRIFFIN                                              | 200                   | 200                   | -          |
| 583-585 GRIFFIN                                              | 200                   | 200                   | -          |
| 586-588 GRIFFIN                                              | 200                   | 200                   | -          |
| 589-591 GRIFFIN                                              | 200                   | 200                   | -          |
| 592-594 GRIFFIN                                              | 200                   | 200                   | -          |
| 595-597 GRIFFIN                                              | 200                   | 200                   | -          |
| 598-600 GRIFFIN                                              | 200                   | 200                   | -          |
| 601-603 GRIFFIN                                              | 200                   | 200                   | -          |
| 604-606 GRIFFIN                                              | 200                   | 200                   | -          |
| 607-609 GRIFFIN                                              | 200                   | 200                   | -          |
| 610-612 GRIFFIN                                              | 200                   | 200                   | -          |
| 613-615 GRIFFIN                                              | 200                   | 200                   | -          |
| 616-618 GRIFFIN                                              | 200                   | 200                   | -          |
| 619-621 GRIFFIN                                              | 200                   | 200                   | -          |
| 622-624 GRIFFIN                                              | 200                   | 200                   | -          |
| 625-627 GRIFFIN                                              | 200                   | 200                   | -          |
| 628-630 GRIFFIN                                              | 200                   | 200                   | -          |
| 631-633 GRIFFIN                                              | 200                   | 200                   | -          |
| 634-636 GRIFFIN                                              | 200                   | 200                   | -          |
| 637-639 GRIFFIN                                              | 200                   | 200                   | -          |
| 640-642 GRIFFIN                                              | 200                   | 200                   | -          |
| 643-645 GRIFFIN                                              | 200                   | 200                   | -          |
| 646-648 GRIFFIN                                              | 200                   | 200                   | -          |
| 649-651 GRIFFIN                                              | 200                   | 200                   | -          |
| 652-654 GRIFFIN                                              | 200                   | 200                   | -          |
| 655-657 GRIFFIN                                              | 200                   | 200                   | -          |
| 658-660 GRIFFIN                                              | 200                   | 200                   | -          |
| 661-663 GRIFFIN                                              | 200                   | 200                   | -          |
| 664-666 GRIFFIN                                              | 200                   | 200                   | -          |
| 667-669 GRIFFIN                                              | 200                   | 200                   | -          |
| 670-672 GRIFFIN                                              | 200                   | 200                   | -          |
| 673-675 GRIFFIN                                              | 200                   | 200                   | -          |
| 676-678 GRIFFIN                                              | 200                   | 200                   | -          |
| 679-681 GRIFFIN                                              | 200                   | 200                   | -          |
| 682-684 GRIFFIN                                              | 200                   | 200                   | -          |
| 685-687 GRIFFIN                                              | 200                   | 200                   | -          |
| 688-690 GRIFFIN                                              | 200                   | 200                   | -          |
| 691-693 GRIFFIN                                              | 200                   | 200                   | -          |
| 694-696 GRIFFIN                                              | 200                   | 200                   | -          |
| 697-699 GRIFFIN                                              | 200                   | 200                   | -          |
| 700-702 GRIFFIN                                              | 200                   | 200                   | -          |
| 703-705 GRIFFIN                                              | 200                   | 200                   | -          |
| 706-708 GRIFFIN                                              | 200                   | 200                   | -          |
| 709-711 GRIFFIN                                              | 200                   | 200                   | -          |
| 712-714 GRIFFIN                                              | 200                   | 200                   | -          |
| 715-717 GRIFFIN                                              | 200                   | 200                   | -          |
| 718-720 GRIFFIN                                              | 200                   | 200                   | -          |
| 721-723 GRIFFIN                                              | 200                   | 200                   | -          |
| 724-726 GRIFFIN                                              | 200                   | 200                   | -          |
| 727-729 GRIFFIN                                              | 200                   | 200                   | -          |
| 730-732 GRIFFIN                                              | 200                   | 200                   | -          |
| 733-735 GRIFFIN                                              | 200                   | 200                   | -          |
| 736-738 GRIFFIN                                              | 200                   | 200                   | -          |
| 739-741 GRIFFIN                                              | 200                   | 200                   | -          |
| 742-744 GRIFFIN                                              | 200                   | 200                   | -          |
| 745-747 GRIFFIN                                              | 200                   | 200                   | -          |
| 748-750 GRIFFIN                                              | 200                   | 200                   | -          |
| 751-753 GRIFFIN                                              | 200                   | 200                   | -          |
| 754-756 GRIFFIN                                              | 200                   | 200                   | -          |
| 757-759 GRIFFIN                                              | 200                   | 200                   | -          |
| 760-762 GRIFFIN                                              | 200                   | 200                   | -          |
| 763-765 GRIFFIN                                              | 200                   | 200                   | -          |
| 766-768 GRIFFIN                                              | 200                   | 200                   | -          |
| 769-771 GRIFFIN                                              | 200                   | 200                   | -          |
| 772-774 GRIFFIN                                              | 200                   | 200                   | -          |
| 775-777 GRIFFIN                                              | 200                   | 200                   | -          |
| 778-780 GRIFFIN                                              | 200                   | 200                   | -          |
| 781-783 GRIFFIN                                              | 200                   | 200                   | -          |
| 784-786 GRIFFIN                                              | 200                   | 200                   | -          |
| 787-789 GRIFFIN                                              | 200                   | 200                   | -          |
| 790-792 GRIFFIN                                              | 200                   | 200                   | -          |
| 793-795 GRIFFIN                                              | 200                   | 200                   | -          |
| 796-798 GRIFFIN                                              | 200                   | 200                   | -          |
| 799-801 GRIFFIN                                              | 200                   | 200                   | -          |
| 802-804 GRIFFIN                                              | 200                   | 200                   | -          |
| 805-807 GRIFFIN                                              | 200                   | 200                   | -          |
| 808-810 GRIFFIN                                              | 200                   | 200                   | -          |
| 811-813 GRIFFIN                                              | 200                   | 200                   | -          |
| 814-816 GRIFFIN                                              | 200                   | 200                   | -          |
| 817-819 GRIFFIN                                              | 200                   | 200                   | -          |
| 820-822 GRIFFIN                                              | 200                   | 200                   | -          |
| 823-825 GRIFFIN                                              | 200                   | 200                   | -          |
| 826-828 GRIFFIN                                              | 200                   | 200                   | -          |
| 829-831 GRIFFIN                                              | 200                   | 200                   | -          |
| 832-834 GRIFFIN                                              | 200                   | 200                   | -          |
| 835-837 GRIFFIN                                              | 200                   | 200                   | -          |
| 838-840 GRIFFIN                                              | 200                   | 200                   | -          |
| 841-843 GRIFFIN                                              | 200                   | 200                   | -          |
| 844-846 GRIFFIN                                              | 200                   | 200                   | -          |
| 847-849 GRIFFIN                                              | 200                   | 200                   | -          |
| 850-852 GRIFFIN                                              | 200                   | 200                   | -          |
| 853-855 GRIFFIN                                              | 200                   | 200                   | -          |
| 856-858 GRIFFIN                                              | 200                   | 200                   | -          |
| 859-861 GRIFFIN                                              | 200                   | 200                   | -          |
| 862-864 GRIFFIN                                              | 200                   | 200                   | -          |

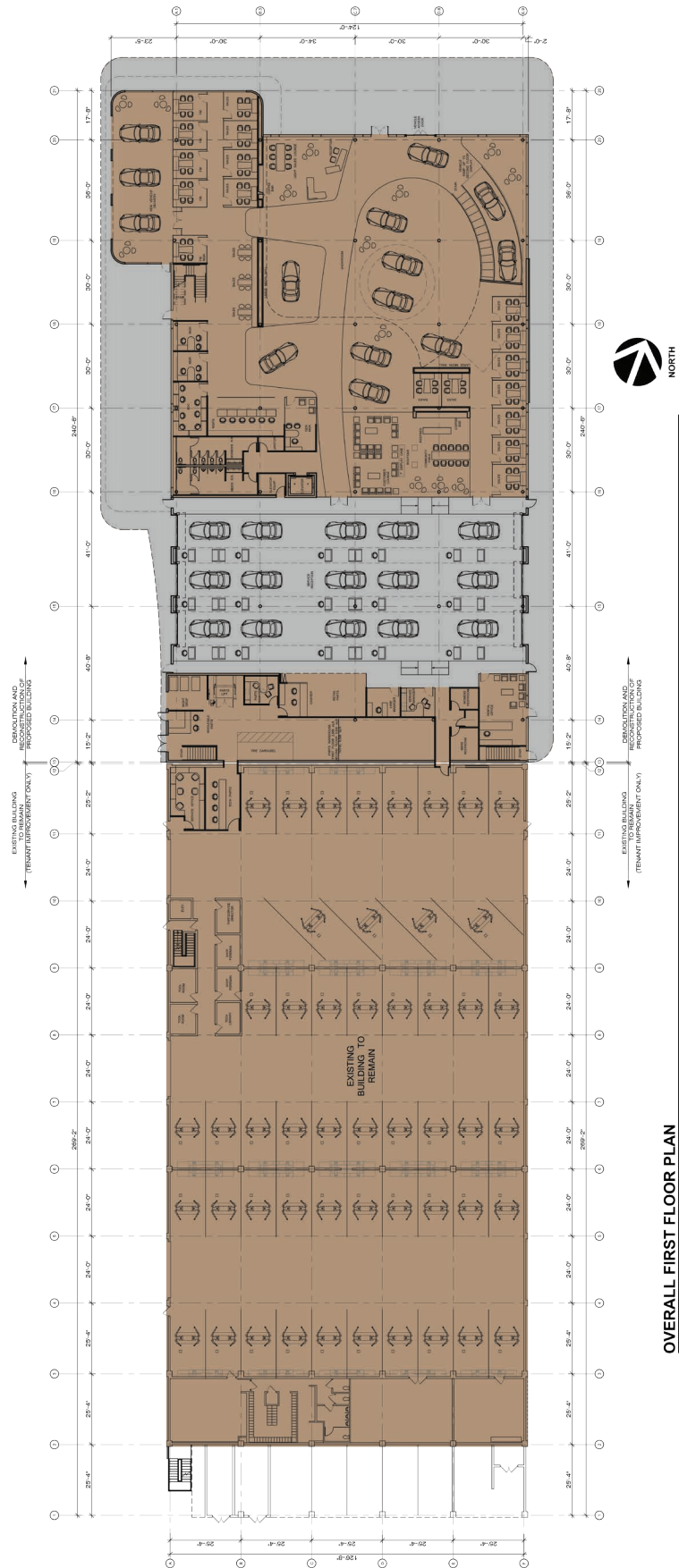
| SHOWROOM                                  | REQUIRED SQ.FT.        | PROVIDED SQ.FT.      | DIFFICULTY |
|-------------------------------------------|------------------------|----------------------|------------|
| 32. DISPLAY AVENUE                        | 115.50                 | 166.737              | -          |
| 33A. VEHICLE DELIVERY                     | 31.500                 | -                    | 7.500      |
| 34. VEHICLE STORAGE                       | -                      | -                    | -          |
| 35. VEHICLE STUDIO                        | -                      | -                    | -          |
| <b>TOTAL AREA 50 FT.</b>                  | <b>7,000 SQ. FT.</b>   | <b>8,611 SQ. FT.</b> | -          |
| <b>SALES DEPARTMENT</b>                   |                        |                      |            |
| 55. SALES CONSULTANTS                     | 8 + 800                | 12 + 1,041           | -          |
| 56. SALES MANAGER                         | 100                    | 125                  | -          |
| 57. SALES ADMINISTRATION                  | 190                    | 157                  | -          |
| 58. SALES MANAGER                         | 190                    | 157                  | -          |
| 59. SALES MANAGER                         | 190                    | 157                  | -          |
| 60. PRE-OWNED MANAGER                     | 0                      | -                    | -          |
| 61. PRE-OWNED MANAGER                     | 2 + 300                | 3 + 329              | -          |
| 62. ADMINISTRATIVE ASSISTANT              | 190                    | 157                  | -          |
| 63. ADMINISTRATIVE ASSISTANT              | 190                    | 157                  | -          |
| 64. ADMINISTRATIVE ASSISTANT              | 190                    | 157                  | -          |
| 65. GENERAL OFFICE TRAINING               | 400                    | 425                  | -          |
| 66. ALTERNATE STORAGE                     | 190                    | 100                  | -          |
| 67. GENERAL DEVELOPMENT CENTER            | 190                    | 100                  | -          |
| 68. OFFICE TRAINING                       | 190                    | 100                  | -          |
| <b>TOTAL AREA 50 FT.</b>                  | <b>2,870 SQ. FT.</b>   | <b>3,335 SQ. FT.</b> | -          |
| <b>GENERAL OFFICE</b>                     |                        |                      |            |
| 49. OFFICE MANAGER                        | 190                    | 393                  | -          |
| 50. OFFICE MANAGER                        | 190                    | 393                  | -          |
| 51. STORAGE FILE ROOM                     | 190                    | 1,846                | -          |
| 52. COMPUTER WORKSTATION                  | 190                    | 150                  | -          |
| 53. COMPUTER WORKSTATION                  | 190                    | 150                  | -          |
| 54. COMPUTER WORKSTATION                  | 190                    | 150                  | -          |
| <b>TOTAL AREA 50 FT.</b>                  | <b>1,000 SQ. FT.</b>   | <b>4,440 SQ. FT.</b> | -          |
| <b>EMPLOYEE FACILITIES</b>                |                        |                      |            |
| 64. LINEN+TRAINING ROOMS                  | INCLUDED IN TOTAL S.F. | 424                  | -          |
| 65. LINEN+TRAINING ROOMS                  | INCLUDED IN TOTAL S.F. | 424                  | -          |
| 66. RESTROOMS                             | INCLUDED IN TOTAL S.F. | 1,009                | -          |
| <b>TOTAL AREA 50 FT.</b>                  | <b>2,400 SQ. FT.</b>   | <b>2,867 SQ. FT.</b> | -          |
| <b>BUILDING SUPPORT &amp; CIRCULATION</b> |                        |                      |            |
| 77. INFRASTRUCTURE                        | -                      | -                    | -          |
| 78. PARKING SERVICE DEPARTMENT            | 129 SPACES             | 129 SPACES           | -          |
| 79. PARKING SERVICE DEPARTMENT            | 17 SPACES              | 17 SPACES            | -          |
| 80. PARKING CUSTOMER SALES                | 17 SPACES              | 17 SPACES            | -          |
| 81. PARKING NEW/PRE-OWNED STORAGE         | 181 SPACES             | 181 SPACES           | -          |
| 82. PARKING NEW/PRE-OWNED STORAGE         | 181 SPACES             | 181 SPACES           | -          |
| 83. PARKING NEW/PRE-OWNED STORAGE         | 33 SPACES              | 33 SPACES            | -          |
| 84. PARKING EMPLOYEE CIRCULATION          | 98 SPACES              | 98 SPACES            | -          |
| 85. PARKING EMPLOYEE CIRCULATION          | 98 SPACES              | 98 SPACES            | -          |
| <b>TOTAL</b>                              | <b>439 SPACES</b>      | <b>482 SPACES</b>    | -          |



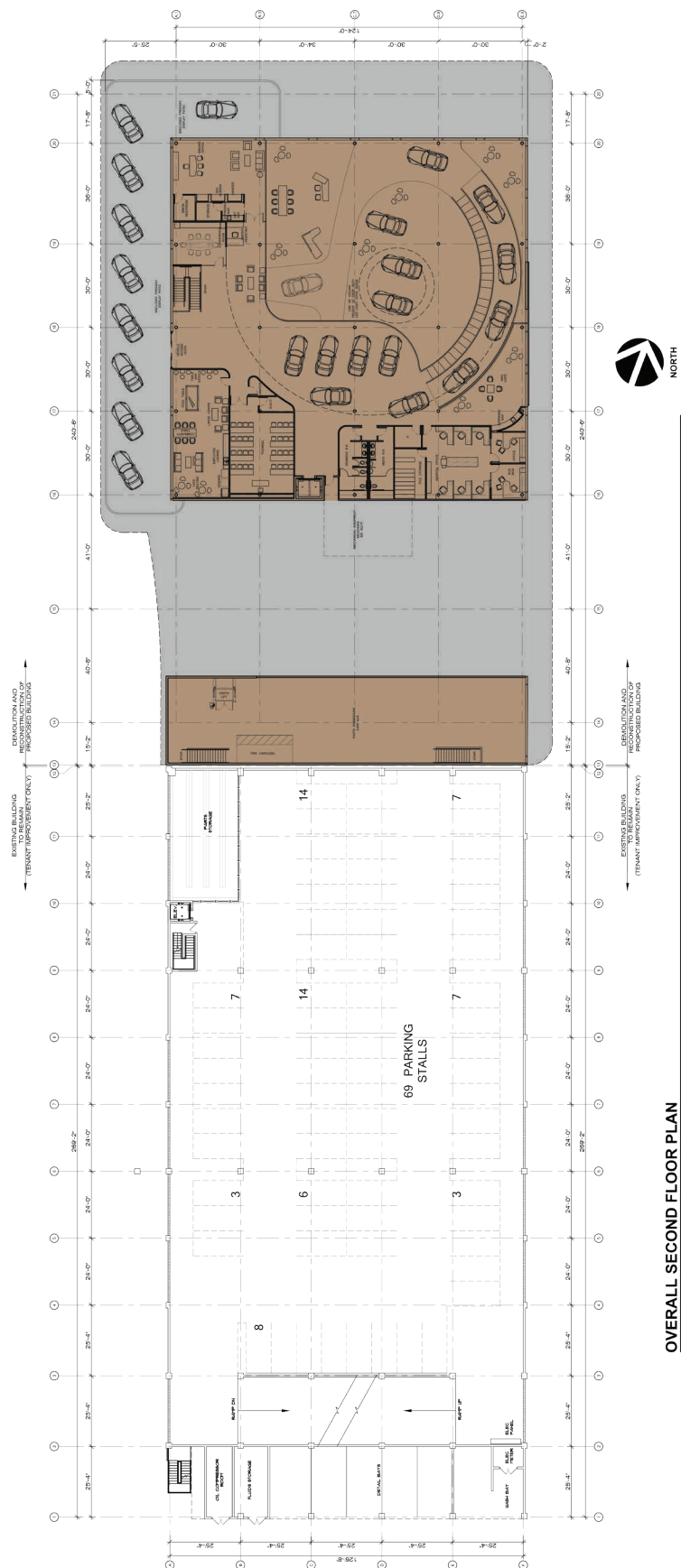
**PROPOSED PROJECT: PL 19-0075**  
**EXISTING<sub>2</sub>BUILDING**

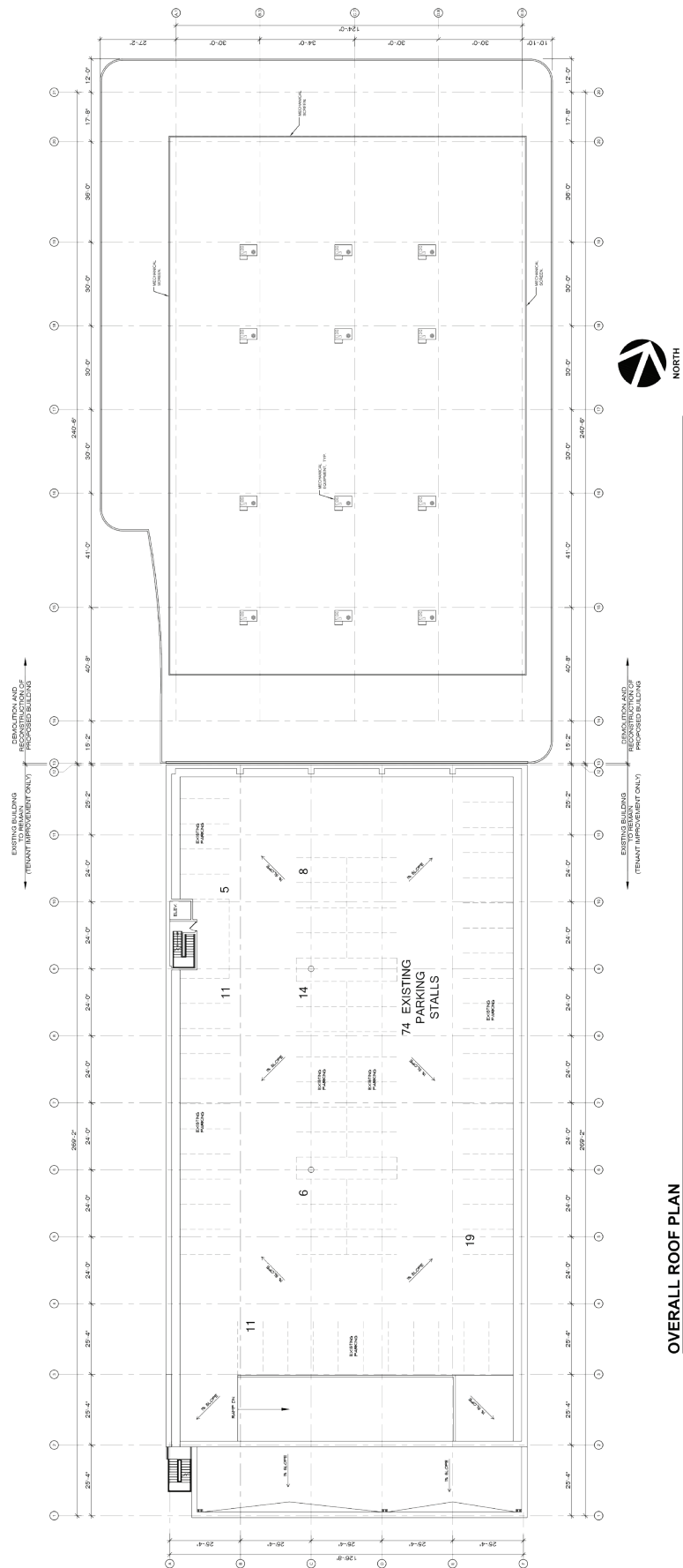






**PROPOSED PROJECT: PL 19-0075**  
**OVERALL FIRST FLOOR PLAN**





**PROPOSED PROJECT: PL 19-0075**  
**OVERALL ROOF PLAN**

[illegible][illegible]



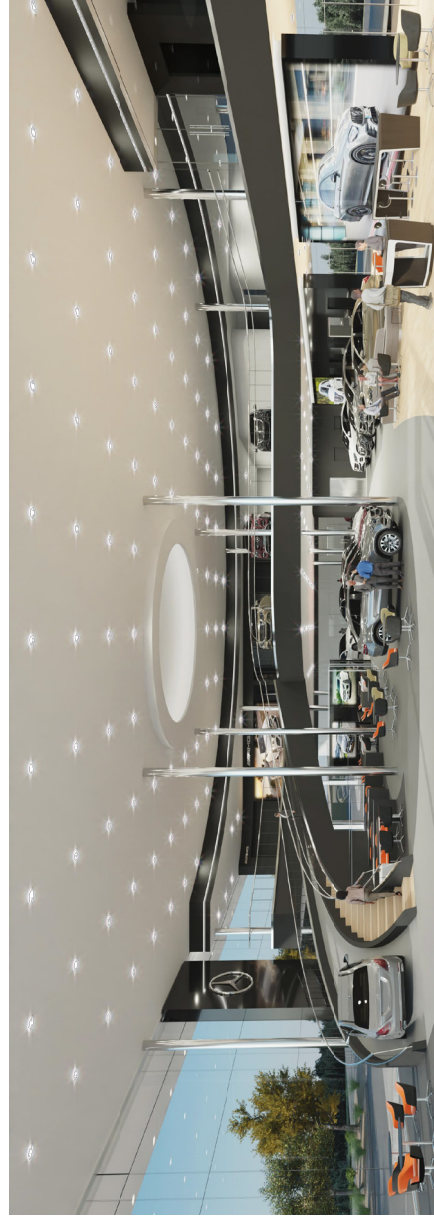
**PROPOSED PROJECT: PL 19-0075  
RENDERINGS**



**BEAUTIFUL NEW SHOWROOM**



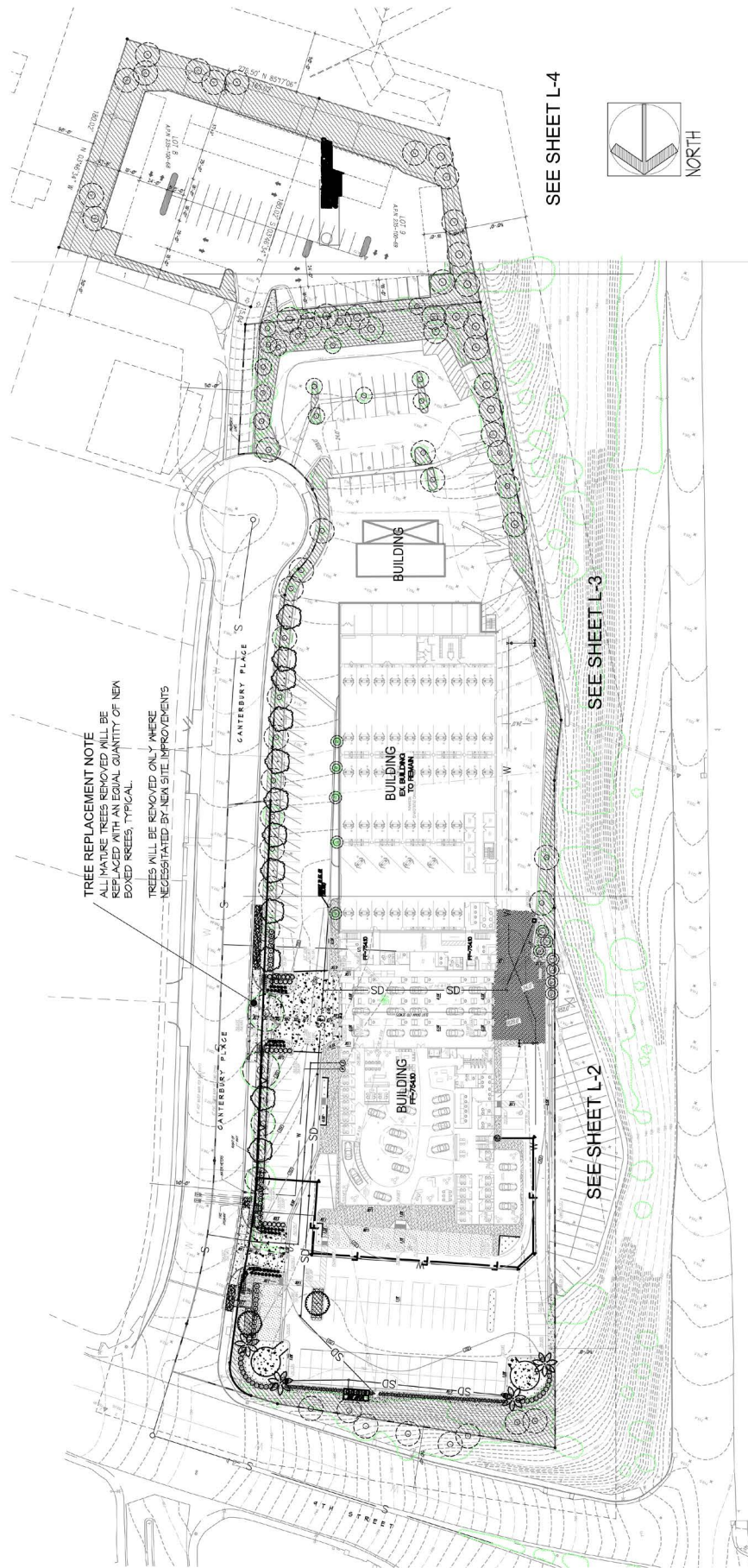
**AMAZING FREEWAY DISPLAY**



**EXCITING VEHICLE DISPLAY ON 2 LEVELS**

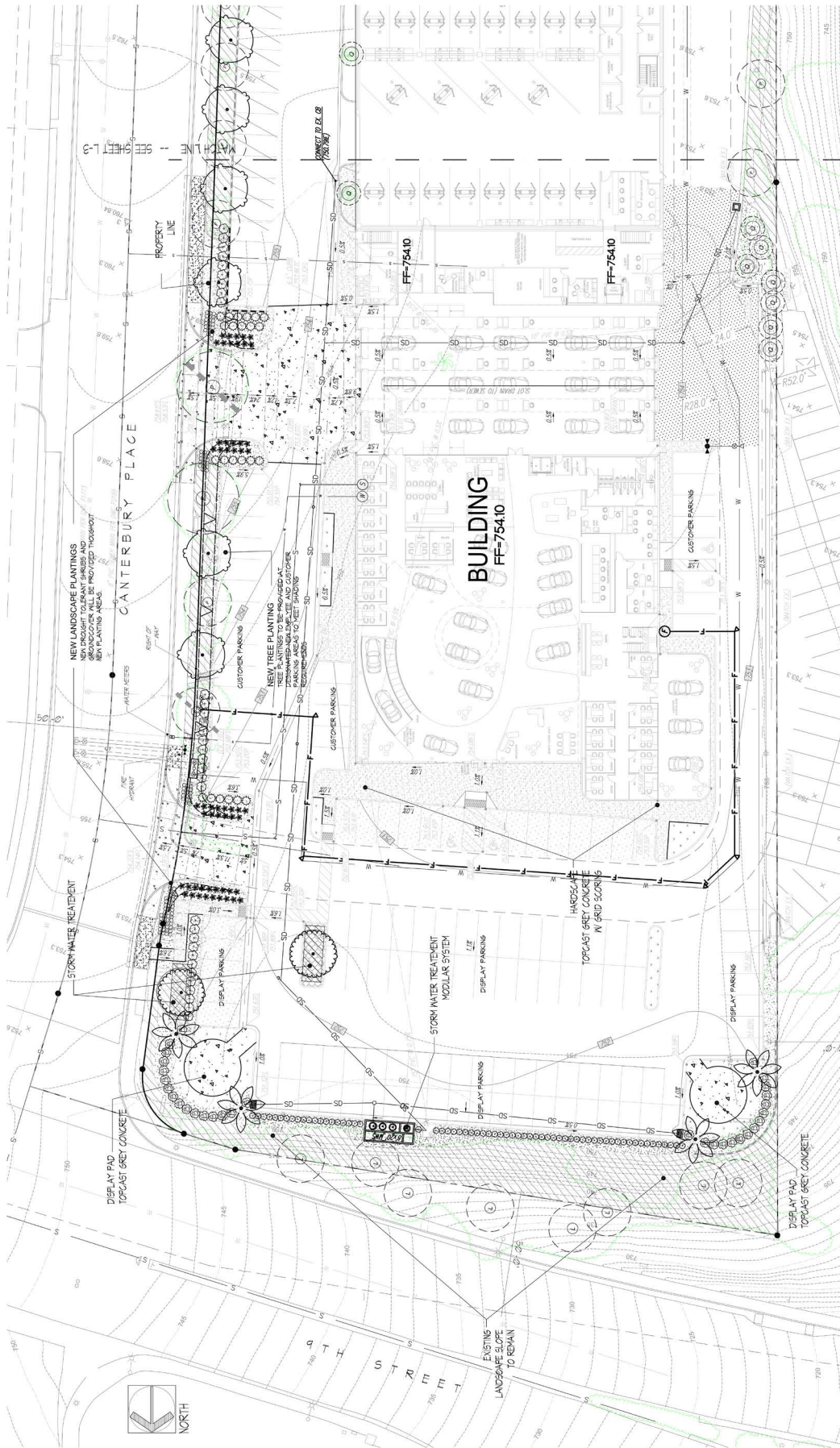
**ESCONDIDO MERCEDES**

**COMING SOON**



**PROPOSED PROJECT: PL 19-0075**  
**OVERALL SITE PLAN**





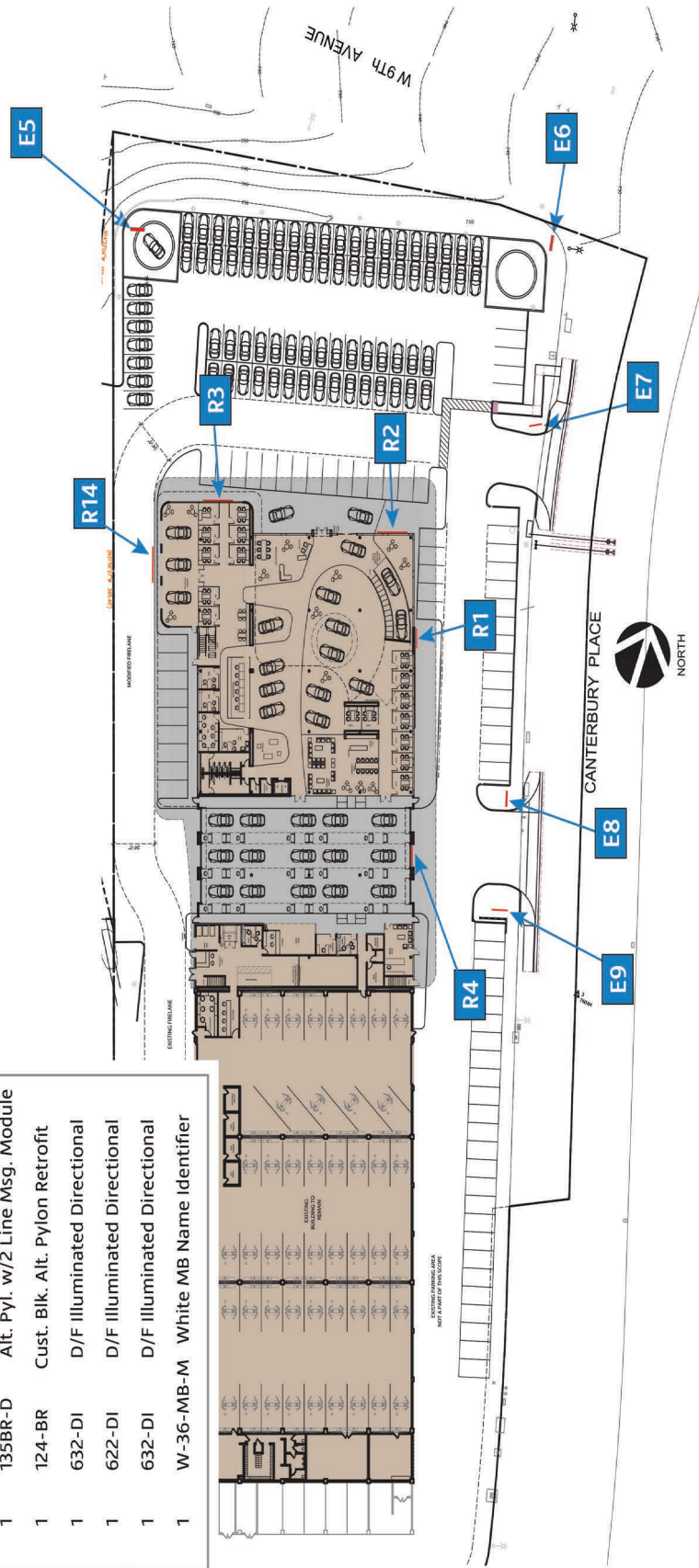
**PROPOSED PROJECT: PL 19-0075**  
**PRELIMINARY LANDSCAPE PLAN**





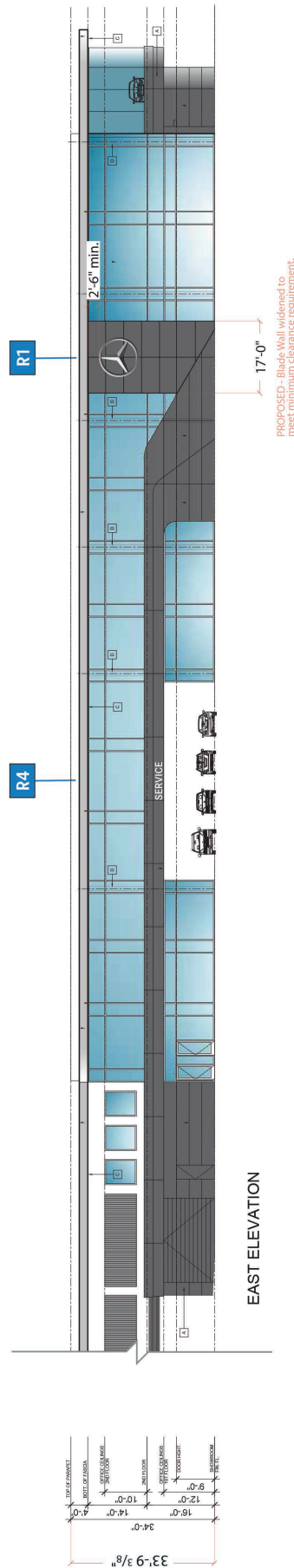
## SITE PLAN

| SIGN LIST | QTY | MODEL      | DESCRIPTION                    |
|-----------|-----|------------|--------------------------------|
| R1        | 1   | #7         | Integrated Wall Star           |
| R2        | 1   | W-36-MB-M  | White MB Name Identifier       |
| R3        | 1   | W-AMG-30-M | AMG Name Identifier            |
| R4        | 1   | W-20-S     | White Letters 'SERVICE'        |
| E5        | 1   | 135BR-D    | Alt. Pyl. w/2 Line Msg. Module |
| E6        | 1   | 124-BR     | Cust. Blk. Alt. Pylon Retrofit |
| E7        | 1   | 632-DI     | D/F Illuminated Directional    |
| E8        | 1   | 622-DI     | D/F Illuminated Directional    |
| E9        | 1   | 632-DI     | D/F Illuminated Directional    |
| R14       | 1   | W-36-MB-M  | White MB Name Identifier       |

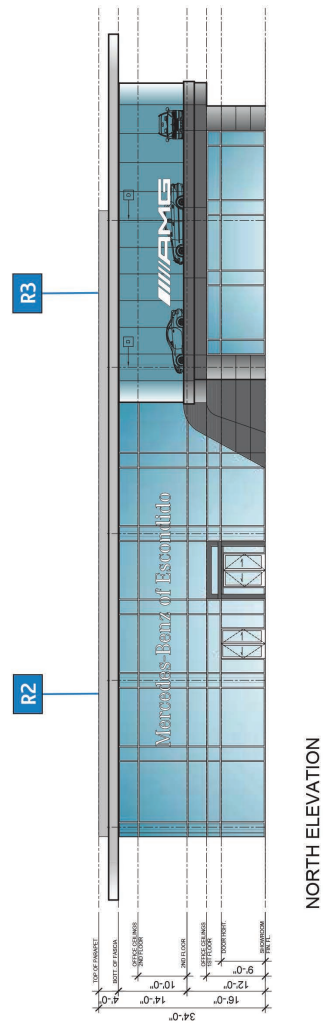


PROPOSED PROJECT: PL 19-0075  
BRANDING<sub>1</sub> SITE PLAN

## ELEVATIONS



| SIGN LIST | QTY | MODEL      | DESCRIPTION              |
|-----------|-----|------------|--------------------------|
| R1        | 1   | #7         | Integrated Wal Star      |
| R2        | 1   | W-36-MB-M  | White MB Name Identifier |
| R3        | 1   | W-AMG-30-M | AMG Name Identifier      |
| R4        | 1   | W-20-S     | White Letters 'SERVICE'  |



**PROPOSED PROJECT: PL 19-0075**  
**ELEVATIONS**

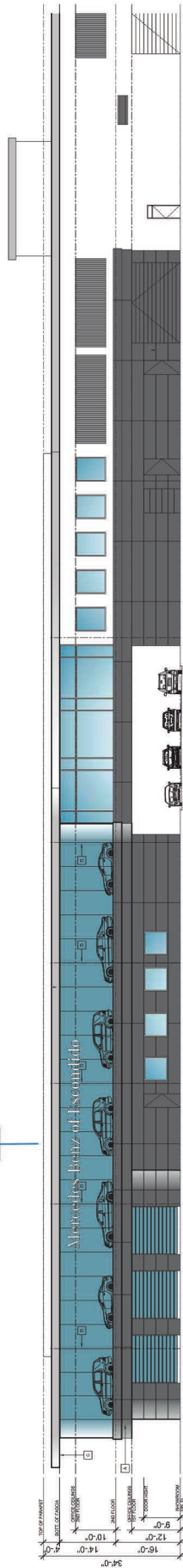
PROPOSED PROJECT: PL 19-0075

ELEVATIONS

ELEVATIONS

| SIGN LIST | QTY | MODEL     | DESCRIPTION              |
|-----------|-----|-----------|--------------------------|
| R14       | 1   | W-36-MB-M | White MB Name Identifier |

R4



WEST ELEVATION



## A34



ARCHITECTURAL PACKAGE -  
Existing Wall Stars

## ELEVATIONS



WEST ELEVATION - Existing

AGI SCOPE

-E12, E13 Dealer to remove and dispose  
of signs during construction

PROPOSED PROJECT: PL 19-0075  
ELEVATIONS

## Pylon Retrofit

## RENDERING

*Proposed*



*EXISTING*



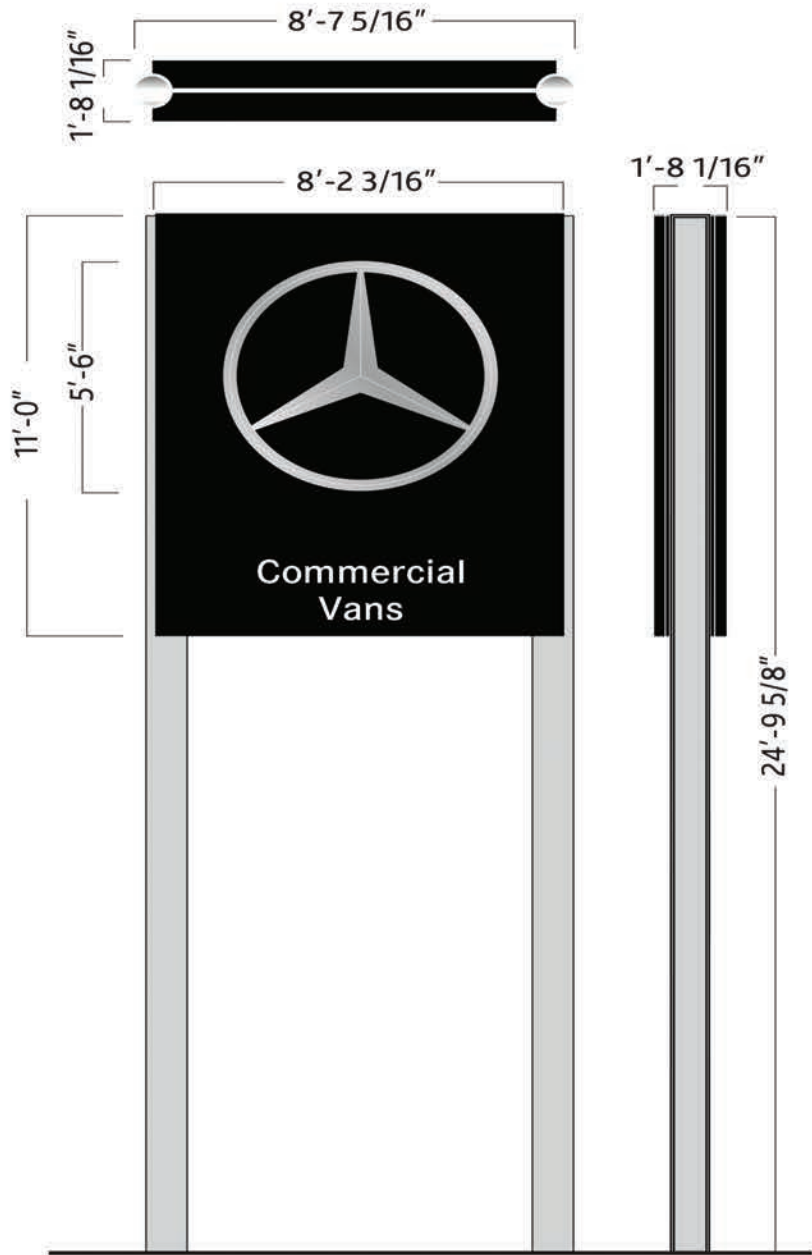
### **AGI SCOPE**

- AGI to convert existing 125BR Pylon to a 135BR-D Pylon with two line message module. OAH 24'-9 5/8".
- Does not include painting of the poles.

PROPOSED PROJECT: PL 19-0075  
PYLON RETROFIT RENDERING

135BR-D

ALTERNATE PYLON SIGN



| SIGN SPECS                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Single-Sided</li><li>- Illuminated</li><li>- Power Requirements: 120V/20A Circuit Required if Illuminated</li><li>- Mounting Method: Direct Bury</li><li>- Sign Colors: Cabinet: 4MM ACM Alpolic HYU-Silver</li><li>Accents: 4MM ACM Alpolic TBL Black</li><li>Illuminated Copy: White Acrylic with Surface Applied Dual Color Film 3M #3635-222 Black</li></ul> |
| SIGN PROPOSAL                                                                                                                                                                                                                                                                                                                                                                                            |
| <ul style="list-style-type: none"><li>- Does not include painting of the poles.</li></ul>                                                                                                                                                                                                                                                                                                                |

PROPOSED PROJECT: PL 19-0075

ALTERNATE PYLON SIGN



## Pylon Retrofit

## RENDERING

Proposed



EXISTING

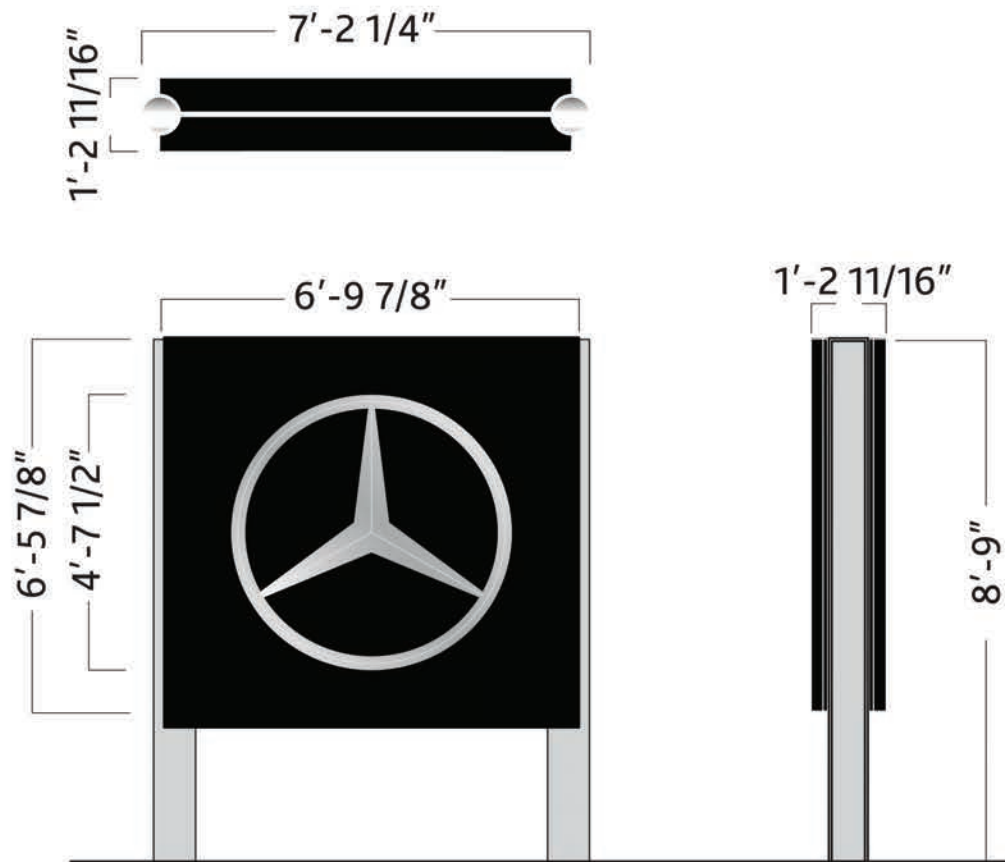


### AGI SCOPE

- MER-124BR. Custom 8'-9" OAH Black Retrofit Alternate Pylon Sign with an Internally Illuminated Chrome Logo.
- Does not include painting of the poles.

# ALTERNATE PYLON SIGN

124-BR - Custom



## SIGN SPECS

- Illuminated
- Power Requirements: 120V/20A Circuit Required
- Mounting Method: Rebar Foundation
- Sign Colors: Alpolic ACM TBL Black with 3M #7225-10 White Vinyl Copy
- Paint: Akzonobel #SIGN91723 GGBC Arrow Silver

## SIGN PROPOSAL

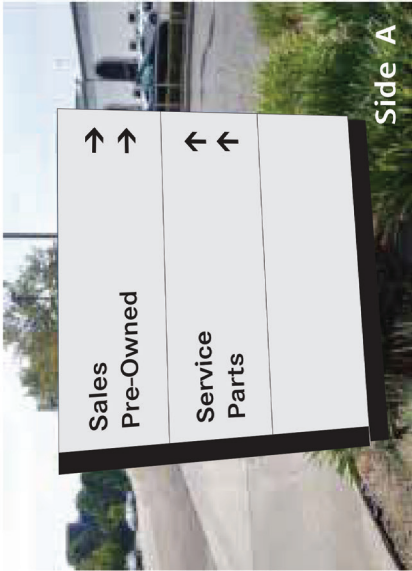
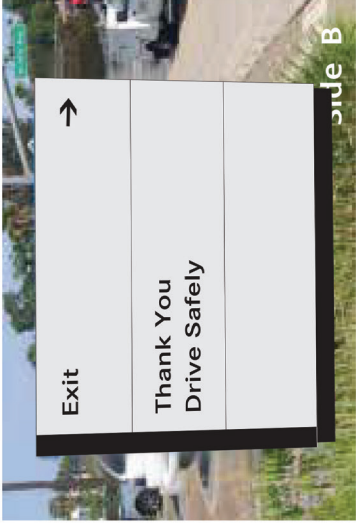
- Does not include painting poles.

PROPOSED PROJECT: PL 19-0075  
ALTERNATE PYLON SIGN



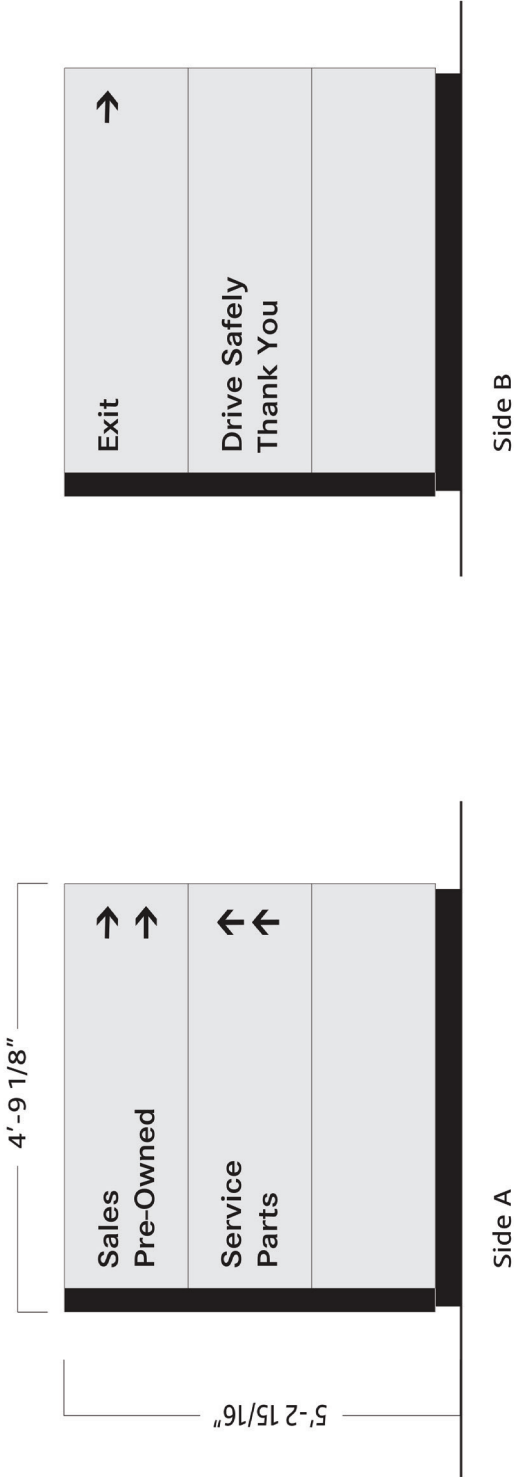
Directional Sign

RENDERING

| Proposed                                                                                          | EXISTING                                                                                         | Scale: none |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-------------|
|  <p>Side A</p> |  <p>Side A</p>  |             |
|  <p>Side B</p> |  <p>Side B</p> |             |
| <b>AGI SCOPE</b>                                                                                  |                                                                                                  |             |
| - AGI to remove and dispose of existing directionals and replace with new.                        |                                                                                                  |             |

632-DI

FREESTANDING INFORMATIONAL SIGN



| SIGN SPECS                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Double-Sided</li><li>- Illuminated</li><li>- Power Requirements: 120V/20A Circuit Required if Illuminated</li><li>- Mounting Method: Direct Bury</li><li>- Sign Colors: Cabinet: 4MM ACM Alpolic HYU-Silver</li><li>- Accents: 4MM ACM Alpolic TBL Black</li><li>- Illuminated Copy: White Acrylic with Surface Applied Dual Color Film 3M #3635-222 Black</li></ul> |

| SIGN PROPOSAL                                                                                     |
|---------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Includes removal and disposal of existing sign.</li></ul> |

PROPOSED PROJECT: PL 19-0075  
INFORMATIONAL SIGN

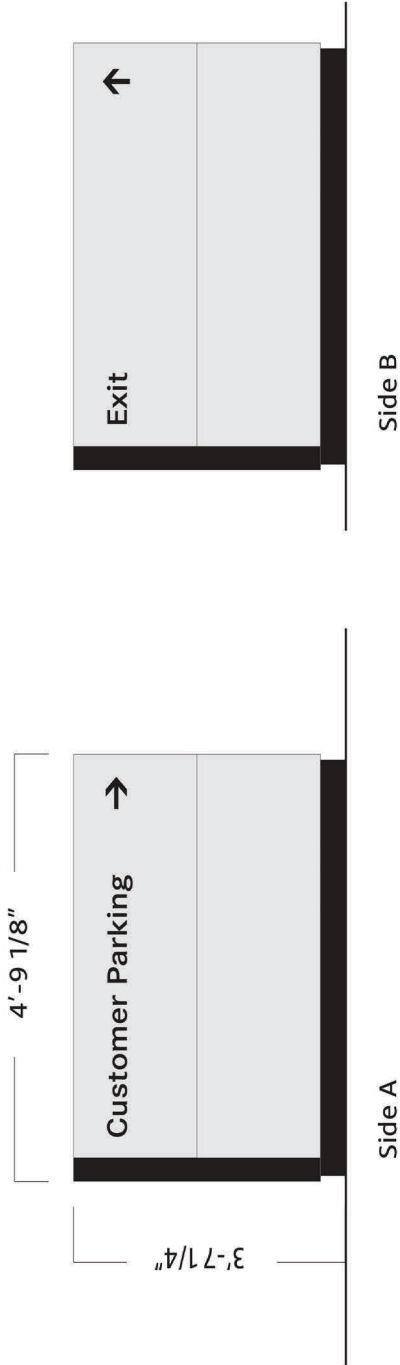
Directional Sign

RENDERING



622-DI

FREESTANDING INFORMATIONAL SIGN

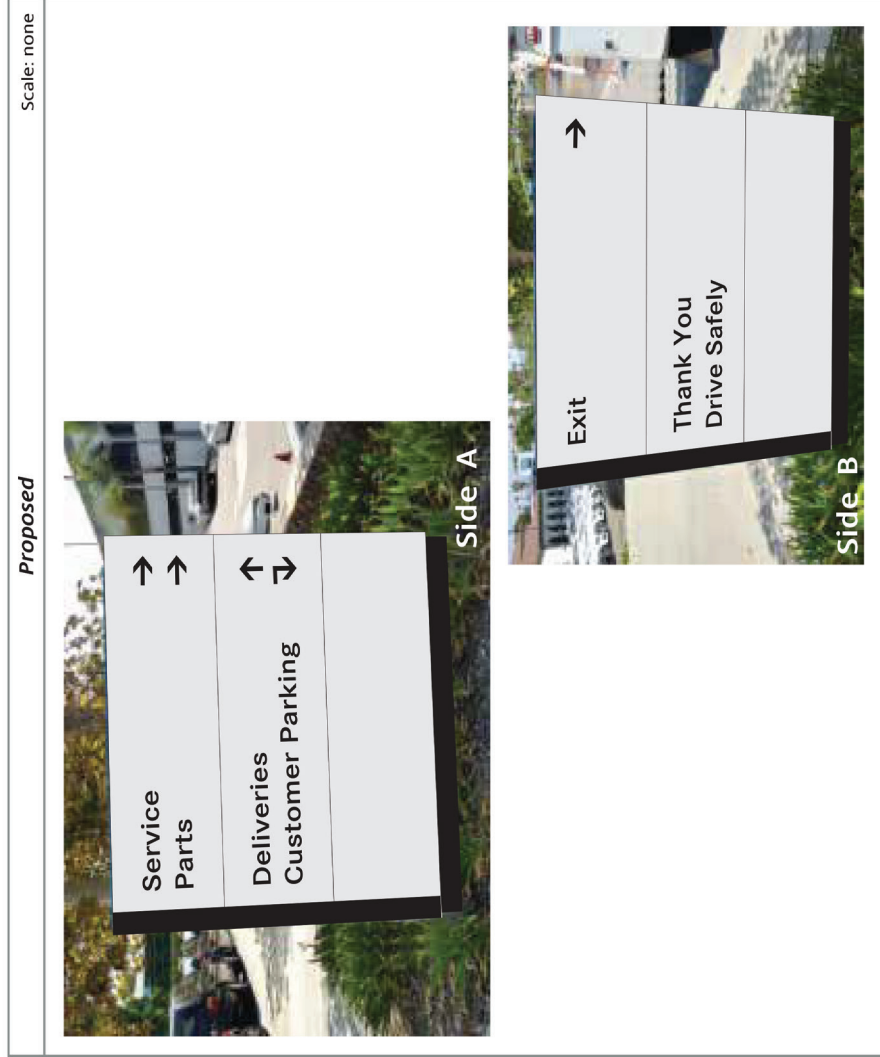


| SIGN SPECS                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Double-Sided</li><li>- Illuminated</li><li>- Power Requirements: 120V/20A Circuit Required if Illuminated</li><li>- Mounting Method: Direct Bury</li><li>- Sign Colors: Cabinet: 4MM ACM Alpolic HYU-Silver</li><li>- Accents: 4MM ACM Alpolic TBL Black</li><li>- Illuminated Copy: White Acrylic with Surface Applied Dual Color Film 3M #3635-222 Black</li></ul> |

| SIGN PROPOSAL                                                                                     |
|---------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Includes removal and disposal of existing sign.</li></ul> |

Directional Sign

RENDERING



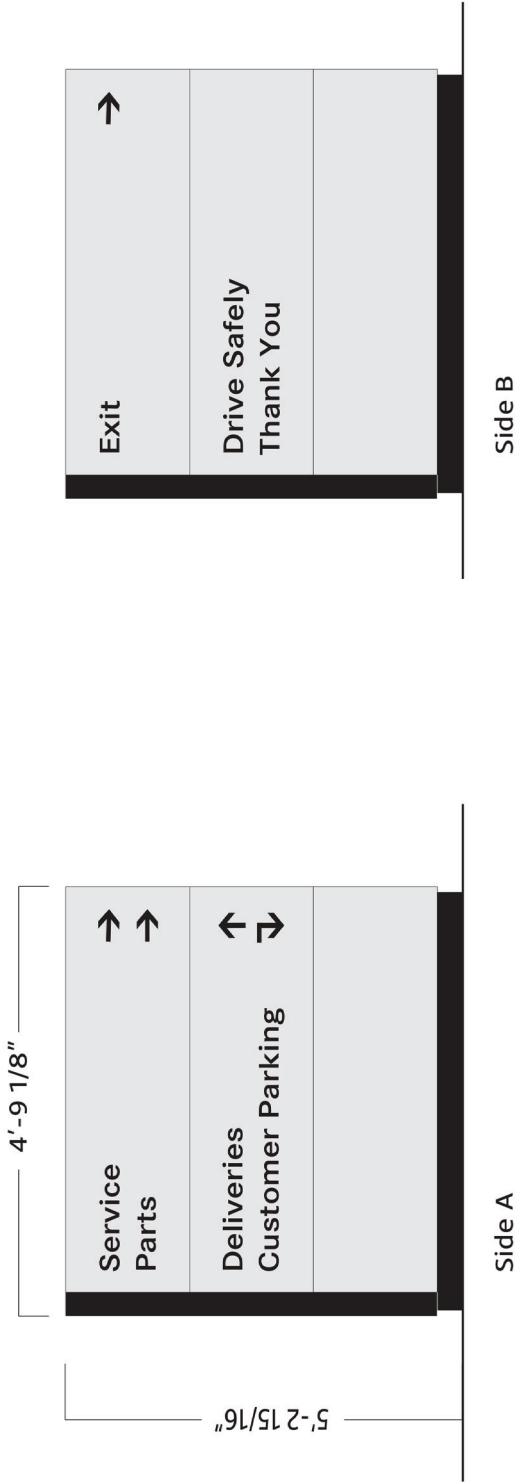
**AGI SCOPE**

- AGI to remove and dispose of existing directionals and replace with new.



632-DI

FREESTANDING INFORMATIONAL SIGN

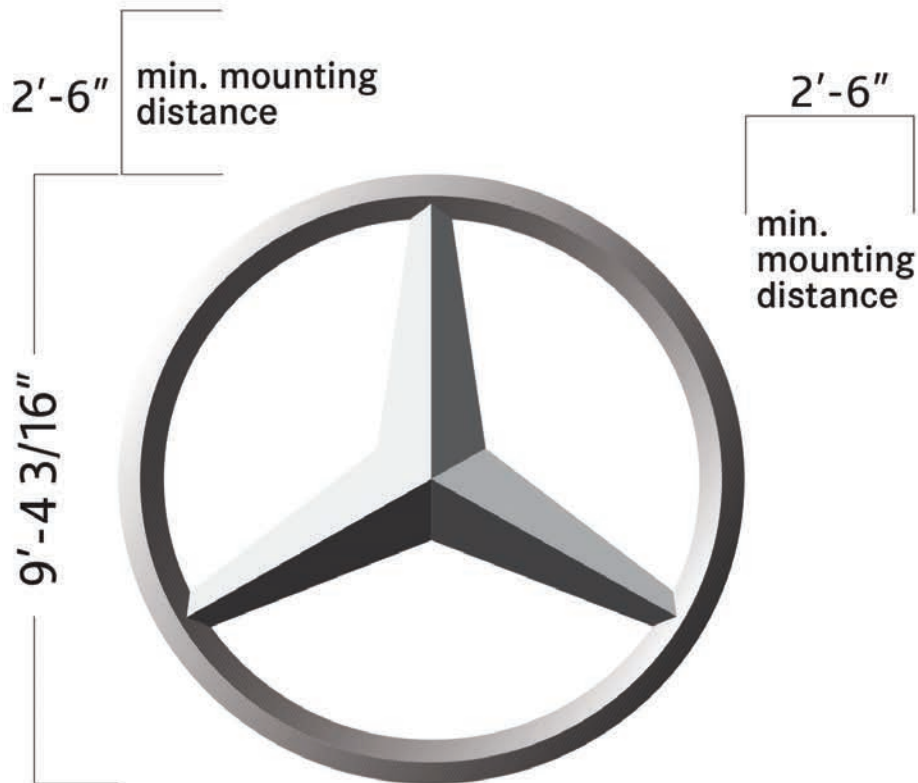


| SIGN SPECS                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Double-Sided</li><li>- Illuminated</li><li>- Power Requirements: 120V/20A Circuit Required if Illuminated</li><li>- Mounting Method: Direct Bury</li><li>- Sign Colors: Cabinet: 4MM ACM Alpolic HYU-Silver</li><li>- Accents: 4MM ACM Alpolic TBL Black</li><li>- Illuminated Copy: White Acrylic with Surface Applied Dual Color Film 3M #3635-222 Black</li></ul> |

| SIGN PROPOSAL                                                                                     |
|---------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Includes removal and disposal of existing sign.</li></ul> |

# Exterior Integrated Wall Star

## MER #7 Star



### ***SIGN SPECS***

- Illuminated
- Power Requirements: 120V/20A Circuit Required
- Mounting Method: Wall Mounted
- Sign Colors: Polycarbonate logo with 2nd surface applied spray chrome finish and 3M #7225-12 Black Vinyl on Border Flange

**PROPOSED PROJECT: PL 19-0075**  
**EXTERIOR INTEGRATED WALL STAR**

**W-MBD-36-M**

**MB NAME IDENTIFIER**

52' - 3 5/8"

3'-0" Mercedes-Benz of Escondido

**SIGN SPECS**

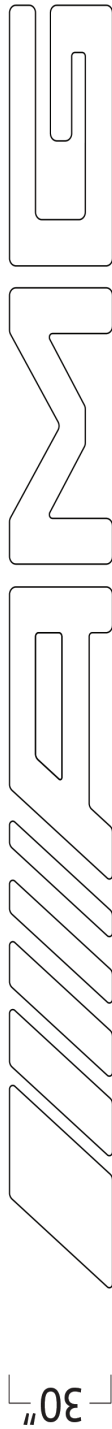
- Illuminated
- Power Requirements: 120V/20A Circuit Required
- Mounting Method: Mullion Mount
- Sign Colors: Letters: #2447 Translucent White Acrylic  
Returns: Prefinished Anodized Bright Clear Aluminum



PROPOSED PROJECT: PL 19-0075  
MB NAME IDENTIFIER

**W-AMG-30-M**      **AMG NAME IDENTIFIER**

26'-0 3/4"



| SIGN SPECS                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>- Illuminated</li><li>- Power Requirements: 120V/20A Circuit Required</li><li>- Mounting Method: Three Mounting Options Available</li><li>- Sign Colors: Cabinet: Alpolic TBL Black ACM</li><li>- Cabinet Back: Aluminum Painted Akzo Nobel #AIGN80849 GGBC Semi Black</li><li>Letters: #2447 Translucent White Acrylic</li></ul> |



Mullion Mount

# CHANNEL LETTERS (SERVICE)

W-20-S



## ***SIGN SPECS***

- Illuminated
- Power Requirements: 120V/20A Circuit Required
- Mounting Method: Wall Mounted
- Sign Colors: Prefinished Anodized Bright Clear Aluminum Returns
- Letter Faces: #2447 Translucent White Acrylic

## ***SIGN PROPOSAL***

- The dealer is responsible for providing access behind the wall so the letters can be properly installed.

PROPOSED PROJECT: PL 19-0075  
CHANNEL LETTERS



## **EXHIBIT “C”**

### **Findings of Fact/Factors to be Considered PHG 19-0075**

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

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

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

3. The Planning Commission has independently considered the full administrative record before it, which may include, but is not limited to, such things as the July 27, 2021 Planning Commission Staff Report, testimony by staff and the public, and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. All of the requirements of CEQA have been met, and the Project will not have a significant effect on the environment.

### **Master and Precise Development Plan Modification**

1. The location and design of the proposed modification to the Master and Precise Development Plan are consistent with the goals and policies of the Escondido General Plan because auto dealerships are permitted within the Canterbury Place Planned Commercial land-use area. The site is physically suitable for the proposed development because the property is currently developed with an auto dealership and adjacent to commercial development. The uses proposed have a beneficial effect not obtainable under existing zoning regulations as the Planned Development allows flexibility in siting and development regulations to conform to the unique needs of specific commercial and auto-related operations. The project would provide for the expansion of a highly desirable commercial/retail operation and continued employment opportunities integrated into a comprehensive and self-contained development, which creates an environment of sustained desirability and stability through the controls offered and regulated through the Planned Development process.
2. The proposed location of the project allows the planned development to be well integrated with its surroundings because the auto dealership is located within the Canterbury Place Planned Commercial Area. Adequate parking, circulation, utilities and access would be provided for the development (as detailed in the staff report). All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion upon adjoining streets, as determined by the Engineering Division and detailed in the preliminary Traffic Assessment that was prepared for the project. The overall mass and scale of the building and proposed modification to the site are appropriate for the proposed location due to the quality of the architectural design and use of a variety of building materials and colors.
3. The proposed development would be well integrated into its surroundings as the site has already been developed as an auto dealership and is located within a planned commercial area. Appropriate on-site and perimeter landscaping is provided. The design of the building(s) and signage would incorporate compatible and integrated architecture, materials and colors, and the project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. The proposed grading design is minimal and would not result in any manufactured slopes or pads that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. Extensive grading is not required to support the project, and the project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site already has been developed with a commercial use is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features.
4. The project would provide an environment of sustained desirability and stability because city services and adequate access exist; adequate parking would be provided; the proposed

architecture would be integrated into its surroundings, and the auto dealership would continue to support the local sales tax revenue and employment opportunities for the community.

5. The improvements are not likely to cause substantial environmental concerns because the property was previously developed with commercial uses. The site does not contain any sensitive or protected habitat or other environmental concerns as determined during the environmental review. The design of the project and the type of improvements are not likely to cause serious public health problems because the project will not degrade the levels of service on the adjoining streets or drainage system. The project incorporates street and drainage improvements as part of the project design, and city sewer and water is available to the site.

## EXHIBIT “D”

### PLANNING CASE NO. PHG 19-0075

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **November 20, 2019**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Concept Landscape Plans and Colored Elevations; all designated as recommended for approval on **July 27, 2021**, 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.

This Modification to the Master and Precise Development Plan shall be subject to all relevant terms and conditions of approval from the previously approved Master and Precise Development Plan, modifications to the Master and Precise Development Plan and certified Environmental Impact Report, unless specifically modified by this approval.

#### 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 thirty-six (36) months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map application, the Permit shall automatically expire after thirty-six (36) months from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there

has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

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

  - a.** The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
  - b.** Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
  - c.** Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to the Grading Exemptions for the slope and wall up to an additional one foot in height. 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. Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance



requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

## **12. Clerk Recording.**

- a. Exemption.** The City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.
- b.** For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

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

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

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

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

- a.** The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).
- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to (i) 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; and (ii) any Claims related to the Agreement of Purchase and Sale and Joint Escrow Agreements executed by the City and the Applicant, including but not limited to any challenge to the City's determination that the disposition of the Property is exempt from the January 1, 2020 amendments to the Surplus Land Act (California Government Code section 54220 et seq.). Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected

by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

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

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

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

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

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

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** Appropriate trash enclosure(s) 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 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.** A minimum of 62 parking spaces, as shown on the Project plans, shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be

maintained in a clean, well-marked condition. The stripping shall be drawn on the plans or a note shall be included indicating double-stripping per City standards.

2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
  - a. A final landscape and irrigation plan shall be submitted to the 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 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 Community Development.
- 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 Community Development 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. Design/Operational**

- a.** Specimen-sized trees (min. 24" box) shall be incorporated into the final landscape plan.
- b.** Prior to issuance of building/demo permits for the project, if sales trailers are proposed during demo/construction operations, the applicant shall submit a temporary sales trailer agreement to the Planning Division for review and approval with appropriate plans, application fee and any necessary security/bonding for the removal of the trailers, associated equipment and temporary improvements.
- c.** Any existing trash enclosures shall be upgraded/retrofitted with a solid roof per storm water quality requirements. Appropriate building permits shall be submitted to the Building Division.

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

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

#### **G. Specific Engineering Services Department Conditions**

##### **GENERAL**

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject Property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warranty (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. 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 any Grading Plan, Improvement Plan, or Building Permit.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.

8. The Developer's engineer shall submit to the Planning Department 3 copies of the Modification to the Master and Precise Development Plan as presented to the Planning Commission together with any changes contained in the adopted final conditions of approval. The Modification to the Master and Precise Development Plan will be certified by the Planning Department verifying that they are an accurate reproduction of the approved Modification to the Master and Precise Development Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

## **STREET IMPROVEMENTS AND TRAFFIC**

1. Public street and drainage improvements shall be constructed to City Standards and to the satisfaction of the City Engineer prior to the 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. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
3. The project's access driveways shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-feet minimum ADA path of travel maintained near the R/W line to the satisfaction of the City Engineer.
4. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
5. The developer may be responsible for an overlay of Canterbury Place 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.
6. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
7. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760-839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
8. Adequate horizontal sight distance shall be provided at driveway entrances. Increased parkway widths, open space easements, restrictions on landscaping, red curbs, and "no parking" signs shall be provided as needed for adequate sight distance and subject to approval of the City Engineer. Signs shall be mounted on the street light poles where possible.
9. The developer will be required to provide a detailed detour and traffic control plan for all construction within the existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. The traffic control plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
10. All on-site driveways, and parking areas will be private. Typical sections and design details shall be to the satisfaction of the City Engineer and the Fire Marshal.
11. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.

12. The project owner shall remove and replace all damaged sidewalks and curb and gutters along project frontages on Canterbury Place to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.
13. The project owner shall replace the existing curb ramp on the project corner at Canterbury Place and W. 9<sup>th</sup> Avenue with a new ADA compliance ramp to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.

## **GRADING and SITE IMPROVEMENTS**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The Soils Engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim sloping planting, gravel bags, 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 development of the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of aggregate base (AB) or 5 1/2" Portland concrete cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. 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 applicant. 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.
5. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
7. After approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760-839-4664 to arrange for the Encroachment Permit and inspections.
8. All blasting operations performed in connection with the improvements of the project shall comply with the City of Escondido Blasting Operations Ordinance.

9. The developer shall be responsible for the recycling all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other locations approved by the Director of Engineering Services.
10. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

## **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a 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. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
3. All site drainage with emphasis on the parking and drive way 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 within or along the perimeter of the parking and driveway area as the primary method of storm water treatment and hydro-modification compliance. The landscape plans shall reflect these areas of storm water treatment.
4. All on-site storm drains, detention basins, and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

## **WATER SUPPLY**

1. All water main locations and sizing shall be to the satisfaction of the City Engineer and Utilities Engineer. Required water main improvements shall include a looped 8-inch public water main. The 8-inch water main shall be located within a minimum, 20-foot Public Utility Easement and designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
3. All public water mains, fire hydrants, and public appurtenances shall be located within a Public Utility Easement. There shall be no permanent structures located within the Public Utility Easement.

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. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
6. Trees or deep-rooted plants shall not be planted within 10 feet of any water service.
7. All water services shall be installed per current City of Escondido Design Standards and Standard Drawings.

#### **SEWER**

1. A private 6" minimum PVC sewer lateral with a standard clean-out within 18" of the Public Utilities Easement/right-of-way and at angle points shall be constructed and shown on the Improvement and Grading plans. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.
2. Trees or deep-rooted bushes shall not be planted within ten (10) feet of any sewer lateral, or within fifteen (15) feet of any sewer main.
3. All sewer laterals will be considered a private sewer system. The property owner will be solely responsible for all maintenance of the sewer lateral(s) to the sewer main.

#### **LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the first submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees.
2. Permanent landscaping shall be installed along the project frontage and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by the property owner.

#### **EASEMENTS AND DEDICATIONS**

1. Public utility easements for public water mains shall be granted to the City. The minimum easement width is 20 feet. Permanent structures shall not be located within Public Utility Easements.
2. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
3. 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 Grading Plan and Building



Permits. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

4. The developer shall dedicate emergency access easements required by the Fire Marshal. Plats and legal descriptions for the easement shall be signed and sealed by a person authorized to practice land surveying and shall be submitted for review and approval by the City. The City will prepare the final emergency access easement grant deed documents. The initial submittal of the plat and legal shall include the required Dedication of Easement fee in effect at the time of the submittal.

#### **REPAYMENTS AND FEES / CASH SECURITY AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive of abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up 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, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

#### **MISCELLANEOUS REQUIREMENTS / SURVEYING AND MONUMENTATION**

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded. If all property corners of record are found at the completion of the project, they shall be flagged in the field for inspection and a corner record or record of survey will not be required.

#### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the property boundary or along fronting streets shall be relocated underground as required by the City's 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. All new dry utilities to serve the project shall be constructed underground.
3. The developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation, and undergrounding. All new utilities shall be constructed.

## PLANNING COMMISSION

Agenda Item No.: G.2  
Date: July 27, 2021

**PROJECT NUMBER / NAME:** PHG 20-0030 / 2021-2029 General Plan Housing Element Update, and General Plan Community Health and Services Chapter Amendment

**REQUEST:** Adoption of the 2021 – 2029 Housing Element Update and associated amendment to the Community Health and Services Chapter of the General Plan, and the Third Addendum to the 2012 Final EIR for the Comprehensive General Plan Update, Downtown Specific Plan Update, and Climate Action Plan.

**LOCATION:** CityWide

**APPLICANT:** City of Escondido

**APN / APNS:** N/A

**PRIMARY REPRESENTATIVE:**  
Planning Division

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

**DISCRETIONARY ACTIONS REQUESTED:** General Plan amendments

**PREVIOUS ACTIONS:** N/A

**PROJECT PLANNER:** Adam Finestone, AICP  
Interim Director of Community Development  
[afinestone@escondido.org](mailto:afinestone@escondido.org)

**CEQA RECOMMENDATION:** Adopt a Third Addendum ("Addendum") to the 2012 Final Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Environmental Impact Report.

**STAFF RECOMMENDATION:** Provide a recommendation to City Council to approve the Project.

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2021-10

**CITY COUNCIL HEARING REQUIRED:** ☒ YES ☐ NO

**REPORT APPROVAL:**

☒ Adam Finestone, AICP  
Interim Director of Community Development

Note to the reader:

When used in relation to the Escondido General Plan, the terms “Community Health and Services Element” and “Community Health and Services Chapter” are interchangeable and refer to Chapter 5 of the Escondido General Plan. When used in relation to the Escondido General Plan, the terms “Public Safety Element,” “Safety Element,” “Community Protection Element,” and “Community Protection Chapter” are interchangeable and refer to Chapter 6 of the Escondido General Plan.

**A. BACKGROUND:**

The California Legislature has determined that a primary state housing goal is to ensure that every resident has a decent home and a suitable living environment. To ensure adequate housing can be developed in a jurisdiction, a Housing Element is required as part of the General Plan. The Housing Element is one of the eight mandatory General Plan elements, as articulated in sections 65580 to 65589.8 of the Government Code (“Housing Element Law”). Pursuant to Housing Element Law, the Housing Element has two main purposes: 1) to provide an assessment of both current and projected housing needs and constraints in meeting these needs; and 2) to state “goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.” (Gov’t Code § 65583.) Thus, a Housing Element has become the official “planning” response to the need to provide housing and housing-related services for all economic segments of the community.

The Housing Element portion of the 2012 Escondido General Plan provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing throughout the community. The City of Escondido’s 2012 Housing Element includes policies to promote the maintenance of existing housing and increase capacity for additional housing options so that existing and future housing needs of people living and working in the City of Escondido are met. The City’s 2012 Housing Element was an eight-year plan for the 2013-2021 period (called the 5th Cycle planning period), which differs from the City’s other General Plan elements that cover a much longer period. Because the 2013-2021 Housing Element covers only an eight year planning period, the City’s 2013-2021 Housing Element is out of date and no longer satisfies statutory requirements. (While part of the General Plan, the Housing Element is updated more frequently to ensure its relevancy and accuracy.) To remain on an eight-year planning cycle, the City must adopt its Housing Element within 120 calendar days from the statutory due date of April 15, 2021, for the jurisdictions in the San Diego region (i.e., August 13, 2021). If adopted after this date, Government Code section 65588(e)(4) requires the Housing Element to be revised every four years until adopting at least two consecutive revisions by the statutory deadline.

Upon the adoption of the 2021-2029 Housing Element, the Public Safety Element portion of the General Plan is required to be updated pursuant to Government Code section 65302(g). The Safety Element, which is called the Community Protection Chapter in the 2012 Escondido General Plan, addresses potential and existing hazards in the City, which are outlined in the following categories: Emergency Preparedness, Geological Hazards/Seismic Activity, Flood Hazards, Hazardous Material and Mining Hazards, Public Safety Services and Facilities, Fire Hazards and Protection, and Severe Weather Hazards. Among other updates, additional categories for

Climate Change Resiliency and Mitigation must be added. Further, because the Community Protection Chapter update is required to be updated concurrently with the Housing Element update, Government Code section 65302(h) requires the City to also either adopt an Environmental Justice Element or integrate environmental justice goals, policies, and objectives into other elements of the General Plan. Environmental justice is defined by the State of California as the “fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins with respect to the development, adoption, implementation, and enforcement of laws, regulations, and policies.” (California Government Code section 65040.12(e)). As such, environmental justice goals, policies, and objectives will be integrated into the City’s Community Protection Chapter and Community Health and Services Chapter.

The process related to preparing General Plan amendments provides jurisdictions with an opportunity to be strategic. It is a chance for cities and counties to articulate housing issues, take stock of housing resources and opportunities, and establish forward-thinking goals, policies, and programs to guide decision making through 2029. For the City of Escondido, this General Plan amendment work program:

- Discusses CityWide housing and population demographics, regional fair-share housing allocations, and implementation mechanisms;
- Continues existing City housing policy and updates policies as needed to meet State mandates;
- Reinforces the City’s commitment to affordable housing and ensures that affordable housing is added in many areas across the City and not concentrated in areas with lower access to amenities or near sources of pollution;
- Reinforces the City’s commitment to existing land use policies that limit or prevent housing development in areas with development constraints, such as agriculture and conservation lands, and to the extent feasible, fire and flood hazard zones;
- Reinforces and expands on programs to develop complete neighborhoods in mixed-use areas adjacent to transit opportunities and services;
- Identifies strategies for expanding housing opportunities and services for all household types and income groups;
- Affirmatively furthers fair housing and identifies environmental justice and social equity issues to support positive economic, educational, and health outcomes for target populations;
- Identifies vacant or under-developed sites, meaning sites with substantial unused land or development potential;
- Addresses the public safety and public health needs and concerns of its residents, businesses, and other community members, and sets forth a coordinated program for all potential natural and human-caused hazards;
- Addresses climate adaptation and resiliency strategies applicable to the Public Safety Element; and
- Provides the primary policy guidance for local decision-making related to housing;

**B. SUMMARY OF REQUEST:**

The project consists of a General Plan amendment to update the City of Escondido's Housing Element for the 6th Cycle planning period from April 15, 2021, to April 15, 2029; and a General Plan text amendment to the Community Health and Services Chapter to address recent changes in state law with an expanded focus on environmental justice goals, policies, and objectives ("Project"). Additional General Plan text amendments that focus on environmental justice goals, policies, and objectives, and on planning for natural and human-caused public safety hazards, must be incorporated into the Community Protection Chapter to address recent changes in state law. However consultation with the California Department of Forestry and Fire Protection ("CDF") is required before those amendments can occur.

- The Housing Element is a policy document designed to provide the City a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community. The proposed draft 2021-2029 Housing Element is attached as Exhibit "B" to draft Planning Commission Resolution No. 2021-10, which itself is attached to this report as Attachment 6. Approving the Project would repeal in its entirety the 2013-2021 Housing Element and adopt in full new text, graphics, and figures comprising the 2021-2029 Housing Element of the General Plan.
- The Community Health and Services Chapter, which is an optional element to the General Plan, promotes a community-based and private sector approach for establishing a sustainable and healthy community. The General Plan text amendment to the Community Health and Services Chapter is provided as Exhibit "C" to draft Planning Commission Resolution No. 2021-10. Approving the Project would incorporate the minor text amendment into the General Plan.
- The Public Safety Element (called Community Protection Chapter in the 2012 Escondido General Plan), identifies hazards and ways to reduce those hazards to guide local decisions related to zoning and development regulations. Policies and implementable actions may include methods for minimizing risks, as well as ways to minimize economic disruption and speed up recovery following disaster. As noted above, additional General Plan text amendments focusing on environmental justice, and those focusing on planning for natural and human-caused public safety hazards, are required as a result of the Housing Element update and will be incorporated into the Community Protection Chapter of the General Plan following consultation with CDF. It is anticipated that the Community Protection Chapter amendments will be brought before the Planning Commission in the fall for consideration and recommendation to the City Council.

### **C. SUPPLEMENTAL DETAILS OF REQUEST:**

From time to time, cities tailor their goals, policies, and programs to create a local community that develops in a way that the local policy-makers desire. Cities use their "police power" to create laws that promote the general health, safety, and welfare of their citizens. In California, this doctrine is reflected in Article XI, section 7 of the California Constitution, which serves as the basic authority for cities to enact regulations and ordinances as long as they do not conflict with state laws. In many cases, the California Legislature has created only minimum frameworks for the

exercise of regulatory powers. The nuances of the regulations are thus established at a local level.

The Planning and Zoning Law requires a city or county to adopt a General Plan for land use and development within its boundaries that includes, among other things, a Housing Element. Recognizing that “the availability of housing is of vital statewide importance and that decent housing and a suitable living environment is a priority of the highest order,” the California Legislature adopted the Housing Element Law to ensure that cities and counties recognize their responsibilities in attaining these housing goals. The California Legislature placed responsibility on cities and counties to facilitate the improvement and development of housing for all economic segments of the community. Therefore, each city and county is required to work cooperatively with other local governments and the state in addressing regional housing needs. Although Housing Element Law allows a city or county to maintain some degree of flexibility in adopting planning and zoning policies and ordinances, those policies and ordinances must be compatible with state housing goals and regional housing needs.

California Government Code section 65580 specifically declares the following regarding housing:

1. The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.
2. The early attainment of this goal requires cooperative participation of government and the private sector to expand housing opportunities and accommodate the housing needs of Californians in all economic levels.
3. The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.
4. Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.
5. The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.
6. Designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality’s housing need for all income levels is essential to achieving the state’s housing goals and the purposes of this article.

Each jurisdiction’s Housing Element is subject to detailed statutory requirements, including a requirement to be updated every four or eight years, and mandatory review by the California Department of Housing and Community Development (“HCD”) prior to adoption. The California Legislature has granted HCD the authority to promulgate detailed guidelines for the preparation of Housing Elements, and also determine whether a jurisdiction’s Housing Element substantially complies with the requirements of state law. A finding of substantial compliance is often referred

to as “certification” of the Housing Element. To maintain compliance with the state, the City of Escondido must have an adopted and certified Housing Element by August 13, 2021.

The goals, policies, and programs within the proposed draft 2021-2029 Housing Element relate directly to, and shall be consistent with, other elements of the General Plan. Pursuant to California Government Code section 65302(g), the City is required to update the Community Protection Chapter of the General Plan upon updating its Housing Element, to address goals, policies, and programs necessary to protect the community from hazards like wildfires and climate disruption. Further, as a result of the concurrent update to both the Housing Element and Community Protection Chapters of the General Plan, the City is also required pursuant to Government Code section 65302(h)(2) to integrate environmental justice goals, policies, and objectives into the General Plan. As such, certain environmental justice goals, policies, and objectives are included with the proposed text amendment to the Community Health and Services Chapter of the General Plan.

As noted previously, amending the Community Protection Chapter of the General Plan requires consultation with CDF. As soon as that consultation has concluded, the amendment to the Community Protection Chapter of the General Plan will be brought to the Planning Commission for consideration and recommendation to the City Council. The amendment will address goals, policies, and programs to protect the community from hazards such as wildfires and climate disruption, and will also incorporate additional goals, policies, and objectives to address environmental justice and social equity.

#### **D. PROJECT ANALYSIS:**

##### **Housing Element**

Pursuant to Government Code section 65583, a Housing Element is required to consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. Specifically, a Housing Element is required to contain the following:

- An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs (Government Code section 65583(a));
- A statement of the community’s goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing (Government Code section 65583(a)); and
- A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation of the policies and achieve the goals and objectives of the housing element (Government Code section 65583(c)).

The proposed draft 2021-2029 Housing Element consists of the following major components:



- A profile and analysis of the City's demographics, housing characteristics, and existing and future housing needs.
- A review of the real or potential constraints to housing production and preservation. Constraints include potential market, governmental, policy, and environmental limitations to meeting the City's identified housing needs.
- An assessment of resources available to meet the City's objectives regarding housing production and preservation.
- Strategies to address the City's identified housing needs, including housing goals, policies, and programs, including changing housing needs, including preparation of a Regional Housing Needs Allocation ("RHNA") plan (Government Code section 65584(a)).

A critical measure of compliance with Housing Element Law is the ability of a jurisdiction to accommodate its share of the regional housing needs based on a RHNA prepared by HCD for each Council of Governments in the state that identifies projected housing units needed for all economic segments based on Department of Finance population estimates. The San Diego Association of Governments ("SANDAG") is the Council of Governments for the San Diego region and allocates to the 18 cities and the unincorporated area of San Diego County their fair share of the total RHNA housing needed for each income category. Overall, the region needs to plan for an additional 171,685 units. The City's share of the regional housing need for the 2021-2029 RHNA period is allocated by SANDAG based on several factors, including recent growth trends, income distribution, and capacity for future growth. Each local government must demonstrate that it has planned to accommodate all of its regional housing need allocation in its Housing Element.

Escondido's share of regional future housing needs is a total of 9,607 new units for the period of April 15, 2021, to April 15, 2029. This allocation is divided into various income categories, of which 3,113 new units must be reserved for households in the low- and very low-income category. The overall RHNA allocation process reflects a need for cooperation between both public and private sectors to expand housing opportunities that will allow for new housing development that benefits everyone in the community, such as a greater mix of housing types and choices. It allows local governments to maintain control over where and what type of development should occur in their communities, while allowing the private sector to meet market demand. While the Housing Element must contain a variety of community statistics to frame future housing needs, pursuant to Government Code section 65583, all cities must accommodate their RHNA allocations in their Housing Elements by adopting land use plans that accommodate the minimum number of housing units per their RHNA.

Housing Element Law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction's share. A jurisdiction may meet the RHNA requirement using potential development on suitable vacant and/or non-vacant sites within the community. A jurisdiction must document how zoning and development standards on the proposed sites facilitate housing to accommodate the remaining RHNA requirement. Government Code section 65863(c) requires the City to identify available sites to satisfy its RHNA obligations, and also establish procedures for the City to follow in the event that a site becomes unavailable. To ensure that the City monitors its compliance with Government Code section 65863 ("No Net

Loss”), the City will monitor the consumption of residential acreage to verify an adequate inventory is available to meet the City’s RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code section 65863. If an approval of development results in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower income households, the City will identify (and, if necessary, rezone) sufficient sites to accommodate the shortfall and ensure there is “no net loss” in capacity to accommodate the RHNA. The City will maintain an inventory of available sites for residential development and provide it to prospective residential developers upon request. The parcel-by-parcel inventory is located in the Sites Inventory Appendix of the Housing Element.

Since the adoption of the City’s 5th Cycle Housing Element in 2012, several changes to Housing Element Law have taken effect. In particular, the state increased its ability to enforce Housing Element requirements, and the ability for interested persons to challenge the City’s compliance with Housing Element Law. Pursuant to Government Code section 65585, the state has a greater range of penalties that can be imposed for non-compliance, including the increased risk of exposure to a variety of fiscal and regulatory impacts, reducing local control over housing-related decision-making. Failure to comply also risks the state imposing a more frequent update cycle on the City. The City’s 6th Cycle Housing Element Update was prepared to comply with Housing Element Law, as amended, and all other federal, state, and local requirements, as necessary to demonstrate compliance with state law and gain State certification.

Housing Element Law requires that HCD review local housing elements for compliance with Housing Element Law and report written findings to the local jurisdiction. State law requires that draft Housing Element amendments be submitted to HCD for review at least 60 days prior to adoption. Escondido’s draft 2021-2029 Housing Element, dated March 18, 2021, and included as Attachment 1 to this staff report, was submitted to HCD on March 26, 2021. City staff and its consultant team had informal discussions with HCD staff on April 30, 2021, regarding the submittal and its content. City staff and their consultant team clarified many questions by phone, but HCD also asked the City to submit topical revisions to HCD staff on May 11, 19, and 24, 2021, in an attempt to resolve all issues and see the changes in writing. Despite these changes, HCD determined that there were still outstanding issues. HCD’s formal review letter was received on May 25, 2021, and identified two areas of deficiency (see Attachment 2 to this report). In response to the informal discussions, and the outstanding items that were articulated in the May 25, 2021, review letter, City staff and their consultant team made additional revisions to the draft 2021-2029 Housing Element. (The May 25, 2021, HCD letter indicated that the draft proposed Housing Element would meet the statutory requirements of State Housing Element Law once it has been revised to comply with the items identified in the letter.) The revised draft 2021-2029 Housing Element (dated June 17, 2021) is provided as Attachment 3 to this report, and shows all changes tracked from the March 18, 2021, version. The June 17, 2021 draft plan is also provided as a “clean copy” as Exhibit “B” to draft Planning Commission Resolution No. 2021-10. As of this writing, it is believed that the proposed draft 2021-2029 Housing Element is in substantial compliance with specified provisions of Housing Element Law, however staff has not yet received confirmation of such from HCD.

## **Community Health and Services Chapter**

A text amendment to the Community Health and Services Chapter of the General Plan is needed in order to incorporate certain mandated environmental justice goals, policies, and objectives into the General Plan. Environmental justice goals are achieved when everyone in the City has the same degree of protection from environmental and health hazards; a healthy environment in which to live, learn, and work; and equal access to the decision-making process. Environmental justice policies will be aimed at reducing health risks, promoting civic engagement, and prioritizing the needs of disadvantaged communities with implementable actions that achieve them.

Environmental justice goals and policies were developed primarily through the work achieved during the course of developing the 2021 Climate Action Plan, by identifying disadvantaged communities and demographics and conducting community outreach to better understand the unique and disproportionate challenges faced by these communities. Portions of Government Code section 65302(h) that relate to civic engagement are addressed in the proposed text amendment to the Community Health and Services Chapter of the General Plan. Reliance on the 2021 Climate Action Plan will guide the City's efforts to address issues related to public health, social equity, and environmental justice. (Note that other portions of Government Code section 65302(h) will be incorporated into the Community Protection Chapter of the General Plan as part of the future amendment to that chapter noted above.)

## **General Plan Conformance**

Government Code section 65300.5 states: "In construing the provisions of this article, the [California] Legislature intends that the General Plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." The purpose of requiring internal consistency is to avoid policy conflict and provide a clear policy guide for the future maintenance, improvement and development of housing within the City. The 2012 Escondido General Plan contains the following nine Chapters: 1) Vision and Purpose; 2) Land Use and Community Form; 3) Mobility and Infrastructure; 4) Housing; 5) Community Health and Services; 6) Community Protection; 7) Resource Conservation; 8) Growth Management; and 9) Economic Prosperity. All elements of the General Plan have been reviewed for consistency in coordination with this update to the Housing Element and amendment to the Community Health and Services Chapter.

### **1. Housing Element**

The proposed draft 2021-2029 Housing Element includes three goal statements. Under each goal statement, the plan sets out policies that amplify the goal statement. Implementation programs are listed at the end of the corresponding policy or group of policies and describe briefly the proposed action, the City agencies or departments with primary responsibility for carrying out the program, and the time frame for accomplishing the program. Several of the implementation programs also list quantified objectives. Specific goals and policies related to housing are intended to guide development to meet present and future needs, achieve a vibrant community, and enhance the character of Escondido. Future land development applications are required to be consistent with all relevant policies and programs of the other elements of the General Plan.

The Housing Element Update is a part of and is required to be consistent with the General Plan, including its growth management policies, infrastructure policies, public safety policies, health and transportation elements, and all other relevant portions of the other elements. The goals, policies, and programs described in the proposed draft 2021-2029 Housing Element are consistent with and promote the goals and policies of the overall General Plan. Only modest changes to policy directions and strategies of the 2013-2021 Housing Element are included in the Project. The main changes are that funding programs will prioritize housing, accessory dwelling units will be the focus of efforts to reduce regulatory constraints, more collaborative efforts will be pursued, the housing needs of farmworkers and the homeless will get increased attention, and other changes necessary to be consistent with recent Housing Element Law changes. Aside from these modifications, the existing housing strategies and policies are deemed adequate, and they provide a broad and comprehensive framework to guide planning and decision-making related to housing issues. Because the 2013-2021 Housing Element for the 5th Cycle planning period was utilized as a baseline, the proposed changes of the plan build upon and revise, as appropriate, the goals, policies, and programs of the existing plan to ensure that the City can meet the housing needs of all Escondido residents through 2029, when the plan is scheduled to be updated again.

The City monitors the General Plan on an annual basis to ensure consistency between the various General Plan elements and ensure policy direction introduced in one element is reflected in other plan elements. For example, residential development capacities established in the Land Use Element (Land Use and Community Form Chapter) and constraints to development identified in the Public Safety Element (Community Protection Chapter) are incorporated into the Housing Element, and the discussion of infrastructure and public services in the Housing Element is based upon information from the Mobility and Infrastructure Element and Community Protection Element. As the General Plan is amended from time to time, the City will review the Housing Element for internal consistency, and make any necessary revisions.

## 2. Environmental Justice Goals, Policies, and Programs

Cities' general plans must be updated to address environmental justice upon the concurrent amendment of two or more existing general plan elements. Pursuant to Government Code section 65302(h)(2), cities may either adopt an Environmental Justice Element or incorporate related environmental justice goals, policies, and objectives into other elements of their general plans. Escondido will address environmental justice through integration of goals, policies, and objectives into the Community Protection Chapter and Community Health and Services Chapter of its General Plan.

As part of its effort to address environmental justice goals, policies, and objectives, Civic Engagement goals in the Community Health and Services Chapter of the General Plan are being amended to include additional policies to expand outreach efforts to disadvantaged communities and target populations, particularly on issues that relate to social equity and health. Increased civic engagement provides a diverse perspective to inform future city policy

and thus relates to all elements of the General Plan. Increased civic engagement in and of itself is therefore consistent with all other elements of the General Plan.

Additional General Plan text amendments related to environmental justice are being developed for incorporation into the Community Protection Chapter in the near future. A full analysis of those amendments will be provided when they are brought forth to the Planning Commission for a recommendation to the City Council.

### **Zoning and Specific Plan Consistency**

The relationship of a Housing Element and its implementation program, as well as the authority to defer these implementing actions, is described by Government Code sections 65583(b) and (c). Under Housing Element Law, each jurisdiction must identify specific programs in its Housing Element that will allow it to implement the stated goals and policies and achieve the stated objectives. Programs must include specific action steps the locality will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the jurisdiction's specific role in implementation, and (whenever possible) identify specific, measurable outcomes. This includes potential amendments to a jurisdiction's ordinances, including zoning codes and specific plans if related to the results and analyses of local housing needs, available land and financial resources, and the mitigation of identified governmental and non-governmental constraints. Housing Element goals, policies, and programs identify various zoning and specific plan standards and guidelines that should be investigated to assist in removing perceived constraints to housing production.

### **Climate Action Plan Consistency**

The City is able to meet its RHNA requirement without any changes to General Plan designations or the densities allowed pursuant to said designations. Therefore, the proposed draft 2021-2029 Housing Element is consistent with the business-as-usual forecast of greenhouse gas emissions in future years and the General Plan amendment would not, in and of itself, result in impacts to air quality or greenhouse gas emissions. All future land use development, regardless of the status or adoption date of the proposed draft 2021-2029 Housing Element, would require project-specific environmental evaluation in order to determine that any potential impacts are less than significant, including adherence to the City's Climate Action Plan Consistency Checklist. At such time that a development proposal is considered, that project would be subject to adopted development guidelines/standards and any impacts identified with the development project would be addressed, specific to the impact.

### **E. FISCAL ANALYSIS:**

The cost associated with the preparation of the report is included within the Community Development Department budget. HCD has supported the Housing Element Update planning effort by awarding the City \$310,000 through an SB 2 Planning Grant, and \$500,000 through a Local Early Action Planning ("LEAP") Grant Program.

Housing Element Law recognizes that a jurisdiction's housing policies and programs may set a course of implementation actions that may exceed available resources and the community's ability to satisfy these needs. The quantified objectives of the proposed draft 2021-2029 Housing Element, therefore, need not be identical to the identified housing need but rather establishes the maximum number of housing units that can be constructed, rehabilitated, and conserved over an eight-year time frame. Future funding needs for Housing Element implementation will be brought forward to City Council for consideration as separate action item(s) and incorporated into the budgeting process. Direct budget implications in future years could also include staff resources and other direct expenses.

Several federal, state, and regional funding programs consider Housing Element compliance as an eligibility or ranking criteria. For example, the California Department of Transportation Sustainability Communities Grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities Programs; and HCD's Permanent Local Housing Allocation consider Housing Element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant Housing Element, the City will meet the Housing Element requirements for these and other funding sources.

#### **F. ENVIRONMENTAL STATUS:**

The 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR ("Final EIR") was certified on May 23, 2012, by the Escondido City Council (SCH #2010071064). Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances or new information to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review. City staff evaluated the Project, and all aspects of the changes, in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162. City staff concluded that the EIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the revised Project, and therefore, no subsequent EIR or mitigated negative declaration is required. On that basis, City staff has prepared an Addendum for the changes, pursuant to CEQA Guidelines section 15164. (The Addendum is provided as Exhibit "D" to draft Planning Commission Resolution No. 2021-10.)

The First Addendum to the Final EIR was prepared for the Downtown Specific Plan Density Transfer Program, and was adopted by City Council Ordinance No. 2019-06 on May 8, 2019. The Second Addendum to the Final EIR was prepared earlier this year to provide updated information to the previously-certified Final EIR. It was prepared in support of a proposed amendment to the Downtown Specific Plan which would modify locations where ground floor commercial uses are required, and establish new development standards for ground floor residential uses. Although the City Council has yet to independently review and consider the Second Addendum, the Planning Commission recommended approval of the Second Addendum through the approval of Resolution No. 2021-07 on June 22, 2021. It is anticipated that the

Second Addendum and associated Downtown Specific Plan amendment will be presented to the City Council for consideration on August 11, 2021.

This Third Addendum is associated with the Project, which would repeal in its entirety the 2013-2021 Housing Element and adopt in full new text, graphics, and figures comprising the 2021-2029 Housing Element to the General Plan. The Housing Element is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program; no actual development or land use designation changes are proposed as part of the Project. The population and economic growth assumptions under the proposed draft 2021-2029 Housing Element are the same as the Housing Element portion of the 2012 Escondido General Plan. The Project accommodates growth, rather than inducing it. All future land use development projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance or specific plan to quality of development at each housing site, and would be reviewed for compliance with CEQA at that time.

The Addendum is appropriate pursuant to CEQA Guidelines section 15164 because only minor changes and additions to the Final EIR are necessary to address the Project changes and no circumstances exist calling for the preparation of a subsequent or supplemental EIR pursuant to CEQA Guidelines sections 15162 and 15163. The proposed Addendum concluded that there are no substantial changes to the circumstances under which the proposed Specific Plan amendment is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed General Plan amendment would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. The General Plan amendment would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

#### **G. PUBLIC INPUT:**

Section 65583(c)(5) of the Government Code states, "The local government shall make diligent effort to achieve public participation of all the economic segments of the community in the development of the housing element, and the program shall describe this effort." The City undertook a public involvement process to help engage residents, businesses, and other community members in the development of three different housing studies and plans, consolidated under a single work program, called the Housing and Community Investment Study ("HCIS"). On June 10, 2020, the City Council considered and endorsed a Public Participation Plan ("Outreach Plan") and associated timeline to involve the community. Among other things, the work plan and schedule proposes a series of meetings with the Planning Commission to discuss different aspects and components related to the HCIS. The Outreach Plan can be accessed through the link provided below:



[https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EastValleySpecificPlan2020/HCI\\_SPPPJune102020.pdf](https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EastValleySpecificPlan2020/HCI_SPPPJune102020.pdf)

The City has also developed a periodic review page that can be accessed online at the link below to help the public access key documents. Informational reports and data generated during the review will be available for the public to view online:

<https://www.escondido.org/hcis.aspx>.

Public participation played an important role in the formulation and refinement of the City's housing goals and policies and in the development of the Housing Element. City residents had several opportunities to recommend strategies, review, and comment on the proposed draft 2021-2029 Housing Element. During the first and second phase of outreach, as part of the HCIS, which includes the development of an updated Housing Element, Sector Feasibility Study (Attachment 4 to this report), and an East Valley Specific Plan (currently being developed), the City worked with development experts, community-based interest groups, stakeholders, and the community at-large. When a draft of the Housing Element was available for review and comment, in summer 2021, public meetings to review the draft goals, policies, and programs were conducted in-person and virtually. Following review by HCD, the July 27, 2021, public hearing was scheduled with the Planning Commission to review and consider the 2021-2029 Housing Element.

The new Community Health and Services Chapter programs and policies are drawn from the 2021 Climate Action Plan, which itself underwent an extensive public review process. That two-year process included extensive public involvement, input from the Environmental Community Advisory Group, and adaptation steering committees, along with Planning Commission and City Council hearings. The reliance and reference to that document, and inferred policy guidance, helps associate additional and valued outreach and engagement activities.

Meeting notices for the July 27, 2021, Public Hearing were posted on the City's website, sent through Constant Contact (e-blast), and notification was published in the local newspaper in advance of the meeting. Copies of the draft plan were made available for review at City Hall and were posted on the City website, and notices were sent directly to agencies that serve the City's special needs populations. These service providers included organizations that represent the housing interest groups.

Public comments received on the Housing Element Update are included as Attachment 5 to this report.

#### **H. CONCLUSION AND RECOMMENDATION:**

California Government Code section 65103 requires the Planning Commission, as the City's Planning Agency, to review the proposed draft 2021-2029 Housing Element and make recommendations to the City Council as to action concerning the Housing Element Update. City staff recommends that the Planning Commission recommend approval of Planning Case No. PHG

Project Name: Housing Element Update  
PHG 20-0030  
Date: July 27, 2021

20-0030 based upon the factors/findings and conditions contained in Exhibit “A” to draft Planning Commission Resolution No. 2021-10. The City Council will then conduct a public hearing and take action on the Final 2021-2029 Housing Element update and General Plan amendment. Once adopted, the 2021-2029 Housing Element and General Plan amendment will have a binding effect on the City. Other planning actions such as adoption of a specific plan or zoning ordinance, approval of a subdivision map, etc. must be consistent with the General Plan, including the updated Housing Element.

Each year, jurisdictions must report to HCD on the progress made by the community in implementing the programs of the Housing Element; and to the Office of Planning and Research, the progress with General Plan implementation. These reports are critical to monitoring compliance with Housing Element Law or other program commitments during the eight-year planning cycles. Once adopted, the Planning Commission will receive this yearly reports and help the City administer a review of its progress towards meeting its obligations over the term of the planning period.

**ATTACHMENTS:**

1. Superseded Draft 2021-2029 Housing Element (dated March 18, 2021)
2. Comment Letter from HCD
3. Revised Draft 2021-2029 Housing Element with strikeout/underline changes (dated June 17, 2021)
4. Sector Feasibility Study
5. Public Comments
6. Draft Planning Commission Resolution No. 2021-10 with Exhibits “A” through “D”

**ATTACHMENT 1**  
**SUPERSEDED DRAFT 2021-2029 HOUSING ELEMENT**  
**(DATED MARCH 18, 2021)**

Due to the number of pages of Attachment 1, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours (8 a.m. to 5 p.m.).

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)

**ATTACHMENT 2**

May 25, 2021

Mike Strong, Director  
Community Development Department  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

Dear Mike Strong:

**RE: Review of Escondido's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element Update**

Thank you for submitting the City of Escondido's (City) draft housing element received for review on March 26, 2021, along with revisions received on May 11, 19 and 24, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on April 30, 2021 with you and Jessica Relucio from the City and the City's consultants Veronica Tam, Jamie Power, Aaron Barrall, and Dan Wery. In addition, HCD considered comments from the Building Industry Association (San Diego Office) pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code):

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

*Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

Enforcement and Outreach: While the element includes some information on fair housing complaints (p. 115), it must also address how the City complies with existing fair housing laws and regulations.

Integration and Segregation: The element contains some data on integration and segregation and includes data highlighting specific patterns that have high segregation and incidences of poverty. The element also states that the City has two areas of poverty and racial segregation (p.120). However, the element needs to analyze these areas of high segregation for patterns, trends over time, local data and knowledge, and any other relevant information. The analysis should also include integration and segregation patterns and trends among persons with disabilities, income, and familial status. Overall, the analysis needs to review and discuss trends, patterns, local data and knowledge, other relevant factors, and summarize any identified issues.

Racial/Ethnic Areas of Concentration of Poverty: The element states that the City has one racially/ethnically concentrated area of poverty that overlaps with an area of high racial segregation (p.120). The element must analyze those areas for trends and patterns both at a regional and local level, include local data and knowledge and other relevant factors that contributed to the creation of areas of poverty and summarize any identified issues.

Access to Opportunity: The element includes data related to access to opportunity based on whether a census tract is considered a low, moderate, or high resourced area and if there is high segregation and poverty prevalent in the tract (p. 121.) However, the element must accompany that data with analysis of trends, patterns, local data and knowledge, other relevant factors, and summarize any identified issues.

Disproportionate Housing Needs and Displacement: While the element does include some data on overcrowded units, cost-burdened households, and substandard housing conditions (p. 116), it must also analyze the data for trends, patterns, and local data and knowledge. It should also analyze the data as part of determining which populations and areas may be at risk of displacement. Lastly, the analysis should summarize any identified issues.

Sites Inventory: The element must identify and analyze the number of units, location, and assumed affordability on identified sites relative to all components of the assessment of fair housing. Additionally, the City has identified a proportion of its lower-income Regional Housing Needs Allocation (RHNA) in the South Centre Specific plan, which based on the data provided, is a low resourced area with high segregation and poverty. The element should analyze this area along with other areas and conclude whether the identified sites improve or exacerbate fair housing conditions. Based on the outcome of this analysis, the City should include programs and actions to mitigate fair housing issues.

Contributing Factors: The element must identify and prioritize contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices.

Goals, Priorities, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. Goals and actions must specifically respond to the analysis and identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have metrics and milestones as appropriate and must address housing mobility, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

*Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. (Gov. Code, § 65583, subd. (c)(1).)*

Suitability of Nonvacant Sites: The element must include an analysis to demonstrate the potential for redevelopment. The analysis shall consider factors, including but not limited to the extent existing uses constitute an impediment, development trends and market conditions.

The element includes descriptions of the different typologies or uses on nonvacant sites based on each community area. It also includes some information on vacancies and demand for the existing use and mentions factors utilized to determine additional development potential. However, the element should include additional information and analysis to demonstrate redevelopment. For example, the element notes several factors were used to

identify the sites with the most potential for additional development in the planning period such as improvement to land value ratios, age of structures, and the number of units that could be added to a property. The element should list the actual values for each of the sites to better relate the overall analysis to the sites inventory. Further, the element mentions recent redevelopment and similar characteristics to identified sites but should also detail the characteristics of those trends or other information that support the various assumptions (e.g., age of structure, floor area, improvement to land value ratios) used to identify sites with additional development potential.

In addition, the element should clearly identify reliance on nonvacant sites to accommodate the housing need for lower-income households. If the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, as part of the resolution to adopt the housing element, the City must make findings based on substantial evidence pursuant to Government Code section 65583.2, subdivision (g)(2).

Small Sites: Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. While the element included a few examples about developments with lot consolidation (p.97), it must also provide specific examples with the densities, affordability and, if applicable, circumstances leading to consolidation. The element should relate these examples to the sites identified to accommodate the RHNA for lower-income households to demonstrate that these sites can adequately accommodate the City's lower-income housing need. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating development on small sites.

Electronic Sites Inventory: Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

Programs: As noted above, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites.



The element will meet the statutory requirements of State Housing Element Law once it has been revised to comply with the above requirements.

As a reminder, the City's 6<sup>th</sup> cycle housing element was due April 15, 2021. As of today, the City has not completed the housing element process for the 6<sup>th</sup> cycle. The City's 5<sup>th</sup> cycle housing element no longer satisfies statutory requirements. HCD encourages the City to make revisions to the element as described above, adopt, and submit to HCD to regain housing element compliance.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of April 15, 2021 for San Diego Association of Governments (SANDAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Specifically, HCD understands the City made the element available to the public near the same time of submittal to HCD. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, and diligently consider and address comments, including making revisions to the document where appropriate. Consideration of comments should not be limited by HCD's findings in this review letter.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and responsiveness City staff Jessica Relucio, you, and the City's consultants Veronica Tam, Jamie Power, Aaron Barrall, and Dan Wery provided during the course of our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Sohab Mehmood, of our staff, at [Sohab.Mehmood@hcd.ca.gov](mailto:Sohab.Mehmood@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" written in a larger, more prominent script than the last name "West".

Shannan West  
Land Use & Planning Unit Chief

**ATTACHMENT 3**  
**REVISED DRAFT 2021-2029 HOUSING ELEMENT**  
**(STRIKE-THRU/UNDERLINE)**

Due to the number of pages of Attachment 3, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HousingElement/2ndHCDRevisedEscondidoHE06-17-21.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours (8 a.m. to 5 p.m.).

## **ATTACHMENT 4 SECTOR FEASIBILITY STUDY**

Due to the number of pages of Attachment 4, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/PlanningDivision/21046kalEscondido-ResidentialSFS-FINAL06-03-21.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours (8 a.m. to 5 p.m.).



## Attachment 5 Public Comments PHG 20-0030

3939 Iowa Street, Ste. 1  
San Diego, CA 92104  
Phone: (619) 239-6693  
Fax: (619) 239-5523  
[www.housingsandiego.org](http://www.housingsandiego.org)

July 7, 2021

Ms. Kristina Owens  
Associate Planner  
City of Escondido  
201 North Broadway  
Escondido, CA 92025  
Submitted via email: [kowens@escondido.org](mailto:kowens@escondido.org)

**Re: Draft 6<sup>th</sup> Cycle Housing Element**

Dear Ms. Owens:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6<sup>th</sup> Cycle Housing Element for the City of Escondido.

The draft Housing Element contains several actionable items that will help Escondido make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

### **Implementing State Legislation**

The San Diego Housing Federation was a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will help the city make progress toward the need for 3,113 low- and very-low income units for the Regional Housing Needs Allocation for the 2021-2029 cycle (p. 84). Identifying unused City-owned sites for housing can help to ensure the City is compliant with the State Surplus Land Act and helps support the development of affordable housing. We encourage Program 1.4 regarding City-owned land (p. 114) to include a provision to update city policies to comply with the Surplus Land Act.

We are pleased to see Program 1.6 to amend the City's zoning ordinance to comply with state law (p. 115). We recommend that the City move quickly to implement AB 1763, a bill we supported which provides a density bonus for developments that are 100 percent affordable, to serve as a tool for building affordable housing. The City should also work to implement AB 2345, a bill we supported that builds on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "[Equity and Climate for Homes](#)," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing.

### **Local funding for affordable housing**

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families and that federal and state funding is a critical piece to the resources puzzle. We strongly support Program 2.7 to pursue funding sources for the construction, acquisition and rehabilitation, and preservation of affordable housing (p. 119). We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ([SB 2, 2017](#)), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. As local gap financing is critical, we also strongly support the City including recycled RDA funds as a local financing source.

### **Affirmatively furthering fair housing and equity**

As noted in the housing element, there are two areas of poverty and racial concentration in Escondido (p. 99). As we know, housing development policies – how much and where new housing can be built – play a role in patterns of segregation within a community.

While Housing Policy 1.1 to expand the stock of all housing (p. 116) is laudable, the constraints created by the City's Proposition S, which requires voter approval of specified future changes to the Escondido General Plan, can hinder the goals of those policies and can play a role in creating exclusion. We recommend that Program 1.7, Monitoring of Growth Management Measure (p. 115) be updated to fully examine the impact of Proposition S on housing production and fair housing goals.

We further recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

### **Housing and Climate Change**

Our September 2016 report, "[Location Matters: Affordable Housing and VMT Reduction in San Diego County](#)," found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy. The City's Climate Action Plan calls for pursuing state grants such as the Affordable Housing and Sustainable Communities (AHSC) Grant to support affordable housing near transit (Climate Action Plan, March 2021, p. 3-14). However, the mentions of addressing climate change in the Housing Element are in relation to climate resilient homes and make no mention of dense, deed-restricted affordable housing as a greenhouse gas reduction tool nor pursuing AHSC funds. We urge the City to examine the role of affordable housing in helping the City to meet both its RHNA obligations and its Climate Action Plan goals.

We thank you for consideration of our feedback and comments. We appreciate the time and effort that staff have dedicated to the draft Housing Element document and look forward to supporting Escondido in adopting a robust plan that will help to meet the City's housing goals.

Sincerely,



Laura Nunn  
Chief of Policy & Education



# MEMORANDUM

**TO:** Members of the Escondido City Council and Escondido Planning Commission

**FROM:** Erik Felix and Lauren Harper

**DATE:** 06/11/2021

**SUBJECT:** Recommendations for Escondido's 6th Cycle Housing Element

Dear members of the Escondido City Council and Planning Commission,

Upon reviewing your 6<sup>th</sup> Cycle Housing Element, we would like to share some thoughts and observations that we feel are critical to consider to meet the housing needs of Escondido residents. The city has experienced a demographic shift over the past ten years, with a growing Hispanic population and decreasing white population. Escondido's total Regional Housing Needs Allocation (RHNA) is 230% more than the previous cycle. Despite these demographic changes and large expectations, Escondido's Housing Element is riddled with vague and aspirational language and estimates that go against the standards set forth by the California Department of Housing and Community Development (HCD).<sup>1</sup> As urban planning graduate students, we find it imperative that the state grow in an equitable and inclusive manner. Escondido's growing Hispanic and low-income population gives the City Council and Planning Commission an integral role in achieving that goal. We've organized our comments under the following topics: updating programs for Escondido's growing low-income population, improving siting and tenant protections to Affirmatively Further Fair Housing (AFFH), mitigating development fee burdens, invalidating Proposition S, and designing a mid-cycle Accessory Dwelling Unit (ADU) development trigger.

## Updating programs for Escondido's growing low-income population

Escondido's growing population of cost-burdened and low-income households is a signal to the City Council and Planning Commission that it must proactively address its stagnant housing production. Between 2010-2020, population growth increased 6.3%, yet housing units only grew 2.4%. This difference partly explains the growing rent burden your residents are experiencing. When compared to other jurisdictions in North San Diego, Escondido reported the most cost burdened residents, with 44.8% of all households paying more than 30% of their income on housing. Cost-burdened

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<sup>1</sup> "Affirmatively Furthering Fair Housing - California Department of ...." 27 Apr. 2021, [https://www.hcd.ca.gov/community-development/affh/docs/affh\\_document\\_final\\_4-27-2021.pdf](https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf). Accessed 26 May. 2021.

households are forced to spend less on basic necessities like healthcare and food.<sup>2</sup> Not actively meeting the housing needs of your residents will place them in increasing precarity. This is extremely important considering Escondido has a majority low-income community (53%) and the lowest median household income in North San Diego. Escondido has identified sites for a total capacity of 8,109 low-income units. Yet, Escondido's quantified objectives only plan to meet 45% of their low-income RHNA goal.<sup>3</sup> This is unacceptable. Worse, it appears that even this unaspiring estimation is inflated. Sixteen of your 21 programs from last cycle were not met and carried over into this housing element, and you have fewer programs this cycle, 18. Your last cycle yielded approximately 11% of its low-income RHNA goal, or 200 units.<sup>4</sup> For your 6<sup>th</sup> cycle, you estimate 795 low-income units will be built. How do you expect to build almost four times more low-income housing with essentially the same programs? Escondido should reconsider the design of its programs and incorporate mid-cycle triggers that facilitate by-right, multifamily development to house its growing cost-burdened and low-income residents.

### *Improving siting and tenant protections to Affirmatively Further Fair Housing*

AB 686 requires that housing elements include affirmatively furthering fair housing (AFFH) as part of their planning process. The goal of AFFH is to “combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians<sup>5</sup>.” More specifically, this includes a spatial analysis to ensure that low-income units are distributed across neighborhoods of all income levels, as well as ensuring investment in low-income neighborhoods.

We conducted an AFFH site score analysis to calculate the spatial distribution of low-income RHNA units by block group median household income. This analysis results in a value from 1 to -1, where 1 is perfectly distributed and -1 is perfectly segregated. Escondido scored a -0.69, indicating that a majority of low-income units are sited in low-income areas. The goal of AFFH is to break-up areas of concentrated poverty and affluence by siting low-income housing in higher income neighborhoods.

The Housing Element addresses this shortcoming, noting “many RHNA units are located in lower resource census tracts. However, through specific planning, the City is

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<sup>2</sup> National Low Income Housing Coalition. 2020. *The Gap: A Shortage of Affordable Homes*. National Low Income Housing Coalition. [https://reports.nlihc.org/sites/default/files/gap/Gap-Report\\_2020.pdf](https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2020.pdf)

<sup>3</sup> City of Escondido 6th Cycle Housing Element - Draft.” Page 123. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>4</sup> “5TH CYCLE REGIONAL HOUSING NEEDS ... - SANDAG.” [https://www.sandag.org/uploads/publicationid/publicationid\\_4647\\_27206.pdf](https://www.sandag.org/uploads/publicationid/publicationid_4647_27206.pdf). Accessed 27 May. 2021.

<sup>5</sup> “Affirmatively Furthering Fair Housing in California.” California Department of Housing and Community Development. <https://www.hcd.ca.gov/community-development/affh/index.shtml> Accessed 28 May. 2021.

actively pursuing improvements on neighborhoods with low resources<sup>6</sup>.” Indeed, the Downtown, East Valley, and South Centre City Parkway Specific plans do indicate future investment in neighborhood infrastructure in those areas. However, if greater investment makes these neighborhoods more attractive areas to live, how will the City ensure that low-income units are built and remain affordable? The Housing Element does not provide specific funding or incentive plans to develop low-income housing in these areas, beyond high-density zoning.

Additionally, the AFFH site score analysis may be skewed due to how the site inventory categorizes sites by income. A table titled “Summary of RHNA Status” shows how the City anticipates meeting the RHNA goals based on the site inventory<sup>7</sup>. However, the City lumps nearly all identified sites into the “very low” income category due to zoning density greater than 30 du/acre. This leaves other income categories well below the RHNA requirement. The City recognizes this shortfall and argues that “excess capacity on lower income sites can accommodate the remaining balance<sup>8</sup>”. Because this designation is based only on zoning density and not other programs directly incentivizing housing at certain income-levels, there is functionally no plan to ensure housing will be produced at lower income levels, and will likely skew toward above moderate market rate development. Escondido must design tenant protections and land use policies that will facilitate the development of affordable housing and maintain its accessibility for low-income households.

| <b>Table 56: Summary of RHNA Status</b>  |                       |                 |            |                 |              |
|------------------------------------------|-----------------------|-----------------|------------|-----------------|--------------|
| <b>Site Category</b>                     | <b>Above Moderate</b> | <b>Moderate</b> | <b>Low</b> | <b>Very Low</b> | <b>Total</b> |
| RHNA                                     | 4,967                 | 1,527           | 1,249      | 1,864           | 9,607        |
| Units on Identified Sites                | 1,005                 | 388             | 0          | 7,268           | 8,661        |
| Approved and Under Construction Projects | 1,357                 | 0               | 245        | 0               | 1,602        |
| Projects Undergoing Entitlement          | 649                   | 0               | 371        | 0               | 1,020        |
| Accessory Dwelling Units                 | 153                   | 262             | 99         | 126             | 640          |
| Total Identified Capacity                | 3,164                 | 650             | 715        | 7,394           | 11,923       |

Source: Draft City of Escondido 6th Cycle Housing Element 2021-2029

In a further blow to AFFH goals, the housing element states that “the City retains certain amount of large-lot zoning to accommodate the housing needs and preferences of moderate and higher income households<sup>7</sup>”. Reserving large lots for high-income households while anticipating low-income development in low-resourced neighborhoods is antithetical to AFFH goals.

<sup>6</sup> “City of Escondido 6th Cycle Housing Element - Draft.” Page 105. March 2021.  
<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>7</sup> City of Escondido 6th Cycle Housing Element - Draft.” Table 56. March 2021.  
<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>8</sup> City of Escondido 6th Cycle Housing Element - Draft.” Page 97. March 2021.  
<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HCIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

### Mitigating development fee burdens

The Escondido Housing Element correctly recognizes that development fees can be a barrier to building housing, but its portrayal of its development fees being low to moderately priced compared to the region is misleading. The Housing Element compares Escondido to coastal cities in North San Diego like Carlsbad and Oceanside. Relative to these cities, Escondido generally has lower fees and total per unit costs. But these cities are twenty miles away from Escondido. Between them is San Marcos, a jurisdiction that is directly adjacent to Escondido. When compared to its direct neighbor, Escondido's planning fees are 33% to 400% higher than San Marcos.<sup>9</sup> Escondido's per unit permit and impact fees are also higher than San Marcos and another nearby city, Vista. For all four housing types – from single family homes to apartments - Escondido's total fees were \$5,500 - \$15,170 more expensive than San Marcos and Vista. Yet, Escondido claims that "these fees have not been found to act as a constraint" to development<sup>10</sup>. This appears to be false. When excluding above moderate housing, your last cycle yielded approximately 7% of its remaining RHNA goals.<sup>11</sup> Multi-family developments require grading exemptions (for grading exceeding requirements), precise development plans and variances. None of their costs are given in the Housing Element. Escondido should evaluate these and all their development and impact fees to ensure they are not deterring developers from contributing to its lower income housing stock.

### Invalidating Proposition S

Escondido's Proposition S is a potential barrier to development, but the City does not actually have to abide by it. Proposition S is an ordinance passed in 1998 that requires voter approval for changes made to the General Plan that alters or increases residential density and land use categories. To Escondido's credit, the Housing Element includes a program to monitor the effects Proposition S has on reaching the City's RHNA goals and will explore potential mitigation measures, if needed. But the City does not have to abide by Proposition S. According to SB-330, growth management ordinances, like Proposition S, are only valid if the county where the city is located consists of more than 550,000 acres of agricultural land or is at least one-half agricultural land.<sup>12</sup> San Diego

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<sup>9</sup> "Draft Housing Element — San Marcos General Plan Update." 12 Mar. 2021, <https://sanmarcos.generalplan.org/draft-housing-element>. Accessed 27 May. 2021.

<sup>10</sup> City of Escondido 6th Cycle Housing Element - Draft." Page 72. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>11</sup> "5TH CYCLE REGIONAL HOUSING NEEDS ... - SANDAG." [https://www.sandag.org/uploads/publicationid/publicationid\\_4647\\_27206.pdf](https://www.sandag.org/uploads/publicationid/publicationid_4647_27206.pdf). Accessed 27 May. 2021.

<sup>12</sup> Housing Crisis Act of 2019, SB-330, Senate (California 2019). [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB330](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330)

County consists of 250,000 acres of agricultural land, making it 9% agricultural.<sup>13 14</sup> Proposition S is no longer valid as a smart growth ordinance in Escondido. The city should analyze where Proposition S has been restricting development and leverage developable parcels to reach more than its stated goal of achieving 45% of its low-income RHNA.<sup>15</sup>

#### Designing a mid-cycle ADU development trigger

The housing element estimates that 80 ADU units per year will be constructed in the 6th cycle, for a total of 640 units.<sup>16</sup> Based on ADU permitting data from the previous three years (25, 40, and 74 permitted), the Safe Harbour calculation provided by the Housing Element estimates 45 units per year, for a total of 365 units. The Housing Element describes 80 ADUs per year as a “conservative production rate” and anticipates a growing trend in ADUs permitted. However, substantial evidence is not provided, beyond stating “City is considering adopting other incentives to encourage and promote ADUs, including allowing ADUs on religious properties.” The City needs more concrete evidence that ADU permitting will continue to increase and significantly exceed the Safe Harbour calculation. An automatic mid-cycle trigger should be considered to address any shortfalls in production.

Additionally, the City should consider a recent study by UCLA Ziman Center for Real Estate which found that up to 20% of ADUs permitted were not used as housing.<sup>17</sup> The City should not assume that all permitted ADUs will contribute toward housing production for the RHNA goals.

#### Conclusion

Over the past few years, legislation has given the state more tools to make sure each jurisdiction is doing their part in upholding the goals of AFFH through their housing elements. HCD is already reviewing housing element drafts for cities in San Diego County and, thus far, have found all of them deficient in AFFH. This cycle has already proven to be different from past cycles, and we encourage you to consider our recommendations to design a housing element that will guide Escondido in providing housing security to its residents.

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<sup>13</sup> “San Diego Agriculture – The San Diego County Farm Bureau.” <https://www.sdfarmbureau.org/san-diego-agriculture/>. Accessed 26 May. 2021.

<sup>14</sup> “U.S. Census Bureau QuickFacts: San Diego County, California ....” <https://www.census.gov/quickfacts/fact/table/sandiegocountycalifornia,CA/PST045219>. Accessed 26 May. 2021.

<sup>15</sup> City of Escondido 6th Cycle Housing Element - Draft.” Page 123. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>16</sup> City of Escondido 6th Cycle Housing Element - Draft.” Page 95. March 2021. <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HGIS/PublicReviewDraftEscondidoHE3-18-21.pdf> Accessed 28 May. 2021.

<sup>17</sup> “How are ADUs Used? The Impact of Accessory Dwelling Units in Los Angeles.” May 2021. [https://www.anderson.ucla.edu/documents/areas/ctr/ziman/2021/UCLA\\_Economic\\_Letter\\_Crane\\_052521\\_v3.pdf](https://www.anderson.ucla.edu/documents/areas/ctr/ziman/2021/UCLA_Economic_Letter_Crane_052521_v3.pdf)

**From:** [Scott Graves](#)  
**To:** [Zachary Beck](#); [Mike Strong](#)  
**Subject:** [EXT] Today's Housing Element Comment  
**Date:** Wednesday, March 24, 2021 6:14:53 PM

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Greetings Zack,

My public comment that I submitted through the website was not read aloud on the live feed. Here is my comment.

Greetings Mayor and City Council Members.

My comments are in reference to page 81, Environmental and Infrastructure Constraints section.

Pages 81-83 goes into detail regarding the following environmental and infrastructure constraints to the feasibility and cost of developing housing: soil, steep slopes, seismic safety, flood hazards, hazardous materials, ridgeline and hillside conservation, water supply, and wastewater capacity.

The document has separate paragraphs addressing each one of these issues except wildfire. Not elaborating on wildfire and its effects on the Housing Element, and potential housing projects in the Wildlife Urban Interface (WUI) demonstrates a glaring omission. The last several years have shown the increasing frequency, widespread devastation, economic damage, and most importantly, loss of life, due to wildfire. In my opinion, failing to address whatsoever, the largest environmental and infrastructure constraint, wildfire, renders Escondido's Housing Element incomplete.

It should also be noted that on page 97,

"Ability to Meet RHNA, Based on the City's currently available residential and mixed-use sites, adequate residential capacity is available to meet the City's RHNA for all income groups."

It is not necessary to develop the high fire risk backcountry to comply with RHNA requirements.

Thanks for your time and consideration.  
Escondido Resident,  
Scott Graves



**From:** [earthlover@sbcglobal.net](mailto:earthlover@sbcglobal.net)  
**To:** [Mike Strong](#)  
**Subject:** [EXT] Sierra Club NCG comments on item H.1 Housing Element for tonight's meeting bcc Commissioners  
**Date:** Tuesday, March 23, 2021 1:53:47 PM

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Dear Planning Commissioners,

Sierra Club NCG has been very active in this issue, but given the very short timeline we have not been able to fully review all the drafts. While we plan to engage in the public review process, **we request that the city not begin the environmental analysis or submit the draft plan to the state** until there is a longer review period on these documents and there has been at least one public workshop where the public can provide comments on the newly released drafts.

In spite of the short timeline, we would like to make the following points and request that the Planning Commission make the following recommendations to Council:

1. First, we disagree with the statement on page 5 of the staff report which states, "*The City has historically met, and plans to continue meeting, the need for low- and very low-income housing through designation of appropriately zoned land.*" This is incorrect. The City has **not met** its requirements or the real need for very-low and low income housing at all. That is why we have a significant housing problem for low-income families in Escondido.

To address this problem, the Housing Element and city policies should:

- a. Require a minimum density for development where needed especially near transportation corridors;
  - b. Adopt an inclusionary housing ordinance or other requirement which will result in construction of actual affordable housing like many other cities require;
  - c. Commit to using some of its American Rescue Plan funding to create a city sponsored Affordable Housing Fund or Land Trust in order to ensure development of housing we need; and,
  - d. Develop a multi-action Affordable Housing Program comprising of multiple commitments to address this issue.
2. We request major revision to the strategy that the city seems to be pursuing that affordable units and market rate units are, primarily, planned to be segregated into separate projects. The strategy should be revised to include a mix of housing for residents in more economic ranges to create a more inclusive community.
  3. The 90 units from the Palomar Heights listed under affordable housing in Table A-2 is incorrect. These units are not deed-restricted and, merely by the fact they are designated for 'seniors', does not mean they will house low-income residents. While many seniors live on very limited means, many others do not. The city should require



these to be deed-restricted to stay on the list—or remove them here.

4. In assessing the environmental health impacts on Table 58 the State CalEnviroScreen should also be incorporated as a data source.
5. New housing should not be located within 500 feet of a freeway per the California Air Resources Board Land Use Guidance on locating vulnerable communities close to significant pollution sources.
6. There is a significant disconnect in policies the city plans to pursue and the RHNA status Table 56. Although the city has significant 'Identified' sites for Very Low income, there are **zero** approved, undergoing entitlement, or under construction. Further, we know that 'planned' units may fail to materialize such as occurred with the Palomar Heights decision where 1350 units were reduce to 510 –**significantly under density and including no affordable housing**. All of this demonstrates the dire need for some kind of **guaranteed** affordable housing requirement that travels with project approvals for Above Moderate units. If there had even been a very modest 10% requirement for affordable units in a project built to the density it was planned, the current total would have yielded 135 additional affordable units. What the city is currently doing to provide for affordable housing is not working. This Housing Element update is the perfect opportunity to change that.

In closing, it is worth noting that the last four Planning Commission meetings were cancelled. One or more of those meetings would have been a perfect opportunity to bring these lengthy and complicated drafts forward for more in-depth and less rushed discussion as they will have not. Something this important should not be this rushed.

Thank you for your consideration.

Laura Hunter, Chair

Sierra Club NCG Conservation Committee

**From:** [patricia borchmann](#)  
**To:** [Mike Strong](#); [Adam Finestone](#)  
**Subject:** [EXT] Re: Agenda #H1 , Escondido Planning Commission, Housing and Community Investment Study (Please Read Aloud)  
**Date:** Tuesday, March 23, 2021 10:03:46 PM

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Mike Strong and Adam Finestone,

Fyi, after the Planning Commission meeting was adjourned, I looked again at the online website regarding Planning Commission information. I found the online portal system address, that I should have used, instead of the email that I sent earlier this afternoon. Even though my submittal was too late, at least I learned the proper method for submittal of public comments to the Planning Commission for future Agenda items. So no response is needed to respond to that question in my recent email.

Although it was submitted too late, I just sent my public comment for the Planning Commission on that portal for the purpose of making a personal effort to see if it could be included in the public record on Agenda item H-1. for the "Housing and Community Investment Study".

I was glad to hear Chairman Weiller request that the Sector Feasibility Study be scheduled for future consideration by the Planning Commission, once the study is completed, and that it be released online for public review. And I was encouraged to see that the requests by Commissioner Barba would be Agendized for April 13, 2021, which are also items of great interest to the public.

Thank you.

On Tue, Mar 23, 2021 at 9:18 PM patricia borchmann <[pborchmann9@gmail.com](mailto:pborchmann9@gmail.com)> wrote:  
Mike Strong and Adam Finestone -

I was disappointed that the Public Comment that I submitted earlier this afternoon (at 4:01 pm) for Planning Commission Agenda #H-1 for the Housing and Community Investment Study were not shared, or read into the public record for this item.

So I would appreciate it if you could inform me why not, or what alternative method is necessary to submit formal public comments to Planning Commission in the future ? As far as I know, the public is not expected to send emails directly to Planning Commissioners, and that Agenda-related emails from the public to the Commission are controlled by Director Mike Strong. .

If possible, even though my public comment was excluded during Planning Commission meeting tonight, please advise if it is possible to enter my email into the public record ?

For your convenience, I cut/pasted the earlier email I sent this afternoon, so it appears below.

Thank you.

Dear Planning Commissioners,

Generally I support the intent of the **Housing and Community Investment Study**, and I previewed the Staff Report which describes HCIS plan, that will cover: 1) Housing Element Update, 2) Sector Feasibility Study, and 3) East Valley Specific Plan, however I have a personal concern that the rushed process applied to this Agenda item compromised an adequate public review process, especially for a topic of this scope, scale and importance.

I observed that the last four (4) Planning Commission meetings were canceled, but it now seems unfortunate, and unfair that there was no opportunity for earlier public exposure and comment on this important item. Now there is an overly rushed schedule for this same item which will also be considered tomorrow night by Escondido City Council, as Agenda #9 on March 24, 2021.

Some stakeholders consider it inappropriate to take up the slack by scheduling back to back public hearings on consecutive days between the Planning Commission and City Council meetings. It is not conducive to thorough public review, and I suggest it reflects a presumption that no action by the Planning Commission tonight will require adjustments, or potential changes that can possibly be reflected at Escondido City Council tomorrow night in a meaningful way. Expediency in streamlined processing is one thing, but **this** compressed schedule does not indicate that the City of Escondido values either public comment, or potential comments by the Planning Commission, that could make a difference. I cannot help thinking that it is an undeserved insult to be blunt, to both the Planning Commission, and the public. This concern is further emphasized by the fact that this Planning Commission Agenda item was only released to the public five days ago, which is too brief a period for most stakeholders to realistically have time to preview, analyze the complex Staff Report, and prepare meaningful public comment.

While more extensive time to preview Agenda material in the future is encouraged, please consider a few personal comments, based on a quick preview which was not as thorough as many would prefer : . First, make sure Inclusionary Housing is fully integrated into the Housing Plan update, without allowances for waivers or exceptions.

Next, on page 12, I observed the Staff Report indicates: *"If a local government has adopted, through regulations or ordinance, **minimum density requirements that explicitly prohibit development below the minimum density**, the Housing Element may establish the housing unit capacity based on the established minimum density"*. Since you have the authority, I urge the Planning Commission to recommend to the City Council that this specific minimum density requirement be applied to the Housing Element Update, to prohibit development below the minimum density, to avoid irrevocable land use decisions that are a mistake.

Based on the recent approval of Palomar Heights project, for only 510 dwelling units and a reduced square footage for mixed use, it was only a small fraction of the maximum allowable density, and ground floor retail space in a project that was not publicly supported, especially where there were no affordable housing dwellings proposed with deed restricted units. . Approval of that project, with exemption from Community Facilities District (CFD) was a major disappointment to many stakeholders, taxpayers and organizations with

expertise in Affordable Housing.

Unfortunately stakeholders learned the hard way what can go wrong with careless proposals, especially for those projects that are 'in the pipeline'. As a result, public stakeholders want to take every opportunity to prepare and submit meaningful public comments whenever opportunities arise. You can be sure that many stakeholders plan to do so, to ensure a balanced mix of housing types, and affordability categories will be constructed in Escondido, to provide home-ownership opportunities to stakeholders in all income categories, for sustainable projects that will contribute to the quality of life for all.

Thank you for thoughtful consideration.

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On Tue, Mar 23, 2021 at 4:01 PM patricia borchmann <[pborchmann9@gmail.com](mailto:pborchmann9@gmail.com)> wrote:  
Dear Planning Commissioners,

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. . .

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Some stakeholders consider it inappropriate to take up the slack by scheduling back to back public hearings on consecutive days between the Planning Commission and City Council meetings. It is not conducive to thorough public review, and I suggest it reflects a presumption that no action by the Planning Commission tonight will require adjustments, or potential changes that can possibly be reflected at Escondido City Council tomorrow night in a meaningful way. Expediency in streamlined processing is one thing, but **this** compressed schedule does not indicate that the City of Escondido values either public comment, or potential comments by the Planning Commission, that could make a difference. I cannot help thinking that it is an undeserved insult to be blunt, to both the Planning Commission, and the public. This concern is further emphasized by the fact that this Planning Commission Agenda item was only released to the public five days ago, which is too brief a period for most stakeholders to realistically have time to preview, analyze the complex Staff Report, and prepare meaningful public comment.

While more extensive time to preview Agenda material in the future is encouraged, please

consider a few personal comments, based on a quick preview which was not as thorough as many would prefer : . First, make sure Inclusionary Housing is fully integrated into the Housing Plan update, without allowances for waivers or exceptions.

Next, on page 12, I observed the Staff Report indicates: *"If a local government has adopted, through regulations or ordinance, **minimum density requirements that explicitly prohibit development below the minimum density**, the Housing Element may establish the housing unit capacity based on the established minimum density"*. Since you have the authority, I urge the Planning Commission to recommend to the City Council that this specific minimum density requirement be applied to the Housing Element Update, to prohibit development below the minimum density, to avoid irrevocable land use decisions that are a mistake.

Based on the recent approval of Palomar Heights project, for only 510 dwelling units and a reduced square footage for mixed use, it was only a small fraction of the maximum allowable density, and ground floor retail space in a project that was not publicly supported, especially where there were no affordable housing dwellings proposed with deed restricted units. . Approval of that project, with exemption from Community Facilities District (CFD) was a major disappointment to many stakeholders, taxpayers and organizations with expertise in Affordable Housing.

Unfortunately stakeholders learned the hard way what can go wrong with careless proposals, especially for those projects that are 'in the pipeline'. As a result, public stakeholders want to take every opportunity to prepare and submit meaningful public comments whenever opportunities arise. You can be sure that many stakeholders plan to do so, to ensure a balanced mix of housing types, and affordability categories will be constructed in Escondido, to provide home-ownership opportunities to stakeholders in all income categories, for sustainable projects that will contribute to the quality of life for all.

Thank you for thoughtful consideration.

Project Name: Housing Element Update  
PHG 20-0030  
Date: July 27, 2021

## **ATTACHMENT 6**

**PHG 20-0030**

Planning Commission

Hearing Date: July 27, 2021

Effective Date: July 28, 2021

### PLANNING COMMISSION RESOLUTION NO. 2021-10

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
RECOMMENDING APPROVAL OF THE 2021-2029  
GENERAL PLAN HOUSING ELEMENT UPDATE,  
APPROVAL OF A GENERAL PLAN COMMUNITY  
HEALTH AND SERVICES CHAPTER AMENDMENT;  
AND ADOPTION OF AN ADDENDUM TO AN  
ADOPTED EIR PREPARED FOR THE PROJECT

APPLICANT: City of Escondido

CASE NO: PHG 20-0030

WHEREAS, the State of California requires cities and counties adopt a comprehensive long-term General Plan for the social, physical, and economic development of the City; and

WHEREAS, California Government Code section 65588 requires all city and county General Plans to include a Housing Element, and further requires that the Housing Element be updated regularly to reflect current conditions and legal requirements; and

WHEREAS, the content of the Housing Element is mandated by the California Government Code, which also requires review by the California Department of Housing and Community Development ("HCD") to determine compliance with State law. HCD is the state agency charged with reviewing draft and adopted Housing Elements to determine whether the element substantially complies with the statutory requirements.

HCD has published multiple documents to guide local governments through the Housing Element process, all of which are available on its website; and

WHEREAS, California Government Code section 65302(g) requires all city and county General Plans to include a Public Safety Element, and further requires that the Public Safety Element be updated upon revision of the Housing Element to reflect current conditions and legal requirements; and

WHEREAS, Government Code section 65302(h)(2) requires the City to adopt an Environmental Justice Element (or adopt environmental justice goals, policies, and objectives within the other General Plan elements) upon the City's update to two or more other elements concurrently; and

WHEREAS, the City of Escondido ("City") is the lead agency, pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.), for the 2013-2021 Housing Element Update; and

WHEREAS, the 2021-2029 General Plan Housing Element update, and General Plan Community Health and Services Chapter amendment, is considered a "Project" as defined by the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; and

WHEREAS, on May 23, 2012, the City Council adopted Resolution No. 2012-53 approving the General Plan Update, Downtown Specific Plan Update, and Climate Action Plan, and certifying and approving the Final Environmental Impact Report, CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program prepared for those documents; and



WHEREAS, the first addendum to the Final EIR was prepared for the Downtown Specific Plan Density Transfer Program, and was adopted by City Council Ordinance No. 2019-06 on May 8, 2019; and

WHEREAS, the second addendum to the Final EIR was prepared for the Downtown Specific Plan amendment to address and remove ground-floor retail requirements in key preference area. As of this writing, the second addendum has not been reviewed or considered for adoption by the City Council; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, City staff evaluated the environmental impact of the proposed modifications to the Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162; and

WHEREAS, based on this evaluation, staff concluded that the EIR had fully analyzed and mitigated, where feasible, in compliance with CEQA, all potentially significant environmental impacts, if any, that would result from the Project modifications, that the impacts to the environment as a result of the modifications are consistent with and would not create substantial new or increased impacts beyond those that were evaluated in the EIR, and that, therefore, no subsequent EIR or mitigated negative declaration is now required; and

WHEREAS, as a result of the proposed modifications to the Project, and to document staff's evaluation of the environmental impact of said modifications, staff prepared Addendum #3 to the Final EIR pursuant to CEQA Guidelines section 15164; and

WHEREAS, the City's share of the regional housing need for the 2021-2029 Regional Housing Need Allocation ("RHNA") period is allocated by the San Diego Association of Governments based on several factors, including recent growth trends, income distribution, and capacity for future growth. Each local government must demonstrate that it has planned to accommodate all its regional housing need allocation in its Housing Element. Escondido's share of regional future housing needs is a total of 9,607 new units for the period of April 15, 2021, to April 15, 2029; and

WHEREAS, the draft 2021-2029 Housing Element Update has been prepared to identify enough land to meet the RHNA; and

WHEREAS, the Planning Commission reviewed working drafts of the 2021-2029 Housing Element Update and discuss its content or related scope at public meetings on March 23, April 13, April 27, June 8, June 22, and July 13, 2021; and

WHEREAS, Government Code Section 65585 provides that a city or county must submit a draft Housing Element to HCD prior to the adoption of a Housing Element, and that HCD shall review the draft and provide written findings as to whether the draft substantially complies with the requirements of the Housing Element Law; and

WHEREAS, City staff submitted the draft 2021-2029 Housing Element Update to HCD for comment on March 26, 2021; and

WHEREAS, HCD submitted written comments to the City on May 25, 2021, and indicated that the 2021-2029 Housing Element Update would meet the statutory requirements of law if it was revised to address the comments provided in that letter; and

WHEREAS, all evidence of records, the 2021-2029 Housing Element Update, staff reports, correspondences, and Addendum #3 are on file in the offices of the City of Escondido Planning Division and the offices of the City Clerk and constitute the record for making the decision to approve the Project; and

WHEREAS, the Planning Commission has reviewed and considered the information, findings, and conclusions contained in Addendum #3, including without limitation the EIR and supporting documents; and

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the Project shown in Exhibits “B” and “C” which are attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, approving the Project would repeal in its entirety the 2013-2021 Housing Element and adopt in full new text, graphics, and figures comprising the 2021-2029 Housing Element Update to the General Plan; and

WHEREAS, approving the Project would also amend the text of the Community Health and Services Chapter of the General Plan; and

WHEREAS, prior to adopting or amending a General Plan, Government Code section 65355 requires the legislative body to hold at least one public hearing, notice of which shall be given pursuant to Government Code section 65090 and in accordance with City and State public noticing requirements; and

WHEREAS, on July 27, 2021, 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 July 27, 2021, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. Record and Basis for Action. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. Compliance with CEQA. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The Planning Commission has reviewed and considered the EIR and Addendum and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the revised Project. The Planning Commission further finds that the Addendum and administrative record have been completed in compliance with CEQA and the State CEQA Guidelines, and that the findings related to the EIR and Addendum, taken together, reflect the Planning Commission's independent judgment.

3. Based upon the evidence submitted and as demonstrated by the analysis included in the Addendum, which is attached hereto as Exhibit "D," none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:

A. The proposed modifications to the Project do not create substantial changes that would require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

B. The proposed modifications to the Project do not create substantial changes with respect to the circumstances under which the Project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

C. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete and adopted, that shows any of the following: (A) the modifications will have one or more significant effects not discussed in the certified EIR; (B) significant effects previously examined will be substantially more severe than shown in the certified EIR; (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measure or alternative; or (D) mitigation measures or alternatives that are considerably different from those analyzed in the certified EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measure or alterative; and

D. The evaluation of the proposed modifications to the Project, certified EIR, and Addenda reflects the Planning Commission's independent judgment and analysis based on the Planning Commission's review of the entirety of the administrative record, which record provides the information upon which this resolution is based.

4. Pursuant to the above findings, the Planning Commission determines that the EIR, together with the Addenda, satisfy all the requirements of CEQA and is adequate to serve as the required environmental documentation for the Project and, therefore, hereby recommends that the City Council approve and adopt the Addendum for the Project.

5. 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.

6. The Project satisfies the requirements of state Planning and Zoning Law.

7. That, considering the Findings of Fact and applicable law, the Planning Commission hereby makes a motion to recommend City Council approval of the 2021-2029 General Plan Housing Element update, and General Plan Community Health and Services Chapter amendment, attached hereto as Exhibits “B” and “C,” respectively, and incorporated herein by this reference as though fully set forth herein.

8. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission finds that the 2021-2029 Housing Element Update, and the General Plan text amendment to the Community Health and Services Chapter, are consistent with the Escondido General Plan because all General Plan Chapters were reviewed as part of the amendment drafting process to ensure consistency.

9. The proposed 2021-2029 Housing Element Update, and the General Plan text amendment to the Community Health and Services Chapter, amendment do not result in a mandatory element of the General Plan being amended more than four times during any calendar year because this would be the first amendment to both the Housing Element and Community Health and Services Chapter of the General Plan in 2021 (Government Code section 65358).



10. The proposed Project is the first phase of an update to the General Plan. Once this phase has been completed, the City will update the Community Protection Chapter of the General Plan as a separate project during the second phase to address provisions of California Government Code section 65302(g), as well as provisions of California Government Code section 65302(h)(2) not addressed by this Project.

**EXHIBIT “A”**  
**PHG 20-0030**  
**FATORS TO BE CONSIDERED / FINDINGS OF FACT**

**Housing Element Update Determinations:**

1. The State of California requires that cities and counties adopt a comprehensive long-term General Plan for the physical, social, and economic growth of the agency (Government Code section 65300). The Housing Element is one element of a community’s General Plan. Following standard planning methodology, each element normally will consist of three parts: 1) an analysis of needs, resources, and constraints; 2) a declaration of goals and quantified objectives; and 3) programs addressing the needs and constraints and devised to achieve the goals and objectives.
2. The Housing Element is one of the required elements of the General Plan (Government Code section 65302). Detailed requirements for the content of the Housing Element are included in Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code, commencing with section 65580.3. The Housing Element is the only part of the General Plan that has more rigid standards and that must be reviewed and updated according to a fixed schedule. Escondido’s Housing Element was last updated in 2012 for the period of January 1, 2013, through April 30, 2021. All cities and counties are required to update their Housing Element every eight years for State certification.
3. The City’s 2013-2021 Housing Element no longer satisfies statutory requirements and the plan needs to be updated to meet the statutory requirements of Housing Element Law. To comply with the intent of the California Legislature, the Housing Element must address all recent housing legislation adopted in response to growing housing needs and the State’s housing crisis.
4. Given the City’s relatively built-out character, most of the goals and policies in the existing 2012 General Plan continue to represent the City’s position on growth and development issues. Scarcity of land with adequately zoned capacity is a significant contributor to increased land prices and housing development costs. Despite these limitations, the 2021-2029 Housing Element must provide goals, policies, and programs demonstrating how Escondido will meet its existing and future housing needs for all income levels.
5. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.
6. An effective Housing Element provides the necessary conditions for conserving, preserving and producing an adequate supply of housing affordable at a variety of income levels and provides a vehicle for establishing and updating housing and land-use

strategies to reflect changing needs, resources, and conditions. Among other things, the Housing Element establishes a jurisdiction's strategy to plan for and facilitate the development of housing over the eight-year planning period by providing an inventory of land adequately zoned or planned to be zoned for housing and programs to meet the needs of the community. The Housing Element also represents a policy statement about how a city or county will continue to strive toward maintaining and enhancing housing opportunities while also preserving its desirability as a place in which to live, work and play. Studies show that access to safe, decent, healthy, and affordable homes can have an impact on the health outcomes of occupants. The maintenance, improvement, and development of affordable (or relatively affordable) housing options may improve health outcomes by:

- freeing up family resources for nutritious food and expenditures;
  - providing families with greater residential stability, which may reduce stress, and related adverse health outcomes;
  - increasing the control that homeowners or renters have over their physical environment and minimizing the disruptions associated with frequent, unwanted moves;
  - allowing victims of domestic violence or abuse to escape, which can lead to improvements in mental and physical health and safety;
  - alleviating overcrowding to reduce potential exposure to stressors and infectious disease, leading to more space per individual and better social distancing practices, which can lead to improved physical and mental health;
  - enhancing access neighborhoods of opportunity to increase access to selective amenities and generate important health benefits based on the social and physical environment in which the home is located;
  - linking supportive services to home occupancy to enable target populations and others with mobility limitations to remain in their homes;
  - improving the quality of housing to address indoor air quality, home safety and other environmental pollutants such as the presence of mold, asbestos, or lead; and
  - improving the quality of housing to be more energy efficient in order to lower monthly energy costs and improve home comfort and indoor environmental quality.
7. This Project evaluates housing needs in Escondido based on its demographic and housing characteristics. The 2021-2029 Housing Element Update also analyzes existing and potential constraints to the production of affordable housing. It includes an inventory of resources available to accommodate the identified housing needs; assesses the effectiveness and appropriateness of existing City housing programs; and sets forth crafts a housing strategy to address the housing issues related to housing availability, adequacy, and affordability.

8. The 2021-2029 Housing Element Update would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the Project will benefit the community by encouraging the City's participation in programs that provide home ownership opportunities for individuals and families; facilitating the development of housing for all income levels for the 2021-2029 planning period. The 2021-2029 Housing Element Update identifies housing goals and policies to address the City's fair share of the regional housing needs, while encouraging improvement and enhancement of existing residential neighborhoods.
9. In addition to the particular Government Code sections cited above and within the July 27, 2021, Planning Commission Staff Report, other sections call for a local jurisdiction's zoning and density laws to be structured to ensure that any changes to zoning or density designation result in no net loss of density or an inability to accommodate its fair share of housing needs. The manner in which Escondido meets this requirement is described in detail in the Housing Resources Section of this Housing Element Update.
10. The California Department of Housing and Community Development ("HCD") plays the critical role of reviewing every jurisdiction's Housing Element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a local government can adopt its Housing Element as part of its overall General Plan. Revisions to the draft Housing Element were made in response to HCD's most recent correspondence (May 25, 2021) in order to be deemed compliant with State Housing Element law, as amended, and all other federal, state, and local requirements, as necessary to demonstrate compliance with State law and gain State certification.
11. Once adopted, the 2021-2029 Housing Element Update will have a binding effect on the City. Most other planning actions such as adoption of a specific plan or zoning ordinance, approval of a subdivision map, etc. must be consistent with the General Plan. Known as the "consistency doctrine," it gives the General Plan, including the 2021-2029 Housing Element Update, the controlling force of law.
12. General Plan Consistency: The City is able to meet its RHNA requirement without any changes to General Plan designations or densities allowed. Revised policies are included in the 2021-2029 Housing Element Update, updating existing major strategies and policies from the 2013-2021 Housing Element. All such draft strategies and policies build upon, augment, or refine existing strategies and policies of the current General Plan, and they introduce no new policies that would conflict with existing General Plan elements having the most direct relation to allowable use and development, such as land use, circulation, or safety element policies. Similarly, the 2021-2029 Housing Element did not eliminate any existing strategies for its programmatic approach to housing, and therefore remains consistent with the other Chapters of the General Plan.

### **Community Health and Services Chapter Determinations:**

1. In March 2021, the City Council adopted the Climate Action Plan, and the specific actions that Escondido would do to address climate change and reduce its greenhouse gas (“GHG”) emissions and promote climate change adaptation and resiliency. The Project proposes to incorporate the Climate Action Plan by reference to ensure consistency between documents and guide the policy development around issues related to public health, social equity, and environmental justice.
2. The California Government Code section 65040.12 defines “Environmental Justice” as: “The fair treatment and meaningful participation of people of all races, culture and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” Environmental justice policies and laws have been established to ensure that all people, regardless of race, color, national origin or income, have equal protection from environmental hazards where they live, work and play. Environmental justice communities are those areas of the City that have higher pollution burdens and vulnerabilities than other areas, and therefore are most in need of assistance. Environmental justice communities can be defined both by characteristics of the population and the pollution burden they bear.
3. All people, regardless of socio-economic status, should have the equal ability to participate in, and influence, the decision-making process regarding environmental regulations.
4. General Plan Consistency: The Community Health and Services Chapter must be consistent with the other General Plan elements. Text amendments to this chapter do not conflict with other chapters of the General Plan because they provide more specific information related to existing goals, policies and programs which are already consistent with the other General Plan elements.

Project Name: Housing Element Update  
PHG 20-0030  
Date: July 27, 2021

**EXHIBIT “B”**  
**2021 – 2029 HOUSING ELEMENT**  
**PHG 20-0030**

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

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/HousingElement/DraftSixthCycleHousingElementExhibitBforReso2021-10.pdf>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours (8 a.m. to 5 p.m.).

**EXHIBIT “C”**  
**PHG 20-0030**  
**GENERAL PLAN TEXT AMENDMENT**

**SECTION 1. Amend Goal 6 of the Community Health and Services Chapter of the Escondido General Plan to read as shown below. (Text shall not be underlined in final adopted version.)**

**6. Civic Engagement Policies**

**GOAL 6:** An engaged and informed citizenry with influence on policies and decisions at the local, state, and federal levels.

Civic Engagement Policy 6.1 Provide for the full inclusion of people of diverse cultures, backgrounds, age, gender, interests, languages, lifestyles, abilities, and socioeconomic status in programs at city facilities.

- a. Facilitate the involvement of residents, businesses and organizations in all aspects of the planning process by siting and scheduling public meetings on key issues affecting vulnerable communities and target populations (i.e. low-income and minority populations) at times and locations most convenient to vulnerable communities and target populations.
- b. Utilize culturally appropriate approaches to public participation and involvement and, as appropriate, make outreach material available via different platforms and in formats that are understandable by all residents, including non-English readers.

Civic Engagement Policy 6.2 Promote recreation and library programming, special events and venues, and educational opportunities which honor, interpret, and celebrate the diversity, history, cultural heritage, and traditions of Escondido.

Civic Engagement Policy 6.3 Encourage citizen volunteerism and participation in city events, commissions, boards and committees.

Civic Engagement Policy 6.4 Support developers’ efforts to initiate early and frequent communication with the community regarding project proposals.

Civic Engagement Policy 6.5 Collaborate with neighborhood associations and other similar organizations to address issues of concern in neighborhoods.

Civic Engagement Policy 6.6 Promote efforts that increase rates of participation in community events such as voting, youth activities, adult education, senior activities and family-oriented programs.

Civic Engagement Policy 6.7 Distribute information about community events to a wide range of community organizations such as churches, senior facilities, and schools using existing city-sponsored platforms (e.g., city website and public access television).

Civic Engagement Policy 6.8 Support efforts to raise the public’s awareness of the importance of social equity and environmental justice.

Civic Engagement Policy 6.9 Ensure that affected residents have the opportunity to participate in decisions that impact their health.

## **EXHIBIT “D”**

### **THIRD ADDENDUM TO THE FINAL CERTIFIED ESCONDIDO GENERAL PLAN UPDATE, DOWNTOWN SPECIFIC PLAN UPDATE, AND CLIMATE ACTION PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2010071064) TO AMEND THE GENERAL PLAN AND ADOPT THE 2021-2029 HOUSING ELEMENT UPDATE; AND COMMUNITY HEALTH AND SERVICE CHAPTER UPDATE**

#### **EXECUTIVE SUMMARY**

##### **Purpose and Background**

This Third Addendum to the Final Certified Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Environmental Impact Report (“Addendum”) has been prepared by the City of Escondido (“City”) in conformance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”), the regulations promulgated thereunder (14 California Code of Regulations section 15000 et seq.) (“CEQA Guidelines”), and the City’s Environmental Review Guidelines (Article 47 of the Escondido Zoning Code) to amend the General Plan, consisting of the following (collectively referred to herein as the “Project”):

1. A General Plan amendment to update the City of Escondido’s Housing Element for the 6th Cycle planning period from April 15, 2021 to April 15, 2029. The Housing Element, which is part of the City’s General Plan, is a policy document designed to provide the City a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community. The City is able to meet its fair share of regional housing needs assessment requirement without any changes to General Plan designations or densities allowed. Therefore, the 2021-2029 Housing Element is consistent with the basic planning assumptions that were utilized to prepare the 2013-2021 Housing Element. Approving the Project would repeal in its entirety the 2013-2021 Housing Element and adopting in full new text, graphics, and figures comprising the 2021-2029 Housing Element to the General Plan.
2. A General Plan text amendment to update the Community Health and Services Chapter. As part of its effort to address environmental justice goals, policies, and objectives, Civic Engagement goals in the Community Health and Services Chapter of the General Plan are being amended to include additional policies to expand outreach efforts to disadvantaged communities and target populations, particularly on issues that relate to social equity and health. Increased civic engagement provides a diverse perspective to inform future city policy and thus relates to all elements of the General Plan. Increased civic engagement in and of itself is therefore consistent with all other elements of the General Plan.



The purpose of this Addendum is to provide updated information to the Final Certified Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Environmental Impact Report ("Final EIR"). Section 15164(a) of the CEQA Guidelines states that "[t]he lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 of the CEQA Guidelines provides that a subsequent EIR is required when (1) substantial changes are proposed in the project or circumstances that will require major revisions of the prior EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the prior EIR was certified, shows that (a) the project will have one or more significant effects not discussed in the prior EIR, (b) significant effects previously examined will be substantially more severe than shown in the prior EIR, (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but the project proponents decline to adopt the mitigation measure or alternative, or (d) mitigation measures or alternatives that are considerably different from those analyzed in the prior EIR would substantially reduce one or more significant effects on the environment but the project proponents decline to adopt the mitigation measure or alternative.

As discussed in the following sections, the new information and minor technical modifications are not considered "significant" pursuant to CEQA. Specifically, the Addendum to the Final EIR finds that the impacts resulting from implementation of the 2012 General Plan Update and the Climate Action Plan as described in the Final EIR, as well as the Downtown Specific Plan Update, remain the same, aside from the Project's proposed modification, and the mitigation measures would remain unchanged and are still valid and enforceable. No considerably different mitigation measures or feasible alternatives have been identified. The Addendum to the Final EIR finds that the previously identified impacts and mitigation measures, as described in the Final EIR, are still applicable to the updated General Plan. Therefore, the Final EIR, as certified, remains adequate and complete. The Housing Element is one of the mandatory elements of the General Plan and is required by State law to be updated for the 2021-2029 planning period (also called the 6th Cycle planning period). State law requires the Public Safety Element, which is another mandatory element of the General Plan, to be updated upon revision of the Housing Element.

The City of Escondido has prepared an update to the Housing Element to include an analysis required by State law related to: 1) existing demographics and housing characteristics; 2) market, government, and environmental constraints; 3) land, financial, and administrative resources available to meet housing demand; 4) establishment of goals and policies to address housing needs; and 5) a review of past accomplishments under the 2013-2021 Housing Element. The City is able to meet its fair share or regional housing needs without any changes to General Plan designations or densities allowed. Revised policies are included in the 2021-2029 Housing Element Update, updating existing major strategies and policies from the 2013-2021 Housing Element, prepared for the 5th Cycle planning period.

The Safety Element, which is called the Community Protection Chapter in the 2012 Escondido General Plan, addresses potential and existing hazards in the City, which are outlined in the following categories: Emergency Preparedness, Geological Hazards/Seismic Activity, Flood Hazards, Hazardous Material and Mining Hazards, Public Safety Services and Facilities, Fire Hazards and Protection, and Severe Weather Hazards. Among other updates, additional categories for Climate Change Resiliency and Mitigation must be added. These updates will be incorporated into a future General Plan amendment and are not part of this Project.

In addition, the City is also required by Government Code section 65302(h) to include environmental justice goals, policies, and objectives in the General Plan when two or more elements of the General Plan are updated concurrently. Environmental justice is defined by the State of California as the “fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins with respect to the development, adoption, implementation, and enforcement of laws, regulations, and policies” (California Government Code section 65040.12(e)). Inclusion of these goals, policies, and objectives may be accomplished through adoption of an Environmental Justice Element, or integration of related goals, policies, and objectives into other elements. Upon approval of the Project, certain environmental justice goals and policies will be integrated into the City’s Community Health and Services Chapter. Additional environmental justice goals, policies, and objectives will be integrated into the Community Protection Chapter in a future General Plan amendment.

All such draft strategies and policies build upon, augment, or refine existing strategies and policies of the current General Plan, and they introduce no new policies that would conflict with existing General Plan elements having the most direct relation to allowable use and development, such as land use, circulation, or safety element policies. Similarly, the 2021-2029 Housing Element did not eliminate any existing strategies for its programmatic approach to housing. Therefore, the Project may be approved as an activity covered within the scope of the Final EIR.

All other environmental analysis sections are not contained herein because the original Final EIR for those environmental areas are still applicable and do not require updated information. CEQA does not require that the original Final EIR be circulated with the Addendum, but the original Final EIR is available for public review from the City of Escondido upon request. Therefore, please refer to the original Final EIR for other environmental topics not contained in this Addendum.

## **1.0 Introduction**

This section provides information related to CEQA and the revised analysis to the Final EIR, as it relates to the Housing Element Update. This section discusses the original Final EIR (SCH #2010071064), which was certified in 2012. This section provides background information on the need to provide updated information to the original analysis in reference to the General Plan amendment.

### **1.1 Project Description:**

Pursuant to Government Code section 65583, a Housing Element is required to consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. Specifically, a Housing Element is required to contain the following:

- An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs (Government Code section 65583(a));
- A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing (Government Code section 65583(a)); and
- A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation of the policies and achieve the goals and objectives of the housing element (Government Code section 65583(c)).

The proposed draft 2021-2029 Housing Element consists of the following major components:

- A profile and analysis of the City's demographics, housing characteristics, and existing and future housing needs.
- A review of the real or potential constraints to housing production and preservation. Constraints include potential market, governmental, policy, and environmental limitations to meeting the City's identified housing needs.
- An assessment of resources available to meet the City's objectives regarding housing production and preservation.
- Strategies to address the City's identified housing needs, including housing goals, policies, and programs, including changing housing needs, including preparation of a Regional Housing Needs Allocation ("RHNA") plan (Government Code section 65584(a)).

A critical measure of compliance with Housing Element Law is the ability of a jurisdiction to accommodate its share of the regional housing needs based on a RHNA prepared by HCD for each Council of Governments in the state that identifies projected housing units needed for all economic segments based on Department of Finance population estimates. The San Diego Association of Governments ("SANDAG") is the Council of Governments for the San Diego region and allocates to the 18 cities and the unincorporated area of San Diego County their fair share of the total RHNA housing needed for each income category. Overall, the region needs to plan for an additional 171,685 units. The City's share of the regional housing need for the 2021-2029 RHNA period is allocated by SANDAG based on several factors, including recent growth trends, income distribution, and capacity for future growth. Each local government must demonstrate that it has planned to accommodate all its regional housing need allocation in its Housing Element. Escondido's share of regional future housing needs is a total of 9,607 new units for the period of April 15, 2021, to April 15, 2029. This allocation is divided into various income categories, of which 3,113 new units must be reserved for households in the low- and very low-income category.

The overall RHNA allocation process reflects a need for cooperation between both public and private sectors to expand housing opportunities that will allow for new housing development that benefits everyone in the community, such as a greater mix of housing types and choices. It allows local governments to maintain control over where and what type of development should occur in their communities, while allowing the private sector to meet market demand. While the Housing Element must contain a variety of community statistics to frame future housing needs, pursuant to Government Code section 65583, all cities must accommodate their RHNA allocations in their Housing Elements by adopting land use plans that accommodate the minimum amounts of housing unit goals and RHNA allocations.

Housing Element Law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction's share. A jurisdiction may meet the RHNA requirement using potential development on suitable vacant and/or non-vacant sites within the community. A jurisdiction must document how zoning and development standards on the proposed sites facilitate housing to accommodate the remaining RHNA requirement. Government Code section 65863(c) requires the City to identify available sites for the rezone, in order to satisfy its RHNA obligations, but also contains procedures for the City to follow in the event that a site becomes unavailable. To ensure that the City monitors its compliance with SB 166 ("No Net Loss"), the City will monitor the consumption of residential acreage to verify an adequate inventory is available to meet the City's RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code section 65863. If an approval of development results in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower income households, the City will identify (and, if necessary, rezone) sufficient sites to accommodate the shortfall and ensure "no net loss" in capacity to accommodate the RHNA. The City will maintain an inventory of available sites for residential development and provide it to prospective residential developers upon request. The parcel-by-parcel inventory is located in the Sites Inventory Appendix of the Housing Element.

### **Community Health and Services Chapter**

SB 1000 (2016) requires cities and counties to integrate environmental justice goals, policies, and objectives into the General Plan upon the concurrent update to two or more elements. Although the Project only includes an update to the Housing Element, that update also requires the Safety Element to be updated, which will occur in the coming months. The proposed General Plan text amendment to the Community Health and Safety Chapter (optional element to the General Plan) directly relates to topics mandated for the environmental justice policies of the General Plan. Environmental justice goals are achieved when everyone in the City has the same degree of protection from environmental and health hazards; a healthy environment in which to live, learn, and work; and equal access to the decision-making process. Environmental justice policies will be aimed at reducing health risks, promoting civic engagement, and prioritizing the needs of disadvantaged communities with implementable actions that achieve them.

#### **1.1 California Environmental Quality Act:**

CEQA requires that state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (Public Resources Code sections 21000 et seq.). CEQA also requires that each public agency mitigate or avoid, wherever feasible, the significant environmental impacts of a project that it approves or implements. A significant impact is one that would lead to a substantial adverse change in the physical conditions of the environmental areas affected by the project.

An EIR is an informational document used in state, regional, and local planning and decision-making processes to meet the requirements of CEQA. The EIR for a proposed project must disclose environmental effects that cannot be avoided; growth-inducing effects; effects found not to be significant; and significant cumulative impacts of all past, present and reasonably anticipated future projects. In addition, an EIR must identify potential methods of avoiding or reducing effects (i.e., mitigation measures) and alternatives to the proposed project or program

### **1.2 Final EIR for the 2012 General Plan Update, Downtown Specific Plan Update, and Climate Action Plan:**

The Final EIR addresses a full range of environmental issues associated with the 20-year planning horizon of the 2012 General Plan (2035). The Final EIR was certified on May 23, 2012, by the Escondido City Council (Resolution No. 2012-53.) A Mitigation Monitoring and Reporting Program (“MMRP”); Findings of Fact including significant and unavoidable air quality, biological resources, noise, vibration, housing, traffic, and utilities impacts; and a Statement of Overriding Considerations were also adopted at the same public hearing.

The Addendum constitutes the third addendum to the Final EIR. The first addendum to the Final EIR was prepared for the Downtown Specific Plan Density Transfer Program, which was adopted by City Council Resolution 08-62 on August 19, 2008. The second addendum to the Final EIR was prepared for the Downtown Specific Plan amendment to address and remove ground-floor retail requirements; which as of this writing has not been reviewed or considered for adoption by the City Council.

### **1.3 Lead Agency and Discretionary Approvals:**

This Addendum documents the City’s consideration of the potential environmental impacts resulting from the change in the project and explains the City’s decision that a subsequent EIR is not required. The City of Escondido is the lead agency and has approval authority over the Project and changes.

### **1.4 Documents Incorporated by Reference:**

CEQA Guidelines section 1510 authorizes agencies to incorporate by reference other documents that provide relevant data and analysis into their environmental documents. The following

documents are hereby incorporated by reference within this Addendum, and all of these documents are considered part of the Final EIR.

- Draft Environmental Impact Report – City of Escondido General Plan Update, Specific Plan Update, and Climate Action Plan, Draft Environmental Impact Report, State Clearinghouse #2010071064, prepared for the City of Escondido, by Atkins, dated January 10, 2012.
- Draft Environmental Impact Report – City of Escondido General Plan Update, Specific Plan Update, and Climate Action Plan, Draft Environmental Impact Report, State Clearinghouse #2010071064, prepared for the City of Escondido, by Atkins, dated April 23, 2012.
- An Addendum to the previously adopted EIR for 2012 General Plan Update, Downtown Specific Plan Update, and Climate Action Plan, prepared for the City of Escondido, by Harris & Associates, dated March 1, 2019.

#### **1.5 Document Availability:**

The Office of the City Clerk is the custodian of the administrative record for the Final EIR. The administrative record is available for public review during normal business hours.

#### **1.6 CEQA Requirements for Use of an Addendum:**

Section 15160 of the CEQA Guidelines explains that there are several mechanisms and variations in environmental documents that can be tailored to different situations and intended uses of environmental review. These variations, including Subsequent EIRs, Supplemental EIRs, and Addenda, are not exclusive. “Lead agencies may use other variations consistent with the guidelines to meet the needs of other circumstances.” (CEQA Guidelines § 15160.)

Public Resources Code section 21166 sets the standard to determine whether another EIR should be prepared when an original EIR has been prepared. Section 21166 states:

*When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:*

*(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.*

*(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.*

*(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.*

Similarly, CEQA Guidelines section 15162 states:

*(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

*(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*

*(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

Thus, CEQA Guidelines section 15162 clarifies that a subsequent EIR or supplemental EIR is only required when "substantial changes" occur to a project or the circumstances surrounding a project, or "new information" about a project implicates "new significant environmental effects" or a "substantial increase in the severity of previously significant effects." In evaluating whether these thresholds are met, the key is to determine if any circumstances have changed enough to justify repeating a substantial portion of the environmental documentation process. If conditions do not justify a new or supplemental EIR, but minor additional or technical changes are appropriate to keep the document current and useful, an agency may prepare an addendum. (CEQA Guidelines § 15164).

Specifically, CEQA Guidelines section 15164 states:

*(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred*

*(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

*(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*



*(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*

*(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Here, the City has opted to prepare an Addendum to assess the minor modifications of the Project that have transpired since preparation of the Final EIR. This Addendum will document the character of any changes or additions to support the determination to prepare an Addendum. It will also provide an opportunity to evaluate all components of section 15162 to determine if the Final EIR still reflects the full scope of the environmental impact. Where appropriate, citations to the Final EIR will be made, and assumptions made in the Final EIR will be evaluated for continuing validity.

### **1.7 Summary of Analysis and Findings:**

Based upon the supporting checklist responses (Section 2), other than the minor changes to the Project in reference to map changes and text changes, the environmental effects associated with the changes in the Project do not require additional analysis beyond the analysis previously prepared and distributed in the Final EIR.

Pursuant to CEQA Guidelines section 15164, the City of Escondido finds that only minor modifications are required and that none of the conditions described in Public Resources Code section 21166 or CEQA Guidelines section 15162 requiring preparation of a subsequent or supplemental EIR have occurred. More specifically, the City of Escondido has determined all of the following:

- There are no substantial changes to the Project that would require major revisions of the Final EIR due to new significant environmental effects or a substantial increase in the severity of impacts identified in the previous Final EIR.
- No substantial changes have occurred in the circumstances under which the project is being undertaken that will require major revisions of the Final EIR to disclose new significant environmental effects or that would result in a substantial increase in the severity of the impacts identified in the Final EIR.
- There is no new information of substantial importance, which was not known at the time that the previous Certified Final EIR for the proposed Project was circulated, indicating that:
  - The Project will not have one or more significant effects not previously discussed in the Certified Final EIR;

- There are no impacts that were determined to be significant in the previous Certified Final EIR that would be substantially more severe.
- There are no additional mitigation measures or alternatives to the project that would substantially reduce one or more of the significant effects identified in the previous Certified Final EIR; and
- There are no additional mitigation measures or alternatives which were rejected that are considerably different from those analyzed in the previous Certified Final EIR that would substantially reduce any significant impact identified in the Certified Final EIR.

## **2.0 Environmental Analysis**

This section of the Addendum analyzes the potential environmental effects associated with the implementation of the Specific Plan Amendment to address the ground-floor retail requirement as compared to the environmental analysis provided in the Final EIR. Each environmental topic is organized first to identify the impacts and significance level determinations previously identified in the Final EIR, second to identify the impacts of the Project and whether new or increased severity of significant impacts would occur, and third to evaluate whether the Project would result in substantial changes in the circumstances or new information not previously identified in the Final EIR. This section provides substantial evidence to support the findings and basis to prepare the Addendum, which is that the Project would not create substantial changes, or bring to light new information of substantial importance that was not previously examined in the Final EIR, that would trigger the preparation of a subsequent or supplemental EIR as set forth in CEQA Guidelines sections 15162 and 15163. As such, the Addendum is consistent with the provisions of CEQA Guidelines section 15164 because only minor changes and additions to the Final EIR are necessary to address the project.

### **2.1 Aesthetics:**

The Final EIR previously identified the following impacts associated with aesthetics and determined the corresponding level of significance.

Issue 4.1-1 Scenic Vistas (Less than Significant)

Issue 4.1-2 Scenic Resources (Less than Significant)

Issue 4.1-3 Visual Character or Quality (Less than Significant)

Issue 4.1-4 Light or Glare (Less than Significant)

These less than significant impacts were addressed in Section 4.1, Aesthetics, of the Final EIR, on pages 4.1-1 through 4.1-50 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.1, Aesthetics, Issues 4.1-1, 4.1-2, 4.1-3, and 4.1-4 would result in less than significant impacts resulting from the implementation of the Escondido General Plan Update ("GP 2012 Update"), Downtown Specific Plan Update ("DSP Update"), and the Escondido Climate Action Plan ("E-CAP"). Implementation of the GP 2012 Update, DSP Update, and E-CAP would not obstruct existing views and resources by complying with existing regulations and the proposed GP 2012 Update and DSP Update policies. Implementation of the City's Grading and Erosion Ordinance and General Plan update policies in the Resource Conservation Element would protect views of ridgelines by requiring development to comply with grading design guidelines for development on all steep slopes, requiring slope analyses and visual analyses for development near skyline ridges, and prohibiting development on skyline ridges. Implementation of the GP 2012, DSP Update, and E-CAP, would have the potential to change the existing visual character or quality in some areas of the City, but not degrade it. Development consistent with the GP 2012 Update and DSP Update would be high quality development designed to be compatible with existing adjacent land uses. Additionally, there would not be substantial impacts in regards to lighting or glare, as all new development would be

required to comply with the City's outdoor lighting ordinance. Also, the GP 2012 Update and DSP Update include policies that require new development, including development that would install reflective surfaces as part of the E-CAP implementation, to avoid light and glare impacts, including spillover light and incompatible glare. Therefore, impacts to Issues 4.1-1 through 4.1-4 would be less than significant. Based on the above discussion, the Project is not expected to result in new or more severe impacts to aesthetics. Refer to the Final EIR for the original environmental analysis for aesthetics.

## **2.2 Agricultural Resources:**

The Final EIR previously identified the following impacts associated with agricultural resources and determined the corresponding level of significance.

Issue 4.2-1 Conversion of Agricultural Resources (Less than Significant)

Issue 4.2-2 Land Use Conflicts (Less than Significant)

Issue 4.2-3 Indirect Conversion of Agricultural Resources

These less than significant impacts were addressed in Section 4.2, Agricultural Resources, of the Final EIR on pages 4.2-1 through 4.2-28 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.2, Agricultural Resources, Issues 4.2-1, 4.2-2, and 4.2-3 would result in less than significant impacts resulting from the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Implementation of the GP 2012 Update would result in the potential direct conversion of 1,846 acres of agricultural resources. However, the GP 2012 update provides multiple policies within various elements that promote preservation and encourage agricultural uses within the City. The E-CAP provides reduction measures that encourage agricultural efficiencies. Additionally, zoning designations would be made consistent with the GP land use designations with the adoption of the GP 2012 Update and would not impact any land under an existing Williamson Act Contract. Implementation of the GP 2012 Update policies and smart growth planning strategies would reduce the potential for agricultural resources to be converted to non-agricultural uses. Therefore, impacts would be less than significant under Issues 4.2-1, 4.2-2, and 4.2-3.

### **2.3 Air Quality:**

The Final EIR previously identified the following impacts associated with air quality and determined the corresponding level of significance.

Issue 4.3-1 Air Quality Plans (Less than Significant)

Issue 4.3-2 Air Quality Violations – Direct and Cumulative (Significant and Unavoidable)

Issue 4.3-3 Sensitive Receptors (Less than Significant with Mitigation)

Issue 4.3-4 Objectionable Odors (Less than Significant)

These issues were addressed in Section 4.3, Air Quality, of the Final EIR on pages 4.3-1 through 4.3-40 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would

accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.3, Air Quality, implementation of the GP 2012 Update, DSP Update, and the E-CAP is consistent with the SANDAG projections accounted for in the Regional Air Quality Strategy ("RAQS") and the State Implementation Plan ("SIP"). Future development would be required to demonstrate compliance with the strategies and measures adopted as part of the RAQS and SIP during the City's environmental review process, as well as with the requirements of the City and/or the San Diego Pollution Control District ("SDAPCD") to reduce emissions of particulate matter. Therefore, impacts would be less than significant under Issue 4.3-1.

Annual construction emissions and operational emissions associated with future development under the GP 2012 Update would result in significant emissions of volatile organic carbons ("VOCs"), particulate matter 10 ("PM10"), and PM2.5. Realistically, yearly construction emissions for all pollutants may be greater or lower depending on how development is implemented. Future development under the GP 2012 Update would be required to comply with CARB motor vehicle standards, SDAPCD regulations from stationary sources and architectural coatings, and the GP 2012 Update goals and policies. Additionally, the San Diego Air Basin ("SDAB") is a nonattainment area for the state standards for ozone, PM10, and PM2.5. Therefore, with the implementation of the GP 2012 Update, DSP Update, and E-CAP, there would be a cumulatively considerable impact for these pollutants. Mitigation measures Air-1 and Air-2 would be incorporated to mitigate these effects. While these measures and policies are intended to reduce impacts associated with air quality violations, these measures cannot guarantee that emissions

would be reduced to a less than significant level. Therefore, even with the implementation of mitigation, impacts from construction and operation would remain significant and unavoidable under Issue 4.3-2.

Future development consistent with the GP 2012 Update, DSP Update, and E-CAP, would result in potentially significant emissions of diesel particulate matter (“DPM”) and toxic air contaminants (“TACs”). Land development projects are required to comply with AB 2588, SDAPCD RULE 1210, Toxic Air Contaminant Public Health Risks – Public Notification and Risk Reduction, and CARB standards for diesel engines. The GP 2012 Update Air Quality and Climate Protection Element requires future land uses to be sited according to CARB recommendations. However, CARB does not make specific recommendations for certain potential sources of TACS including waste transfer, industrial, medical, and research and development facilities. Incorporation of mitigation measures Air-3 and Air-4 would reduce potential impacts associated with exposure of sensitive receptors to TACs to less than significant under Issue 4.3-3.

While odor sources are present within the GP 2012 Update and DSP Update planning areas, compliance with SDAPCD Rule 51 and the GP Update 2012 would ensure that a substantial number of sensitive receptors would not be exposed to objectionable odors. Therefore, impacts would be less than significant under Issue 4.3-4.

## **2.4 Biological Resources:**

The Final EIR previously identified the following impacts associated with biological resources and determined the corresponding level of significance.

Issue 4.4-1 Special Status Species – Cumulative (Significant and Unavoidable)

Issue 4.4-2 Riparian Habitat and Other Sensitive Natural Communities – Cumulative (Significant and Unavoidable)

Issue 4.4-3 Federally Protected Wetlands (Less than Significant)

Issue 4.4-4 Wildlife Movement Corridors – Cumulative (Significant and Unavoidable)

Issue 4.4-5 Local Policies and Ordinances (Less than Significant)

Issue 4.4-6 Habitat Conservation Plans and Natural Community Conservation Plans (Less than Significant)

These issues were addressed in Section 4.4, Biological Resources, of the Final EIR on pages 4.41 through 4.4-40 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.4, Biological Resources, implementation of the GP 2012 Update, DSP Update, and the E-CAP would have the potential to result in direct and indirect impacts to special status plant and wildlife species and their habitats, riparian habitats, sensitive communities, wildlife corridors, and native wildlife nursery sites. Existing federal and state regulations and land use agreements prohibit the take of sensitive species without permitting from wildlife and limit the amount of habitat that can be impacted by new development. The goals and policies of the GP 2012 Update included in the Resource Conservation Element, Community Health and Services Element, and Land Use and Community Form Element require projects with the potential to impact sensitive species to prepare a biological survey and mitigate any impacts that would occur. Appropriate mitigation is required to be determined through consultation with the wildlife agencies. Compliance with these goals and policies would lessen impacts from the GP 2012 Update, DSP Update, and the E-CAP under Issues 4.4-1, 4.4-2, and 4.4-4; however, a significant cumulative impact still exists for these issues. Adoption of the City's Multiple Habitat Conservation Program ("MHCP") Subarea Plan would establish an implementation program to



protect biological resources. Until the City has adopted this plan, these impacts would be cumulatively considerable.

Implementation of the GP 2012 Update, DSP Update, and the E-CAP would have the potential to result in impacts to federal wetlands from future development. However, future development that would potentially impact a wetland would be required to obtain permitting from federal and/or state regulations. Additionally, GP 2012 Update policies included in the Resource Conservation element would ensure impacts would be less than significant under Issue 4.4-3.

Future projects under the GP 2012 Update, DSP Update, and the E-CAP would be required to comply with all applicable sections of the City's Zoning Ordinance, existing regulations, preservation agreements, and applicable habitat conservation plans and Natural Community Conservation Plans ("NCCPs") as well as policies in the GP 2012 Update. Therefore, impacts associated with conflicts with local policies and ordinances and habitat conservation plans and NCCPs would be less than significant under Issues 4.4-5 and 4.4-6.

## **2.5 Cultural and Paleontological Resources:**

The Final EIR previously identified the following impacts associated with cultural and paleontological resources and determined the corresponding level of significance.

Issue 4.5-1 Historical Resources (Less than Significant with Mitigation)

Issue 4.5-2 Archeological Resources (Less than Significant with Mitigation)

Issue 4.5-3 Paleontological Resources (Less than Significant)

Issue 4.5-4 Human Remains (Less than Significant)

These issues were addressed in Section 4.5, Cultural and Paleontological Resources, of the Final EIR on pages 4.5-1 through 4.5-48 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.5, Cultural and Paleontological Resources, implementation of the GP 2012 Update, DSP Update, and the E-CAP would have potentially significant impacts to historical and archeological resources. Future development projects would have the potential to result in substantial adverse changes to the significance of archeological and historical resources through demolition, destruction, alteration, or structural relocation as well as disturbance of an important archeological site that contains or has the potential to contain information important to history or prehistory. While existing City and County policies and regulations and the GP 2012 Update and DSP Update goals and policies are intended to protect historical and archeological resources, the incorporation of mitigation measures Cul-1, Cul-2, Cul-3, Cul-4, Cul-5, and Cul-6 are necessary to ensure the intended protections are achieved. Therefore, with the inclusion of mitigation, impacts would be less than significant under Issues 4.5-1 and 4.5-2.

Future development under the GP 2012 Update, DSP Update, and E-CAP would have the potential to damage or destroy paleontological resources in the underlying rock units due to construction-related and earth-disturbing actions. The plan areas range from no potential to moderate potential for paleontological resources meaning it is possible for ground-disturbing activities to destroy fossil-bearing geologic formations. However, existing policies and regulations and the GP 2012 Update goals and policies (i.e. Goal 5 of the Resource Conservation Element and Policy 5.2) would protect unique paleontological resources. Therefore, impacts would be less than significant under Issue 4.5-3.

Implementation of the GP 2012 Update, DSP Update, and the E-CAP would have the potential to disturb human remains, including those located outside of formal cemeteries, due to ground disturbing activities from the development of land. However, compliance with existing federal and state policies and regulations (i.e. Health and Safety Code Section 7050.5 and Public Resources

Code 5097.98) would reduce impacts associated with human remains to a level below significant under Issue 4.5-4.

## **2.6 Geology and Soils:**

The Final EIR previously identified the following impacts associated with geology and soils and determined the corresponding level of significance.

Issue 4.6-1 Exposure to Seismic-Related Hazards (Less than Significant)

Issue 4.6-2 Soil Erosion or Topsoil Loss (Less than Significant)

Issue 4.6-3 Soil Stability (Less than Significant)

Issue 4.6-4 Expansive Soils (Less than Significant)

Issue 4.6-5 Wastewater Disposal Systems (Less than Significant)

These less than significant impacts were addressed in Section 4.6, Geology and Soils, of the Final EIR on pages 4.6-1 through 4.6-38 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review.

All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.6, Geology and Soils, Issues 4.6-1, 4.6-2, 4.6-3, 4.6-4, and 4.6-5 would result in less than significant impacts on geology and soils with the implementation of the GP 2012 Update, the DSP Update, and the E-CAP. The GP 2012 Update would designate land uses that would allow development to occur in areas with geologic hazards such as seismically-induced ground shaking, liquefaction, and landslides as well as impacts to topsoil, expansive soils, and wastewater disposal systems. Impacts from seismically induced fault rupture would not occur due to the lack of active fault traces in the area. Future development would be required to comply with all relevant federal and state regulations and building standards, including Seismic Design Categories E and F structural design requirements identified in the California Building Code ("CBC") and the National Pollutant Discharge Elimination System ("NPDES") to control erosion of unstable soils. The GP 2012 Update also includes multiple policies intended to reduce seismic hazards, soil erosion, landslides, expansive soils, and soils incapable of adequately supporting the use of septic tanks. Compliance with these regulations and policies would reduce potential impacts to less than significant under Issues 4.61 through 4.6-5.

## **2.7 Greenhouse Gas Emissions:**

The Final EIR previously identified the following impacts associated with greenhouse gas emissions and determined the corresponding level of significance.

Issue 4.7-1 Compliance with AB 32 (Less than Significant)

Issue 4.7-2 Potential Effects of Global Climate Change on the Proposed General Plan Update (Less than Significant)

These less than significant impacts were addressed in Section 4.7, Greenhouse Gas Emissions, of the Final EIR on pages 4.7-1 through 4.7-30 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and

regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.7, Greenhouse Gas Emissions, Issues 4.7-1 and 4.7-2 would result in less than significant impacts from the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Implementation of the GP 2012 Update, DSP Update, and the ECAP would be in compliance with Assembly Bill ("AB") 32, which sets reduction targets of statewide greenhouse gas ("GHG") emissions to 1990 levels by 2020 or, as outlined in the AB 32 Scoping Plan, the functional equivalent of 15 percent below current (2005) levels. The GP 2012 Update and E-CAP incorporates GHG-reducing policies and measures that would reduce the City's emissions by 21% from the 2020 emissions inventory. (The E-CAP was recently amended on March 10, 2021, and the new GHG reductions target is 52% by 2035.) Additionally, future development consistent with the policies of the GP Update 2012 and the reduction measures of the E-CAP, particularly those measures designed to conserve water and reduce energy, would work to reduce the effects of global climate change. Therefore, impacts would be less than significant under Issues 4.7-1 and 4.7-2.

## **2.8 Hazards and Hazardous Materials:**

The Final EIR previously identified the following impacts associated with hazards and hazardous materials and determined the corresponding level of significance.

Issue 4.8-1 Transport, Use and Disposal of Hazardous Materials (Less than Significant)

Issue 4.8-2 Accidental Release of Hazardous Materials (Less than Significant)

Issue 4.8-3 Hazards to Schools (Less than Significant)

Issue 4.8-4 Existing Hazardous Materials Sites (Less than Significant)

Issue 4.8-5 Public Airports (Less than Significant)

Issue 4.8-6 Private Airports (Less than Significant)

Issue 4.8-7 Emergency Response and Evacuation Plans (Less than Significant)

Issue 4.8-8 Wildland Fires (Less than Significant)

These less than significant impacts were addressed in Section 4.8, Hazards and Hazardous Materials, of the Final EIR on pages 4.8-1 through 4.8-54 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.8, Hazards and Hazardous Materials, issues 4.8-1, 4.8-2, 4.8-3, 4.8-4, 4.8-5, 4.8-6, 4.8-7, and 4.8-8 would result in less than significant impacts with the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Future businesses,

operations, or facilities developed under the GP 2012 Update, DSP Update, and the E-CAP, would involve an increase in the transport, use, and disposal of hazardous waste as well as potential accidental releases of hazardous waste. Additionally, there is potential for hazardous emissions and hazardous materials handling by future development within one-quarter mile of an existing or proposed school as well as human habitation or occupation on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, all future development allowable under the proposed land use designations identified in the GP 2012 Update would be required to comply with applicable federal, state, and local regulations related to hazardous materials and wastes. Therefore, impacts would be less than significant under Issues 4.8-1, 4.8-2, 4.8-3, and 4.8-4.

Future development with the implementation of the GP 2012 Update, DSP Update, and the ECAP would be predominantly low-density residential land uses or public land/open space within two miles of public or private airports. These land uses have low concentrations of persons, which would reduce the risk of safety hazards for people residing or working in the area. Therefore, significant impacts would not occur under Issues 4.8-5 and 4.8-6.

The GP 2012 Update, DSP Update, and E-CAP does not include measures that would impair emergency response or evacuation plans. However, it is possible that land uses and development implemented under these plans would require the updating of these emergency response plans. Compliance with existing regulations and continual updating of emergency response and evacuation plans would prevent implementation of the GP 2012 Update and DSP Update from impairing emergency response and evacuation plans. Impacts would be less than significant under Issue 4.8-7.

Implementation of the GP 2012 Update and DSP Update would result in land uses that allow residential, commercial, and industrial development in areas that are prone to wildfires due to a majority of the area being susceptible to wildland fires. However, compliance with existing regulations, including the Community Wildfire Protection Plan by the Escondido Fire Department, and implementation of the proposed General Plan Update policies within the Community Protection Element would reduce impacts to a level below significant under Issue 4.8-8.

## **2.9 Hydrology and Water Quality:**

The Final EIR previously identified the following impacts associated with hydrology and water quality and determined the corresponding level of significance.

Issue 4.9-1 Water Quality Standards and Requirements (Less than Significant)

Issue 4.9-2 Groundwater Supplies and Recharge (Less than Significant)

Issue 4.9-3 Erosion or Siltation (Less than Significant)

Issue 4.9-4 Flooding (Less than Significant)

Issue 4.9-5 Exceed Capacity of Stormwater Systems (Less than Significant)

Issue 4.9-6 Housing within a 100-Year Flood Hazard Area (Less than Significant)

Issue 4.9-7 Impeding or Redirecting Flood Flows (Less than Significant)

Issue 4.9-8 Dam Inundation and Flood Hazards (Less than Significant)

Issue 4.9.9 Seiche, Tsunami and Mudflow Hazards (Less than Significant)

These less than significant impacts were addressed in Section 4.9, Hydrology and Water Quality, of the Final EIR on pages 4.9-1 through 4.9-48 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.



As described in the Final EIR Section 4.9, Hydrology and Water Quality, Issues 4.9-1, 4.9-2, 4.9-3, 4.9-4, 4.9-5, 4.9-6, 4.9-7, 4.9-8, and 4.9-9 would result in less than significant impacts with the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Construction and operation of future development under the GP 2012 Update and DSP Update would mandatorily comply with all applicable existing regulations including but not limited to the Clean Water Act, NPDES permit program, Porter-Cologne Water Quality Control Act, San Diego Basin Plan, City of Escondido water quality management plans, as well as policies proposed under the GP 2012 Update in the Resource Conservation Element, Community Protection Element, Mobility and Infrastructure Element, and Land Use Element. The plans would not utilize groundwater for any purpose and would, therefore, not deplete groundwater supplies. Further, the GP 2012 Update, DSP Updates, and measures identified in the E-CAP would not result in the placement of development in areas that would expose people to hazards associated with inundation by a tsunami, seiches, or mudflows. Therefore, impacts would be less than significant under Issues 4.9-1, 4.9-2, 4.9-3, 4.9-4, 4.9-5, 4.9-6, 4.9-7, 4.9-8, and 4.9-9.

## **2.10 Land Use:**

The Final EIR previously identified the following impacts associated with land use and determined the corresponding level of significance.

Issue 5.10-1 Physical Division of an Established Community (Less than Significant)

Issue 5.10-2 Conflicts with Land Use Plans, Policies, and Regulations (Less than Significant)

Issue 5.10-3 Conflicts with HCPs or NCCPs (Less than Significant)

These less than significant impacts were addressed in Section 4.10, Land Use, of the Final EIR on pages 4.10-1 through 4.10-38 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to

be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.10, Land Use, Issues 4.10-1, 4.10-2, and 4.10-3 would result in less than significant impacts with the implementation of the GP 2012 Update, DSP Update, and the E-CAP. The GP 2012 Update and DSP Update do not propose any new roadways or other specific features that would physically divide an established community. Growth under the GP 2012 Update would be concentrated in 15 designated study areas and would not substantially change physical development patterns in established communities. Development standards in the GP 2012 Update would ensure that new development would not preclude future development as long as it is consistent with the proposed land use plan. The DSP Update would retain the development standards that ensure compatibility with the character and vision for the downtown area. The GP 2012 Update, DSP Update, and the E-CAP would not conflict with ant HCPs or NCCPs and would comply with regulations set forth in the Resource Conservation Element in the GP 2012 Update. Therefore, impacts would be less than significant under Issues 4.10-1, 4.10-2, and 4.10-3.

### **2.11 Mineral Resources:**

The Final EIR previously identified the following impacts associated with mineral resources and determined the corresponding level of significance.

Issue 4.11-1 Mineral Resource Availability (Less than Significant)

Issue 4.11-2 Mineral Resource Recovery Sites (Less than Significant)

These less than significant impacts were addressed in Section 4.11, Mineral Resources, of the Final EIR on pages 4.11-1 through 4.11-14 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current

conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.11, Mineral Resources, Issues 4.11-1 and 4.11-2 would result in less than significant impacts from the implementation of the GP 2012 Update, DSP Update, and the E-CAP. The existing GP 2012 Update, DSP Update, and E-CAP does not include any goals or policies specifically related to mineral resources or mineral resource extraction. However, if new mineral extraction facilities were to be approved, it would be required to comply with the goals and policies that apply to all development. The existing GP 2012 Update planning area is developed with land uses that limit the availability of mineral resources. Additionally, only a small portion of the planning area has been designated as containing known mineral resources of value. New development proposed near existing extraction facilities would be required to demonstrate compatibility with existing land uses as part of project approval. Therefore, impacts would be less than significant under Issue 4.11-1 and 4.11-2.

## **2.12 Noise:**

The Final EIR previously identified the following impacts associated with noise and determined the corresponding level of significance.

Issue 4.12-1 Excessive Noise Levels (Less than Significant)

Issue 4.12-2 Excessive Groundborne Vibration (Significant and Unavoidable)

Issue 4.12-3 Permanent Increase in Ambient Noise Levels - Cumulative (Significant and Unavoidable)

Issue 4.12-4 Temporary Increase in Ambient Noise Levels (Less than Significant)

Issue 4.12-5 Excessive Noise Exposure from Airports (Less than Significant)

These issues were addressed in Section 4.12, Noise, of the Final EIR on pages 4.12-1 through 4.12-54 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.12, Noise, future development under the GP 2012 Update, DSP Update, and E-CAP would have the potential to expose noise-sensitive land uses (NSLU) and new commercial, office, and industrial land uses to excessive noise levels from existing roadway noise and noise related to existing commercial, industrial, and extractive land uses, and the Palomar Energy Center power plant. However, compliance with existing regulations such as

the Noise Ordinance, and implementation of the GP 2012 Update's goals and policies, including Noise Policies 5.1 through 5.4 and the Noise Compatibility Guidelines, would reduce impacts under Issue 4.12-1 to less than significant.

Construction of new land uses under the GP 2012 Update, DSP Update, and E-CAP and placement of new development in close proximity to the SPRINTER rail line would have the potential to result in impacts associated with excessive groundborne vibration. This includes significant impacts related to groundborne noise during construction and potential damage to buildings that may be susceptible to vibration damage from construction equipment. The potential also exists for cumulative construction projects to result in combined construction impacts if occurring simultaneously or construction activities in close proximity to the

SPRINTER line. The GP 2012 Update Noise Policy 5.5 requires compliance with the Federal Transit Administration (FTA) vibration criteria for construction that would occur under these plans. However, additional mitigation is necessary to ensure proper setbacks are established. Mitigation measures Noi-1 and Noi-2 would be implemented to reduce direct and cumulative impacts associated with groundborne vibrations, but not to a less than significant level. Impacts would remain significant and unavoidable under Issue 4.12-2.

Future development and redevelopment consistent with the GP 2012 Update, DSP Update, and E-CAP would have the potential to substantially increase ambient noise levels above existing conditions as a result of increases in roadway noise and new operational noise sources. However, implementation of the GP 2012 Update Noise Policy, including Noise Policy 5.6 which requires technical reports be prepared for future development that would have the potential to substantially increase ambient noise levels, the Incremental Noise Impact Standards by the FTA, and the City's Noise Ordinance would reduce direct impacts related to permanent increases in ambient noise to less than significant under Issue 4.12-3. However, land use development in accordance with these plans would still contribute to cumulative future regional noise increases associated with roadway traffic. Two mitigation measures were identified to fully reduce impacts to below a level of significance but the City determined that these measures were infeasible.

Future development under the GP 2012 Update, DSP Update, and E-CAP would have the potential to result in temporary increases in ambient noise levels due to construction of new land uses and infrastructure. However, existing City policies, the GP 2012 Update goals and Policies, and the City's Noise Ordinance would reduce impacts to less than significant under Issue 4.12-4. Future development under the GP 2012 Update, DSP Update, and E-CAP would not expose people residing or working in the GP 2012 Update area to excessive noise levels from a nearby public airport or private airstrip. Impacts would be less than significant under Issue 4.12-5.

### **5.13 Population and Housing**

The Final EIR previously identified the following impacts associated with population and housing and determined the corresponding level of significance.

#### Issue 4.13-1 Population Growth (Less than Significant)

#### Issue 4.13-2 Displacement of Housing and People (Significant and Unavoidable)

These issues were addressed in Section 4.13, Population and Housing, of the Final EIR on pages 4.13-1 through 4.13-24 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.13, Population and Housing, implementation of the GP 2012 Update, DSP Update, and E-CAP would directly and indirectly induce population growth that is consistent with forecasted growth for these plan areas. The GP 2012 Update is a comprehensive plan to guide future growth and includes a framework for land use development, as well as goals and policies to prevent unanticipated or inappropriate population growth in the GP and DSP area. Compliance with the GP 2012 Update policies and regulations would reduce impacts to less than significant under Issue 4.13-1.

Future development under the GP 2012 Update, DSP Update, and the E-CAP would result in the displacement of substantial number of existing housing and people, necessitating the construction of replacement housing elsewhere. The GP 2012 Update land uses would displace up to 142 existing residential dwelling units and the GP 2012 Update's proposed Mobility and Infrastructure Element would have the potential to displace up to 300 businesses and residences. Mitigation measure Pop-1 would be implemented to mitigate impacts related to the displacement of homes. Despite compliance with existing regulations, implementation of the proposed GP 2012 Update policies, and mitigation measures Pop-1, the project's direct impact would remain significant and unavoidable.

#### **2.14 Public Services:**

The Final EIR previously identified the following impacts associated with public services and determined the corresponding level of significance.

Issue 4.14-1 Fire Protection Services (Less than Significant)

Issue 4.14-2 Police Protection Services (Less than Significant)

Issue 4.14-3 School Services (Less than Significant)

Issue 4.14-4 Library Services (Less than Significant)

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.14, Public Services, Issues 4.14-1, 4.14-2, 4.14-3 and 4.14-4 would result in less than significant impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Implementation of the GP 2012 Update, DSP Update, and E-CAP would not increase the demand for fire protection, police protection, school services, and library services. Development consistent with the GP 2012 Update and DSP Update includes policies that help to minimize deterioration of fire and police agency response times and school and library services and environmental impacts related to the construction or expansion of additional facilities. Therefore, impacts would be less than significant under Issues 4.14-1, 4.14-2, 4.14-3 and 4.14-4.

## **2.15 Recreation**

The Final EIR previously identified the following impacts associated with recreation and determined the corresponding level of significance.

Issue 4.15-1 Deterioration of Parks and Recreational Facilities (Less than Significant)

Issue 4.15-2 Construction of New Recreational Facilities (Less than Significant)

These less than significant impacts were addressed in Section 4.15, Recreation, of the Final EIR on pages 4.15-1 through 4.15-24 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.



The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.15, Recreation, Issues 4.14-1 and 4.14-2 would result in less than significant impacts resulting from implementing the GP 2012 Update, DSP Update, and E-CAP. As analyzed in the Final EIR, neighborhood and community parks are currently deficient in the City and implementation of the GP 2012 Update, DSP Update, and E-CAP would increase use of existing parks, thereby resulting in accelerated deterioration of recreational facilities. Additionally, the construction or expansion of recreational facilities to address the increased growth, may have an adverse effect on the environment. However, implementation of the proposed General Plan Update policies and Planning Principal and Guideline 1k(1) within the Downtown Specific Plan Update and E-Cap measures would reduce impacts to below a level of significance under Issues 4.14-1 and 4.14-2.

## **2.16 Transportation and Traffic:**

The Final EIR previously identified the following impacts associated with transportation and traffic and determined the corresponding level of significance.

Issue 4.16-1 Traffic and LOS Standards (Significant and Unavoidable)

Issue 4.16-2 Air Traffic (Less than Significant)

Issue 4.16-3 Rural Road Safety (Less than Significant)

Issue 4.16-4 Emergency Access (Less than Significant)

Issue 4.16-5 Alternative Transportation (Less than Significant)

These issues were addressed in Section 4.16, Transportation and Traffic, of the Final EIR on pages 4.16-1 through 4.16-88 under the headings noted above.

As described in the Final EIR Section 4.16, Issues 4.16-2, 4.16-3, 4.16-4 and 4.16-5 would result in less than significant impacts and Issue 4.16-1 would result in significant and unavoidable impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Implementation of the GP 2012 Update, DSP Update, and E-CAP would not result in changes to air traffic patterns, result in increased traffic on roadways with horizontal or vertical curves that are sharper than existing standards, or impair emergency access. In addition, implementation of policies in the DSP Update and E-CAP measures would create provisions for alternative modes of transportation, including multi-modal transit stations, bike lanes, bus stops, trails, and sidewalks. Therefore, impacts would be less than significant under Issues 4.16-2, 4.16-3, 4.16-4 and 4.16-5.

Implementation of the GP 2012 Update, DSP Update, and E-CAP would result in 14 deficient roadway segments and seven deficient intersections throughout the proposed project area resulting in a significant direct and cumulative impact. Implementation of the proposed GP 2012 Update and DSP Update policies and mitigation measures, in addition to compliance with applicable regulations, would reduce nine traffic impacts to a level below significant. However, 11 roadway segment and intersection impacts would remain above a level of significance because mitigation for these impacts has been determined to be infeasible by the City. Therefore, the proposed project would result in significant and unavoidable traffic and level of service (LOS) impacts under Issue 4.16-1.

#### **5.17 Utilities and Service Systems:**

The Final EIR previously identified the following impacts associated with utilities and service systems and determined the corresponding level of significance.

Issue 4.17-1 Wastewater Treatment Requirements (Less than Significant)

Issue 4.17-2 New Water or Wastewater Treatment Facilities (Less than Significant)

Issue 4.17-3 Sufficient Stormwater Drainage Facilities (Less than Significant)

Issue 4.17-4 Adequate Water Supplies (Significant and Unavoidable)

Issue 4.17-5 Adequate Wastewater Facilities (Less than Significant)

Issue 4.17-6 Sufficient Landfill Capacity (Significant and Unavoidable)

Issue 4.17-7 Solid Waste Regulations (Less than Significant)

Issue 4.17-8 Energy (Less than Significant)

These issues were addressed in Section 4.17, Utilities and Service Systems, of the Final EIR on pages 4.17-1 through 4.17-58 under the headings noted above.

The Project seeks to amend the Housing Element portion of the General Plan to meet the statutory requirements of Housing Element Law, as it was described previously in the Final EIR. The 2021-2029 Housing Element Update is a policy document and its adoption would not, in itself, produce environmental impacts. It consists of a housing program that was updated to reflect current conditions and legal requirements; no actual development is proposed as part of the Housing Element Update. However, implementation of the programs contained in the document would accommodate development required to meet the City's regional housing needs assessment, which specifies a need for land appropriately zoned to facilitate the production of new housing. Although the City does not build the housing, the Housing Element does create a plan and regulatory framework, which provides opportunities for the private sector to do so, where market conditions determine when and where housing is built.

The City's update to the Community Health and Services Chapter to integrate certain environmental justice policies, goals, and objectives, will identify issues and needs anticipated to be of ongoing concern to people in the City. Environmental justice goals, policies, and objectives will be developed by identifying disadvantaged communities and demographics to better understand the unique and disproportionate challenges faced by these communities. This will guide the City's efforts to address issues related to public health, social equity, and environmental justice.

New land use development projects would implement the proposed Housing Element Update goals and policy text changes. Those future projects would be subject to future environmental review, as required under CEQA, once sufficient information is available to complete such review. All future projects would be required to adhere to relevant development standards and design guidelines contained in the City's zoning ordinance. The potential impacts of any specific future residential development projects would be assessed at the time when the projects are actually proposed, and mitigation measures would be adopted as necessary, in conformance with CEQA.

As described in the Final EIR Section 4.17, Utilities and Service Systems, Issues 4.17-1, 4.17-2, 4.17-3, 4.17-5, 4.17-7, and 4.17-8 would result in less than significant impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Issues 4.17-4 and 4.17-6 would result in significant and unavoidable impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Implementation of the GP 2012 Update, DSP Update and E-CAP could result in the demand for wastewater treatment services to increase at a rate disproportionate to facility capabilities, which would result in a violation in wastewater treatment standards. However, compliance with existing regulations and implementation of the GP 2012 Update and E-CAP reduction measures would reduce this impact to below a level of significance. Similarly, the implementation of the GP 2012 Update, DSP Update, and E-CAP could have the potential to increase the demand requiring the construction of new or expanded water, wastewater, and stormwater facilities and increase the demand for wastewater treatment services. However, existing regulations and policies in the GP 2012 Update and E-CAP reduction

measures would reduce impacts to these facilities and services to levels below significance. Similarly, implementation of the GP 2012 Update, DSP Update, and E-CAP would increase demand for energy, resulting in the need for new or expanded energy facilities to be constructed, which would have the potential to result in significant environmental effects. However, the construction of new energy facilities would be subject to CEQA and/or NEPA and impacts would be mitigated, to the extent feasible. Additionally, multiple GP 2012 Update and E-CAP policies exist that would reduce energy consumption and the need to build new energy facilities. Therefore, impacts associated with energy would be less than significant under Issues 4.17-1, 4.17-2, 4.17-3, 4.17-5, 4.17-7, and 4.17-8.

Implementation of the GP 2012 Update, DSP Update, and E-CAP would result in significant and unavoidable impacts associated with adequate water supplies. Adequate water supply may not be available to serve the proposed project due to projections of water shortages during multiple dry water years by San Diego County Water Authority ("SDCWA"), Vallecitos Water District ("VWD") and Rincon Del Diablo Water District ("RDD"). Cumulative projects would also result in a significant cumulative impact and the proposed project would contribute to a significant cumulative impact associated with adequate water supplies. Even with compliance with existing regulations, policies contained in the GP 2012 Update policies, E-CAP reduction measures, and mitigation measure Util-1, impacts would remain significant and unavoidable under Issue 4.17-4. Similarly, the 2012 GP Update, DSP Update, and E-CAP has the potential to be served by a landfill with insufficient capacity to accommodate the solid waste disposal needs of the project. Compliance with existing regulations and GP 2012 Update policies and E-CAP reduction measures would reduce impacts associated with sufficient landfill capacity, although not to below a level of significance. Mitigation measures have been identified to reduce impacts to a less than significant level; however, the City finds these measures to be infeasible because they do not meet the project objectives, would prohibit growth, and place undue burden on developers to create additional landfill capacity. Until additional solid waste disposal facilities are permitted and constructed within the San Diego region, the proposed project's impact would remain significant and unavoidable. Therefore, the 2012 GP Update, DSP Update, and E-CAP would result in significant direct and cumulative impacts under Issue 4.17-6.

### **3.0 Findings**

#### **3.1 Rationale for Addendum:**

The Addendum to the Final EIR finds that the impacts resulting from implementation of the 2012 GP Update, DSP Update, and E-CAP remain the same, aside from the Project's proposed modification, and the mitigation measures would remain unchanged and are still valid and enforceable. No considerably different mitigation measures or feasible alternatives have been identified. The Addendum finds that the previously identified impacts and mitigation measures, as described in the Final EIR, are still applicable to the General Plan. Therefore, the Final EIR, as certified, remains adequate and complete. The Project can be approved as an activity covered

within the scope of the Final EIR. No circumstances exist calling for the preparation of a subsequent or supplemental EIR pursuant to CEQA Guidelines sections 15162 and 15163.

**3.2 Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR:**

There are no substantial changes to the circumstances under which the proposed Project is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance that was not known or could not have been known at the time the Final EIR was certified that shows the proposed Project would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives that are considerably different from those analyzed in the Final EIR that would substantially reduce one or more significant effects on the environment. Environmental effects associated with the Project were evaluated in the Final EIR. The Project would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under CEQA Guidelines sections 15162 and 15163. No further analysis is required.

## PLANNING COMMISSION

Agenda Item No.: H.1  
Date: July 27, 2021

**PROJECT NUMBER / NAME:** PL 21-0117 / Apollo Assisted Living Facility

**REQUEST:** A Plot Plan for a 3,099 square foot basement expansion associated with an approved assisted living facility, and an Addendum to the approved Mitigated Negative Declaration for the expansion of the Brush Management Zone associated with a proposed Fuel Modification Plan.

**LOCATION:** 3141 E. Valley Parkway

**APPLICANT:** NOAA Group

**APN / APNS:** 240-110-54-00, 240-110-55-00,  
and 240-110-56-00

**PRIMARY  
REPRESENTATIVE:** Joseph Holasek

**GENERAL PLAN / ZONING:** SPA 5 / SP

**DISCRETIONARY ACTIONS REQUESTED:** Plot Plan

**PREVIOUS ACTIONS:** Approval of Conditional Use Permit and Grading Exemption

**PROJECT PLANNER:** Sean Nicholas, Principal Planner  
[snicholas@escondido.org](mailto:snicholas@escondido.org)

**CEQA RECOMMENDATION:** Addendum to approved Mitigated Negative Declaration

**STAFF RECOMMENDATION:** Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2021-13

**CITY COUNCIL HEARING REQUIRED:** ☐ YES ☒ NO

**REPORT APPROVALS:** ☒ Adam Finestone, AICP  
Interim Community Development Director

## **BACKGROUND:**

The project site is approximately 3.31 acres in size and is located at the southeast corner of East Valley Parkway and Hidden Trails Road. The site consists of three lots under common ownership, ranging in size from 0.97 acre to 1.34 acres.

A Conditional Use Permit (“CUP”) and Grading Exemption were approved for an assisted living facility on January 14, 2020 (Planning Commission Resolution No. 2020-01). The Plot Plan is required for a 3,094 square foot basement addition. The Addendum to the approved Mitigated Negative Declaration (“MND”) is required due to the additional area impacted by the proposed Fuel Modification Plan. The January 14, 2020 Planning Commission Staff Report, and approved Resolution have been included as Attachments 2 and 3, respectively.

## **PROJECT ANALYSIS:**

The approved project consists of a basement and three stories above. The three stories are a total of 59,397 square feet and include 78 units. The basement level contains “back of house” operations with no habitable rooms. The architecture is a Tuscan/Spanish design including white stucco, red S-tile roof, arches, and decorative stonework and lights. The height of the structure is just below the Specific Plan maximum of 35 feet.

### **Plot Plan**

Pursuant to Escondido Zoning Code (“EZC”) Section 33-1208, a Plot Plan is required for the expansion of a structure that was previously approved by a CUP if the expansion is less than 1,000 square feet or 10%, whichever is greater. It is not uncommon that modifications to building area or other aspects of a project occur as a result of a project moving from the entitlement process to construction-level documents. This is often the result of finalizing framing, structural, or HVAC requirements that are not fully considered during the entitlement stage. When these changes involve an expansion of the building, a Plot Plan is required, as noted above. A Plot Plan would typically be approved at staff level; however, because the need for an addendum to the previously approved MND requires approval by the Planning Commission, the Plot Plan is considered concurrently.

The proposed Apollo Assisted Living plans include a 3,094 square foot addition to the basement level of the project, increasing the overall square footage of the project to 62,491 square feet. The expansion allows for additional “back of house” activities to take place (such as laundry and storage) on-site rather than off-site. The expansion does not increase the approved number of units or beds. Given that the proposed expanded area is subterranean, it will not be visible to the public. However, minor façade modifications are proposed. Staff will ensure that those minor façade modifications substantially conform to the elevations approved by the Planning Commission.

## **ENVIRONMENTAL STATUS:**

### **MND Addendum**

An Initial Study and MND ("IS/MND") (City Log No. ENV 19-0003) were approved by the Planning Commission on January 14, 2020 (Planning Commission Resolution No. 2020-01). Subsequently, the final Fire Master Plan and Fuel Modification Plan required additional area for Brush Management Zone ("BMZ") clearance for fire safety. As a result, an updated Biological Study was prepared to determine if any conditions identified in CEQA Guidelines section 15162(a) exist. The study did not identify any changes to the project, changed circumstances under which the project would be carried out, new information, or improved mitigation measures, that would require the preparation of a subsequent environmental document is required. It should be noted that the expansion of the BMZ will encroach onto an adjacent property and the consent of the adjacent property owner will be required. A condition of approval has been included with the project to this effect.

## **CONCLUSION:**

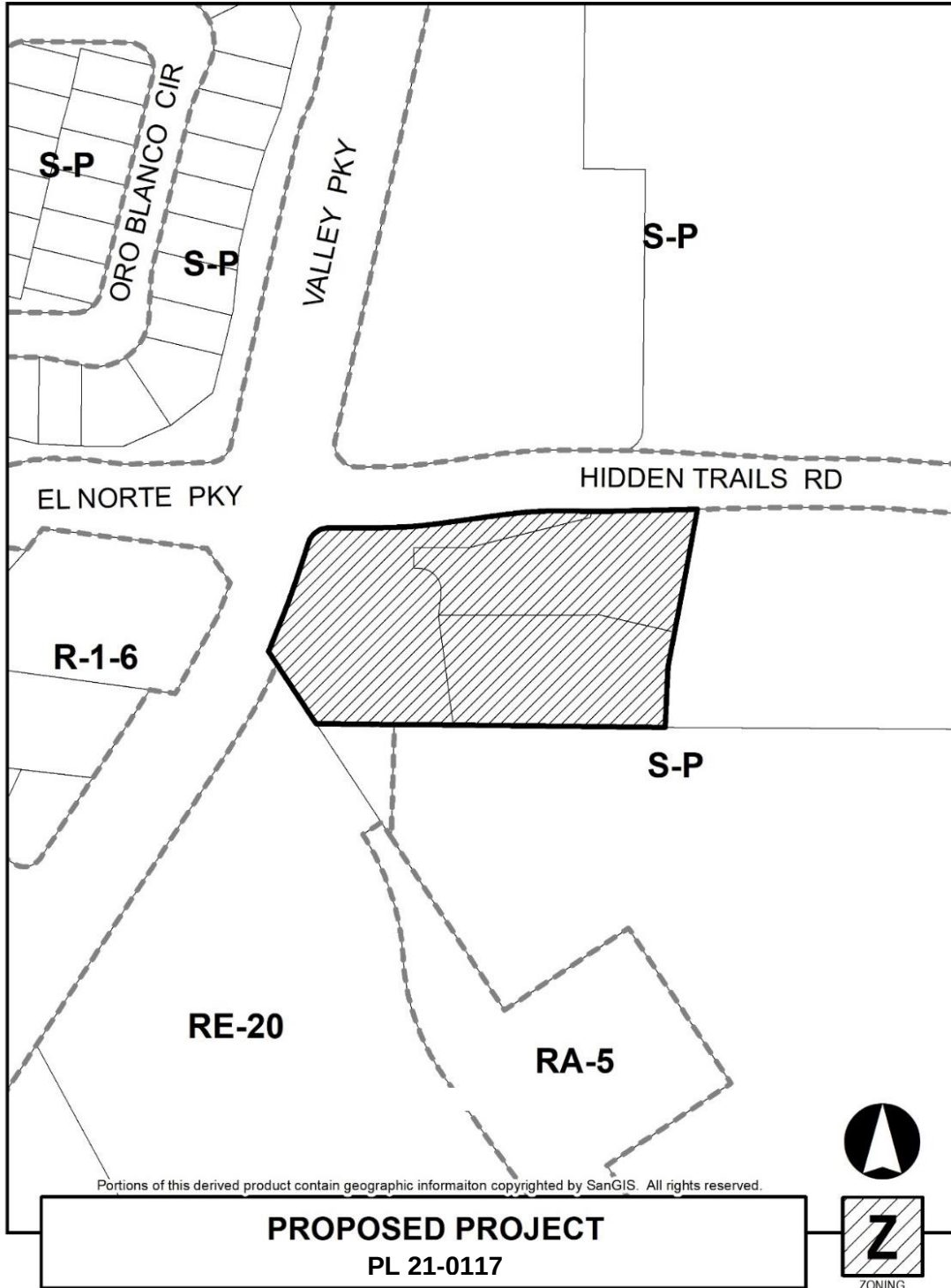
While a Plot Plan is typically approved by the Director of Community Development, or their designee, the proposed addendum to the previously approved MND requires approval by the Planning Commission. Thus, the proposed Plot Plan Permit is subject to Planning Commission review. As stated above, the area being added to the project will provide additional space for "back of house" activities to occur on-site and will not change the scale of the development nor the number of units or beds currently on site. Staff will continue to work closely with the applicant and their design team to ensure that the final architecture substantially conforms to the plans included as part of Exhibit "C" to the approved Planning Commission Resolution No. 2020-01. As determined by the addendum to the previously approved MND, the expanded BMZ will not have a significant effect on the environment and no further environmental review is required. Staff recommends that the Planning Commission approve Planning Case No. PL21-0117 and an addendum to ENV 19-0003, based upon the findings identified in Exhibit "D" to draft Planning Commission Resolution No. 2021-13 and subject to the conditions of approval contained in Exhibit "E" to that Resolution to draft Planning Commission Resolution No. 2021-13. The draft Planning Commission Resolution No. 2021-13 is attached hereto as Attachment 4.

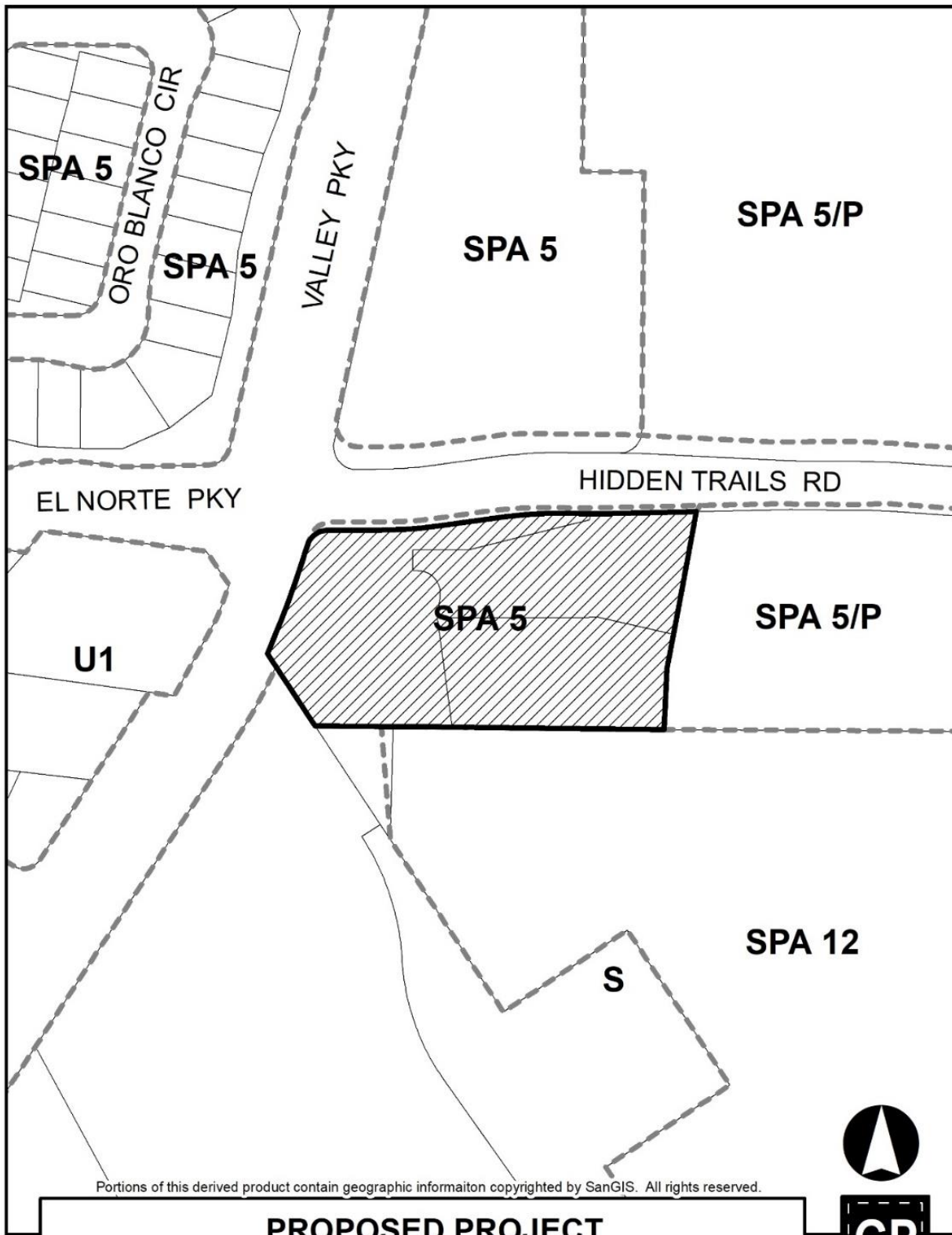
## **ATTACHMENTS:**

1. Location and General Plan Map;
2. January 14, 2020 Planning Commission Staff Report (excerpted);
3. Planning Commission Resolution No. 2020-01; and
4. Draft Planning Commission Resolution No. 2021-13.



ATTACHMENT 1  
PL 21-0117





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**PROPOSED PROJECT**

PL 21-0117



GENERAL PLAN

## PLANNING COMMISSION

**Agenda Item No.: G.1**  
**Date: January 14, 2020**

**PROJECT NUMBER / NAME:** PHG 19-0015 and ENV 19-0003 / Apollo Assisted Living Facility

**REQUEST:** A Conditional Use Permit for an assisted living and memory care facility, with 78 units accommodating 99 beds, 41 parking spaces, and associated landscaping and stormwater facilities. A request for a Grading Exemption is also included with the project to allow a cut slope up to 26 feet in height and with a grade as steep as 1.5:1. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** 3141 East Valley Parkway

**APN / APNS:** 240-110-54, 240-110-55,  
and 240-110-56

**GENERAL PLAN / ZONING:** SPA 5 / SP

**APPLICANT:** Joseph Holasek, NOAA  
Group

**PRIMARY**  
**REPRESENTATIVE:** Same

**DISCRETIONARY ACTIONS REQUESTED:** Conditional Use Permit and Grading Exemption

**PREVIOUS ACTIONS:** None

**PROJECT PLANNER:** Ann Dolmage, Associate Planner  
[adolmage@escondido.org](mailto:adolmage@escondido.org)

**CEQA RECOMMENDATION:** Initial Study/Mitigated Negative Declaration

**STAFF RECOMMENDATION:** Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2020-01

**CITY COUNCIL HEARING REQUIRED:** ☐ YES ☒ NO

**REPORT APPROVALS:**

☐ Bill Martin, Community Development Director  
☒ Mike Strong, Assistant Planning Director

## **BACKGROUND:**

The project site is approximately 3.31 acres in size and is located at the southeast corner of East Valley Parkway and Hidden Trails Road. The site consists of three (3) lots under common ownership, ranging in size from 0.97 acre to 1.34 acres. One of these lots is developed with a single-family residence and detached garage, both of which would be demolished as part of the project. The house and garage were built in the 1950s, but are not located on the City's Historic Survey. Primary access to the residence and garage is via a driveway from Hidden Trails Road on the north side of the site, with secondary access from Old Guejito Grade Road at the southwest corner of the site. Development on surrounding properties consists of single-family residences to the west of East Valley Parkway, Valley High School and Ryan Park on the north side of Hidden Trails Road, large lots primarily used for agricultural and/or residential purposes to the south, and an undeveloped City-owned property to the east.

## **PROJECT ANALYSIS:**

### **1. General Plan / Zoning**

The General Plan land use designation for the subject property is SPA 5 (Specific Plan Area #5) and the zoning classification is SP (Specific Plan). The Northeast Gateway Specific Plan has established permissible land uses, development standards, and design guidelines for lands within SPA 5. The Northeast Gateway Specific Plan is divided into five (5) Planning Areas. Planning Areas 1 through 4 designate areas for both natural and/or modified open space and residential development, while Planning Area 5 contains only open space.

The subject property is located within Planning Area 4, along with the high school and park to the north. The majority of Planning Area 4 is classified as open space, but the subject property has been designated for residential use, with a minimum lot size of one acre. Allowed principal residential uses on the subject property include traditional estate lots with one home per lot, or "air rights" condominiums constructed as detached units occupying individual exclusive-use areas, all on one shared lot. Certain non-residential uses are allowed within the residential portions of the Northeast Gateway Specific Plan with approval of a Conditional Use Permit. Convalescent facilities are included in the list of conditionally permitted uses.

### **2. Site Design**

The proposed development is in scale and harmony with other residential land uses. The project would be visible to residents that traverse the area, given the pad's elevation and by virtue of location. Approval of the project's site design would result in improvements that are visually and functionally appropriate to the site conditions (including landforms and vegetation), and that provide sufficient site access and vehicular parking, as discussed herein.

*A. Grading*

The project proposes approximately 15,200 cubic yards of cut and 2,500 cubic yards of fill, for a balance of 12,700 cubic yards. Retaining walls are proposed within a bioretention area near the southwest corner of the site, along a walkway at the north side of the building, and along the east and south sides of the building (where it is set into the base of the hill that occupies the eastern portion of the project site).

The Northeast Gateway Specific Plan classifies areas exceeding 25 percent in slope as natural open space and prohibits development in these areas. The east portion of the project site contains slopes over 25 percent, so the proposed facility has been located to avoid this area. Cut slopes normally are limited to a height of 20 feet and a slope of 2:1. Since the project involves a cut slope of 1.5:1 (located between the proposed building and the protected >25-percent slopes), which reaches a height of 26 feet at its tallest location (just south of the main project driveway, and east of the building's northeast corner), a Grading Exemption is requested as part of the project proposal.

*B. Landscaping*

For continuity in landscape design across multiple properties, the Northeast Gateway Specific Plan requires developers to select the majority of their landscape plantings from a matrix of tree, shrub, grass, and vine species. Additionally, the Specific Plan states that projects should use a variety of planting sizes for a diverse and layered look (incorporating five-gallon, 15-gallon, and 24"-box trees, and one-gallon and five-gallon shrubs), and that street trees should be provided at an average spacing of one (1) tree per 30 feet. A conceptual landscape plan has been provided by the applicant to demonstrate how the project can conform to these policies. As a condition of approval for the project, a full landscape package (including both planting and irrigation details) will be required prior to grading permit issuance.

Per a tree survey provided by the applicant, approximately 57 trees of varying sizes would be removed from the site as a result of the project. The Zoning Code requires replacement of mature trees at a 1:1 ratio ("mature trees" include oaks with a diameter between four and 10 inches, and non-oaks with a diameter over eight inches), and replacement of protected trees at a 2:1 ratio ("protected trees" include oaks with a diameter over 10 inches). The Zoning Code recommends replacement on the project site, but off-site replacement within the City's jurisdiction is also allowed. Replacement trees preferably should be similar in size and caliper to those being removed, and oaks should be replaced with oaks.

The conceptual landscape plan provided by the applicant shows that all non-oaks slated for removal that qualify as mature trees can be adequately replaced on-site, with various species compatible with local climate and the Northeast Gateway Specific Plan planting matrix. However, 26 of the trees to be removed are oaks qualifying as either "mature" or "protected", requiring

replacement with 30 new oaks. Only 20 new oaks are shown on the conceptual landscape plan. A condition of approval for the project (also included as a mitigation measure in the Initial Study and Mitigated Negative Declaration, discussed in the next section) allows off-site replacement for these oaks with coordination with the Planning Division and Engineering Services Department.

Additionally, small amounts of two sensitive vegetation communities would be disturbed (0.01 acre of coast live oak woodland and 0.03 acre of Diegan coastal sage scrub- disturbed), per the project's biological survey. A condition of approval (also included as a mitigation measure in the environmental document) would mitigate for the loss of this habitat through the purchase of credits at the Daley Ranch Conservation Bank or another approved habitat mitigation bank.

### *C. Project Access and Traffic*

Access to the project site would be via two entrances. The first would be a private driveway located on Hidden Valley (in the approximate location of the existing driveway for the single-family residence, though the entry point would be shifted to the east, to align with a driveway at the high school on the north side of Hidden Trails). A second access point would be located at the southwest corner of the site, from Old Guejito Grade Road, which connects to East Valley Parkway.

In general, development places demands on transportation. That is, new development may generate enough traffic to cause congestion and/or the need for infrastructure improvements. Traffic impact studies are a common planning tool to anticipate demands on the transportation network. A traffic memo was prepared that states that the project would involve a net increase of 253 average daily trips (ADT) to the area, with 177 ADTs distributed onto Hidden Trails (classified as a Local Collector street in the General Plan), and the remaining 76 ADTs distributed onto Old Guejito Grade (an unclassified street in the General Plan). Since the trigger point for completion of a full traffic impact analysis is 200 ADT for Local Collector and unclassified streets, a full traffic impact analysis was not prepared for the project. The relatively low amount of traffic generated by the project is appropriate for the site, and the area's transportation facilities are anticipated to operate adequately.

### **3. Building Design**

The project is generally considered to be consistent with applicable goals, policies, and objectives contained in the General Plan, Northeast Gateway Specific Plan, and other such documents related to design parameters. The development of the site as proposed supports the viability of residential land uses and the project as designed is in substantial compliance with the design standards stated. The project would not drastically affect aesthetics or cause privacy issues for the area. Furthermore, the project would not result in substantial design-related conflicts or development that would be incompatible with other surrounding land uses within the Northeast Gateway Specific Plan.

#### *A. Building Height*

Since the proposed building would be constructed into the base of a hill, the faces of the building would be significantly different heights, with the tallest sides at the front of the building (northwest and west elevations) and the shortest at the rear (the east elevation). Zoning Code Section 33-8 defines “building height” as the “vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building or structure to the top of the building or structure”. The applicant has provided an exhibit showing the elevation (in feet above sea level) of 76 equally-spaced points around the perimeter of the proposed building’s base (i.e., where the building would meet the ground). The average of the highest and lowest of these measurements (770 feet and 743 feet, respectively) is 756.5 feet. Since the maximum height allowed is 35 feet, the top of the building may not project above an elevation of 791.5 feet (756.5 feet plus 35 feet equals 791.5 feet). The project plans indicate that the roofline of the building would be 789 feet in elevation, or 32.5 feet above the 756.5-foot elevation.

The building design includes elements that project above the 35-foot height limit, including a parapet element around the roofline perimeter, as well as tower elements. The tallest tower elements on the site would project to an elevation of about 796 feet, and the parapet would project to about 792.5 feet at its highest level. Section 33-1075 of the Zoning Code allows projections of these elements on the condition that the portion above the height limit is not used for sleeping or eating quarters, does not create floor area that could be used as habitable space, and does not create an unnecessary aesthetic impact on surrounding properties (as determined by the decision-making body).

#### *B. Floor Plan*

The proposed facility would consist of four (4) levels, totaling approximately 59,397 square feet. The facility would contain 78 units and 99 beds (all studios and one-bedroom units would contain one bed each, while two-bedroom units would contain two beds each).

The ground floor (referred to as a “partial basement” on the plans) would serve as the building’s main entry point, with separate lobbies for the assisted living and memory care functions, offices, a conference room, storage and mechanical rooms, and restrooms. A trash room for storage of refuse containers would be located at the southwest corner of the building, with external access. Deliveries would also enter the building via a door at the southwest corner. Three (3) staircases and three (3) elevators (two standard and one service) would be provided throughout the ground floor for access to the upper floors. As the smallest floor in the building, the ground floor would be approximately 4,927 square feet in size.

The first floor would contain 27 units for assisted living, including 17 studio units and ten (10) one-bedroom units. Since each unit would contain one bed, 27 beds would be located on this floor.

Indoor recreational and social amenities on this floor would include a fitness center, theater, and lounge. A central, open-air courtyard would be accessible from this floor, with seating, fire pit, koi pond, and landscaping. Altogether, the area of the first floor (excluding the courtyard) would be approximately 15,525 square feet.

The second floor would contain 39 units. Fourteen (14) of these units would be designated for assisted living residents, including six (6) studios, six (6) one-bedroom units, and two (2) two-bedroom units. The remaining 25 units would be for memory care residents, including nine (9) studios and sixteen (16) two-bedroom units. A total of 57 beds would be located on this floor. Amenities on this floor would include an assisted living lounge, separate activity rooms for assisted living and memory care functions (with attached balconies for outdoor activities), a memory care dining room with warming kitchen, and a salon. Other services would include a laundry room, medical room, and staff lounge. As the largest floor in the building, the area of the second floor would be approximately 25,797 square feet.

The third floor would contain twelve (12) units for assisted living, including five (5) studios, four (4) one-bedroom units, and three (3) two-bedroom units, for a total of 15 beds. Amenities on this floor would include a dining hall (with adjacent, smaller rooms for private dining, and a balcony for outdoor dining), a lounge/waiting area with additional table seating, and another balcony for an outdoor bar. A kitchen would be located off the dining hall, and a wheelchair storage room would also be provided. The area of the third floor would be approximately 13,149 square feet.

The above description of room distribution within the facility is summarized in the table below.

|              | Assisted living - studio | Assisted living - one bedroom | Assisted living – two bedroom | Memory care - studio | Memory care – two bedroom | Total units                   |
|--------------|--------------------------|-------------------------------|-------------------------------|----------------------|---------------------------|-------------------------------|
| Ground floor | -                        | -                             | -                             | -                    | -                         | -                             |
| First floor  | 17                       | 10                            | -                             | -                    | -                         | 27                            |
| Second floor | 6                        | 6                             | 2                             | 9                    | 16                        | 39                            |
| Third floor  | 5                        | 4                             | 3                             | -                    | -                         | 12                            |
| Total units  | 28                       | 20                            | 5                             | 9                    | 16                        | 78 units in building; 99 beds |

### *C. Exterior Design*

The proposed facility would be constructed in a Tuscan style, with a neutral color palette. The primary exterior wall material would be sand-finish stucco, with soft white for the main color and dark sand for the wainscoting, cornice molding, and some trims. Eldorado stone cladding would be used as an accent material, on the staircase tower elements (up to and including the second floor). A porte cochere would be located on the northwest elevation, between the assisted living entrance and the memory care entrance, for passenger drop-offs and pick-ups. All balcony



elements on the top two floors would be protected with metal guard rails, and precast concrete columns would provide additional ornamentation for the third floor balconies. A heavy timber trellis would cover the third-floor balcony proposed for use as an outdoor bar. Additional design features to be used include vinyl clad windows with brown trim, concrete S-tile roofing, and decorative lighting features.

#### 4. Supplemental Details of Request

|                    | Required per Northeast Gateway Specific Plan | Proposed                                                                                                                                                                |
|--------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Lot size        | 1 acre minimum                               | 3 lots in project site (0.97 acre, 1.00 acre, and 1.34 acres) = 3.31 acres total<br><br>A lot tie agreement would be required as a condition of approval of the project |
| 2. Building size   | N/A                                          | ± 59,397 square feet                                                                                                                                                    |
| 3. Room types      | N/A                                          | 53 assisted living rooms<br>25 memory care rooms<br>78 total rooms with 99 beds<br>(Further description of rooms and amenities is provided later in this report)        |
| 4. Staffing        | N/A                                          | 12-15 employees per shift                                                                                                                                               |
| 5. Setbacks        |                                              |                                                                                                                                                                         |
| Front              | 15' minimum                                  | 101' (to southwest corner of building)                                                                                                                                  |
| Side (interior)    | 5' minimum                                   | 26.7' (to south face of building)                                                                                                                                       |
| Side (street)      | 10' minimum                                  | 73.4' (to northwest corner of building)                                                                                                                                 |
| Rear               | 20' minimum                                  | 153' (to southeast corner of building)                                                                                                                                  |
| 6. Building height | 35' maximum, no limit on stories             | 32.5' and four levels, including one partial "basement" level and three full-size levels (see notes                                                                     |

|                 |                                                                                                                                    |                                                                                                                                                                      |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 |                                                                                                                                    | below on height measurement technique)                                                                                                                               |
| 7. Lot coverage | 40% maximum                                                                                                                        | 18%                                                                                                                                                                  |
| 8. Parking      | 1 space per 3 beds minimum<br>Additional spaces as needed for project operations<br>Designated pick-up and drop-off areas required | 41 spaces total (33 for minimum requirement, and 8 additional for staff use or other needs)<br>Drop-off and pick-up area in porte cochere between two main entrances |

### **ENVIRONMENTAL STATUS:**

An Initial Study and Mitigated Negative Declaration (IS/MND) (City Log No. ENV 19-0003) was prepared for the project as required by the California Environmental Quality Act (CEQA), and identified potentially significant impacts with respects to biological resources, cultural and tribal cultural resources, geology and soils, and mandatory findings of significance. Mitigation measures were proposed to reduce these impacts to a less than significant level. The IS/MND was circulated for public review from November 14 through December 3, 2019. No comments were received during the review period.

After the review period for the Draft IS/MND closed on December 3, 2019, staff discovered that the noise analysis and air quality/greenhouse gas analysis prepared for the project assumed that the project would generate a lower number of ADTs than stated in the project's traffic memo. The noise study and air quality/greenhouse gas analysis have been updated in the Final IS/MND to reflect the correct trip generation information. Section 15073.5 of the CEQA Guidelines require recirculation of a Negative Declaration when a "substantial revision" has been made to the document after public notice of its availability. A "substantial revision" includes a situation where a new, avoidable significant effect is identified and mitigation measures or project revisions are added to reduce that effect to a less than significant level, or where a proposed mitigation measure is found to be insufficient in reducing effects to a less than significant level and new measures or revisions are necessary. Therefore, recirculation of the Draft IS/MND is not necessary in this case, as the updates to the noise study and air quality/greenhouse gas studies do not reveal any new impacts that require mitigation, nor do they affect any mitigation measures already contained within the Draft IS/MND.

California Assembly Bill 52 (AB 52) requires jurisdictions to invite tribal groups to consult on projects subject to CEQA when those groups have cultural ties to the area in which the project will occur. On May 28, 2019, letters were mailed to four (4) local tribes who previously indicated that they would like to receive consultation invitations for eligible projects. Two (2) of the four (4) tribes requested consultation. One of those tribes (Rincon Band of Luiseño Indians) closed consultation on July 15, 2019, after reviewing the project plans and proposed measures for

treatment of any tribal cultural resources that are found on the site during construction activities. As part of the consultation, Rincon requested that they be offered the opportunity to provide monitoring services for the project and that they receive a copy of any monitoring reports.

The second tribe (San Luis Rey Band of Mission Indians) attended two (2) meetings with staff at which the project was discussed, and has had an opportunity to review the plans and environmental documentation for the project, but as of the date of this staff report, has not indicated whether they would like to continue consultation or close it. AB 52 allows jurisdictions to close consultation with a particular tribe without receiving a formal request from the tribe to do so, when the jurisdiction can document that a good-faith effort was made to fully involve the tribe in consultation activities and reach an agreement. Staff believes that proposed mitigation measures TCR-1 through TCR-10 in the IS/MND provide a comprehensive and appropriate protocol for monitoring ground-disturbing activities and handling any tribal cultural resources that may be found during these activities. The proposed mitigation measures have been utilized on other projects to mitigate impacts. Therefore, staff believes it is acceptable to consider consultation with the San Luis Rey Band closed.

#### **CONCLUSIONS:**

The Planning Commission is the authorized body to review and approve of Major Conditional Use Permits. The Planning Commission's decision is final unless appealed to the City Council. The proposed project is consistent with the General Plan and Northeast Gateway Specific Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. 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 approve Planning Case No. PHG 19-0015 and ENV 19-0003, based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2020-01 (Attachment 2).

**Attachment 3  
PL 21-0117**

Hearing Date: January 14, 2020

Effective Date: January 25, 2020

**PLANNING COMMISSION RESOLUTION NO. 2020-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR A  
59,397-SF ASSISTED LIVING AND MEMORY CARE  
FACILITY, AND A GRADING EXEMPTION FOR A CUT  
SLOPE EXCEEDING HEIGHT AND SLOPE LIMITS**

**APPLICANT:** Joseph Holasek, NOAA Group

**CASE NOS:** PHG 19-0015 and ENV 19-0003

WHEREAS, Joseph Holasek of NOAA Group (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 19-0015 and ENV 19-0003), constituting a request for a Conditional Use Permit to allow a 59,397-SF assisted living and memory care facility, containing 78 units with 99 beds, and a Grading Exemption for a cut slope as steep as 1.5:1 and as tall as 26 feet, on a 3.1 gross acre site located on the southeast corner of East Valley Parkway and Hidden Trails Road (APNs 240-110-54, 240-110-55, and 240-110-56), in the SP (Specific Plan) Zone and the Northeast Gateway Specific Plan, addressed as 3141 East Valley Parkway; 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; and

WHEREAS, the land use development 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 California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, convalescent homes and similar institutional uses are conditionally permitted uses within the Northeast Gateway Specific Plan, subject to the approval of a Conditional Use Permit; and

WHEREAS, pursuant to CEQA and 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 did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

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

WHEREAS, the Planning Commission of the City of Escondido did, on January 14, 2020, hold a duly noticed public hearing as prescribed by law. At said hearing, this 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 respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated January 14, 2020, 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, said 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; and

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

1. That the above recitations are true and correct.
2. A Final Initial Study / Mitigated Negative Declaration (IS/MND), attached as Exhibit "C" and incorporated herein by this reference as though fully set forth herein, has been prepared in compliance with all requirements contained in CEQA, CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts to biological resources, cultural and tribal cultural resources, geology and soils, and mandatory findings of significance. The Project Applicant has agreed to implement all mitigation

measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program (MMRP) prepared for the Project, attached hereto as Exhibit "D". Mitigation measures incorporated as part of the Project's conditions of approval reduce impacts to a level less than significant, so a IS/MND Mitigation Negative Declaration (MND) is appropriate for adoption.

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

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

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

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

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

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



portion of the web page, [www.escondido.org](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 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 14<sup>th</sup> day of January, 2020, by the following vote, to wit:

|            |                                                               |
|------------|---------------------------------------------------------------|
| AYES:      | COMMISSIONERS: Cohen, Garcia, McNair, Romo, Spann and Weiler. |
| NOES:      | COMMISSIONERS: None.                                          |
| ABSTAINED: | COMMISSIONERS: None.                                          |
| ABSENT:    | COMMISSIONERS: None.                                          |

  
\_\_\_\_\_  
JAMES SPANN, Chairman  
Escondido Planning Commission

ATTEST:

  
\_\_\_\_\_  
MIKE STRONG, Secretary of the  
Escondido Planning Commission

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

  
\_\_\_\_\_  
KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

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

## EXHIBIT "A"

### LEGAL DESCRIPTION PLANNING CASE NO. PHG 19-0015 and ENV 19-0003

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

#### PARCEL ONE:

REVISED PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. 2009-04479/1 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 (NORTHWEST QUARTER OF THE NORTHWEST QUARTER), IN SECTION 7, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. 13367, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 1 OF SAID PARCEL MAP NO. 13367, THENCE NORTH 89° 38' 39" WEST (RECORD NORTH 89° 22' 09" WEST) ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 A DISTANCE OF 56.12 FEET; THENCE CONTINUING NORTH 89° 21' 16" WEST (RECORD NORTH 89° 29' 09" WEST) 89.24 FEET (RECORD 89.22 FEET) ALONG SAID SOUTHERLY LINE OF PARCEL 1 AND CONTINUING NORTH 33° 26' 00" WEST (RECORD NORTH 33° 27' 18" WEST) 116.75 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY SIDELINE OF VALLEY PARKWAY, WHICH IS A POINT ON A 1463 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 66° 46' 39" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06° 03' 19" AN ARC LENGTH OF 154.62 FEET TO THE BEGINNING OF A REVERSE TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; TO A POINT IN THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD; THENCE NORTH 89° 54' 05" EAST ALONG SAID SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD 64.81 FEET TO A TANGENT 639.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE EASTERLY ALONG SAID CURVE AND THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD THROUGH A CENTRAL ANGLE OF 07° 41' 47" AN ARC LENGTH OF 85.84 FEET; THENCE NORTH 82° 12' 18" EAST 85.07 FEET TO A TANGENT 559.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08° 21' 39" A DISTANCE OF 81.57 FEET; THENCE SOUTH 89° 26' 19" EAST A DISTANCE OF 37.53 FEET; THENCE LEAVING SAID SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD, SOUTH 14° 43' 00" WEST 8.85 FEET; THENCE SOUTH 76° 07' 23" WEST 168.69 FEET, THENCE SOUTH 90° 00' 00" WEST 73.94 FEET, THENCE SOUTH 00° 00' 00" WEST 28.00 FEET, THENCE NORTH 90° 00' 00" EAST 7.00 FEET, TO A TANGENT 30 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 07° 37' 47" WEST 29.22 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02, WHICH IS THE NORTHWEST CORNER OF ADJUSTED PARCEL 2; THENCE SOUTH 07° 46' 14" EAST ALONG THE COMMON BOUNDARY WITH SAID ADJUSTED PARCEL 2, 148.94 FEET TO THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367; THENCE NORTH 89° 38' 39" WEST (RECORD NORTH 89° 22' 09" WEST) ALONG SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, 38.84 FEET TO THE POINT OF BEGINNING.

#### PARCEL TWO:

AN EASEMENT OVER PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS, ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE MOST WESTERLY CORNER OF REVISED PARCEL 2 OF - CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT., THENCE NORTH 90° 00' 00" EAST 73.94 FT., THENCE NORTH 76° 07' 23" EAST 168.69 FT., THENCE NORTH 14° 43' 00" EAST, 8.85 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FT., THENCE NORTH 88° 43' 43" EAST 10.87 FT., THENCE SOUTH 14° 43' 00" WEST 32.90 FT. AND SOUTH 76° 07' 23" WEST 176.62 FT. TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 29' 36" A DISTANCE OF 35.86 FT., THENCE SOUTH 07° 37' 47" WEST 41.03 FT. TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF ADJUSTED PARCEL 3, 28.26 FT. TO THE TRUE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 3 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

PARCEL THREE:

REVISED PARCEL 2 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. 2009-0442972 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. 13367, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 2 OF PARCEL MAP NO. 13367 THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 NORTH 89° 38' 39" WEST 285.22 FEET; THENCE LEAVING SAID SOUTHERLY LINE NORTH 07° 46' 14" WEST 148.94 FEET; THENCE NORTH 89° 54' 36" EAST 217.65 FEET; THENCE SOUTH 77° 07' 50" EAST 102.69 FEET TO THE EASTERLY LINE OF SAID PARCEL 2; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF PARCEL 2 SOUTH 10° 38' 10" WEST 46.60 FEET; THENCE SOUTH 02° 41' 52" WEST 81.10 FEET TO THE POINT OF BEGINNING.

PARCEL FOUR:

AN EASEMENT OVER PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS, ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA:

BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2, DESIGNATED AS POINT 'A' OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST 29.22 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT., THENCE NORTH 90° 00' 00" EAST 73.94 FT., THENCE NORTH 76° 07' 23" EAST 168.69 FT., THENCE NORTH 14° 43' 00" EAST, 8.85 FT. TO

THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FT., THENCE NORTH 88° 43' 43" EAST 10.87 FT., THENCE SOUTH 14° 43' 00" WEST 32.90 FT. AND SOUTH 76° 07' 23" WEST 176.62 FT. TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 29' 36" A DISTANCE OF 35.86 FT., THENCE SOUTH 07° 37' 47" WEST 41.03 FT. TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF ADJUSTED PARCEL 3, 28.26 FT. TO THE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 1 AND PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

PARCEL FIVE:

A PRIVATE UTILITY EASEMENT OVER ALL THAT PORTION OF REVISED PARCEL 1 AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FT., THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST 148.94 FT. TO POINT "A" AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT. TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 00" EAST 28.76 FT., MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD.

PARCEL SIX:

REVISED PARCEL 3 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. 2009 0442973 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 (NORTHWEST QUARTER OF THE NORTHWEST QUARTER), IN SECTION 7, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. 13367, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST 148.94 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02, AND WHICH IS THE TRUE POINT OF BEGINNING;

THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE

SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 0° 00' 00" EAST 28.00 FEET; THENCE NORTH 90° 00' 00" EAST 73.94 FEET; THENCE NORTH 76° 07' 23" EAST 168.69 FEET; THENCE NORTH 14° 43' 00" EAST, 8.85 FEET TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FEET; THENCE NORTH 88° 43' 43" EAST 123.60 FEET, WHICH POINT IS THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID PARCEL MAP NO. 13367; THENCE SOUTH 10° 38' 10" WEST ALONG SAID NORTHERLY PROLONGATION AND SAID EASTERLY LINE OF PARCEL MAP NO. 13367 A DISTANCE OF 167.95 FEET; THENCE NORTH 77° 07' 50" WEST 102.69 FEET, AND SOUTH 89° 54' 36" WEST 217.65 FEET, TO THE TRUE POINT OF BEGINNING.

PARCEL SEVEN:

A PRIVATE UTILITY EASEMENT OVER ALL THAT PORTION OF PARCEL 1 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST, 148.94 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 00° 00' 00" EAST 28.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 00" EAST 28.76 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD.

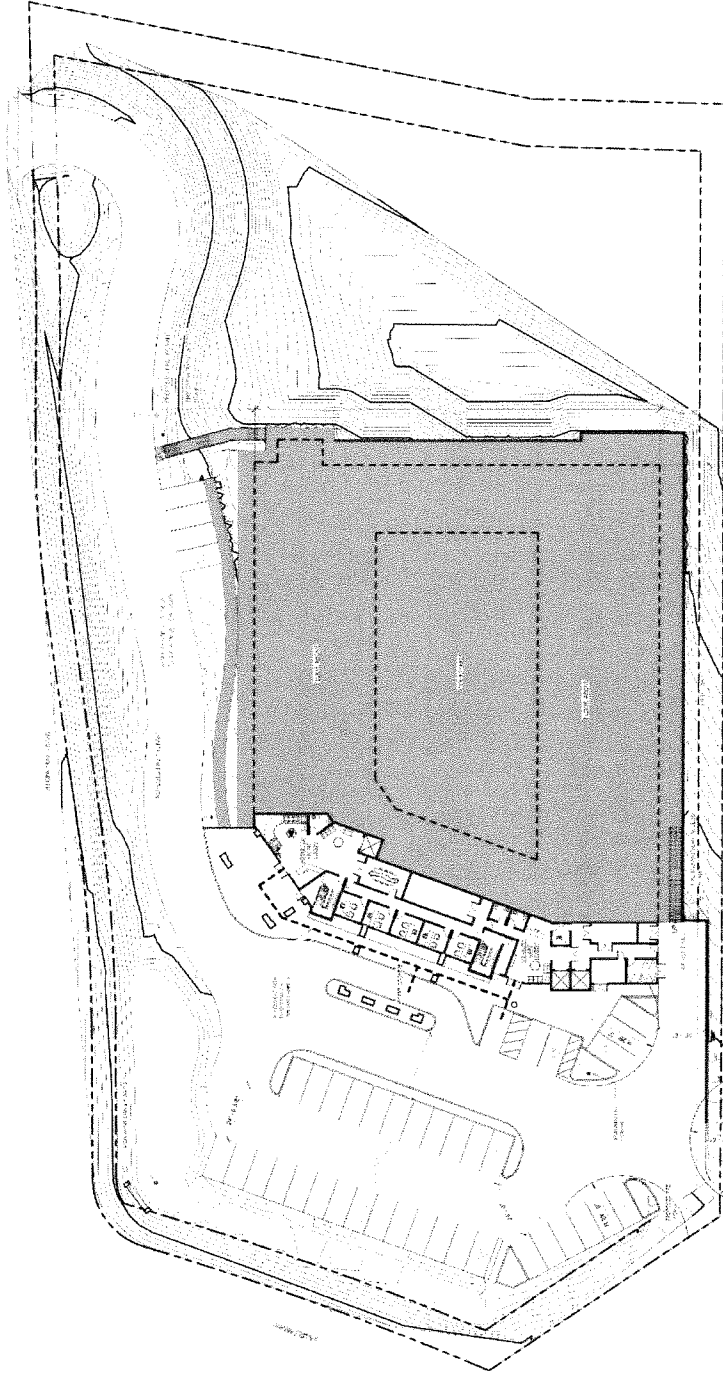
SUBJECT TO AN EASEMENT IN FAVOR OF PARCELS 1 & 2 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 00° 00' 00" EAST 28.00 FEET; THENCE NORTH 90° 00' 00" EAST 73.94 FEET; THENCE NORTH 76° 07' 23" EAST 168.69 FEET; THENCE NORTH 14° 43' 00" EAST, 8.85 FEET TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FEET; THENCE NORTH 88° 43' 43" EAST 10.87 FEET; THENCE SOUTH 14° 43' 00" WEST 32.90 FEET AND SOUTH 76° 07' 23" WEST 176.62 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 35.86 FEET; THENCE SOUTH 07° 37' 47" WEST 41.03 FEET, TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF SAID ADJUSTED PARCEL 3, 28.26 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 1 AND PARCEL 3 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

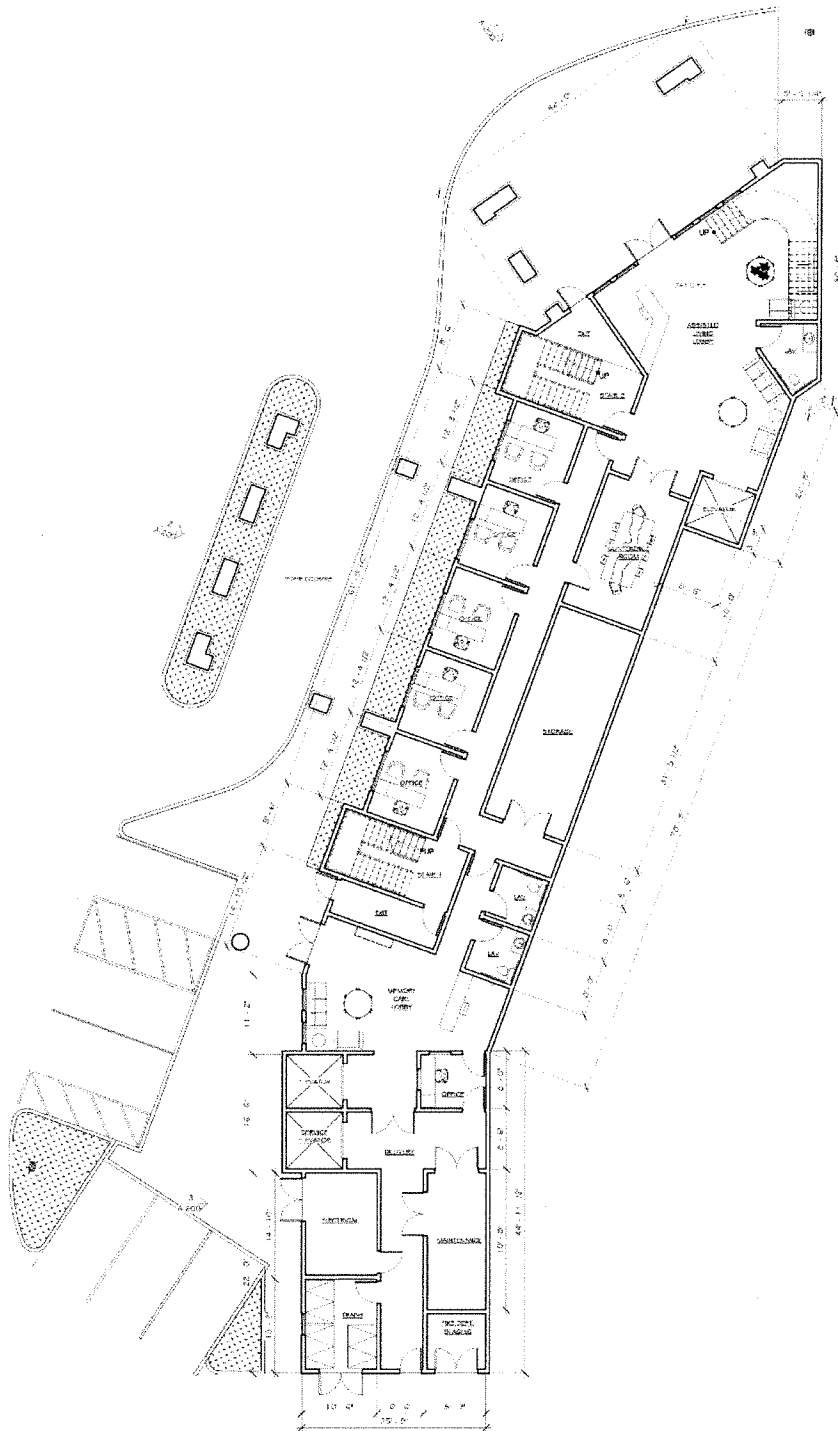
APN: 240-11-54-00 (Affects: Parcel One)  
240-11-55-00 (Affects: Parcel Three)  
240-11-56-00 (Affects: Parcel Six)

# EXHIBIT "B"

PLANNING CASE NO. PHG 19-0015 and ENV 19-0003  
PROJECT PLANS



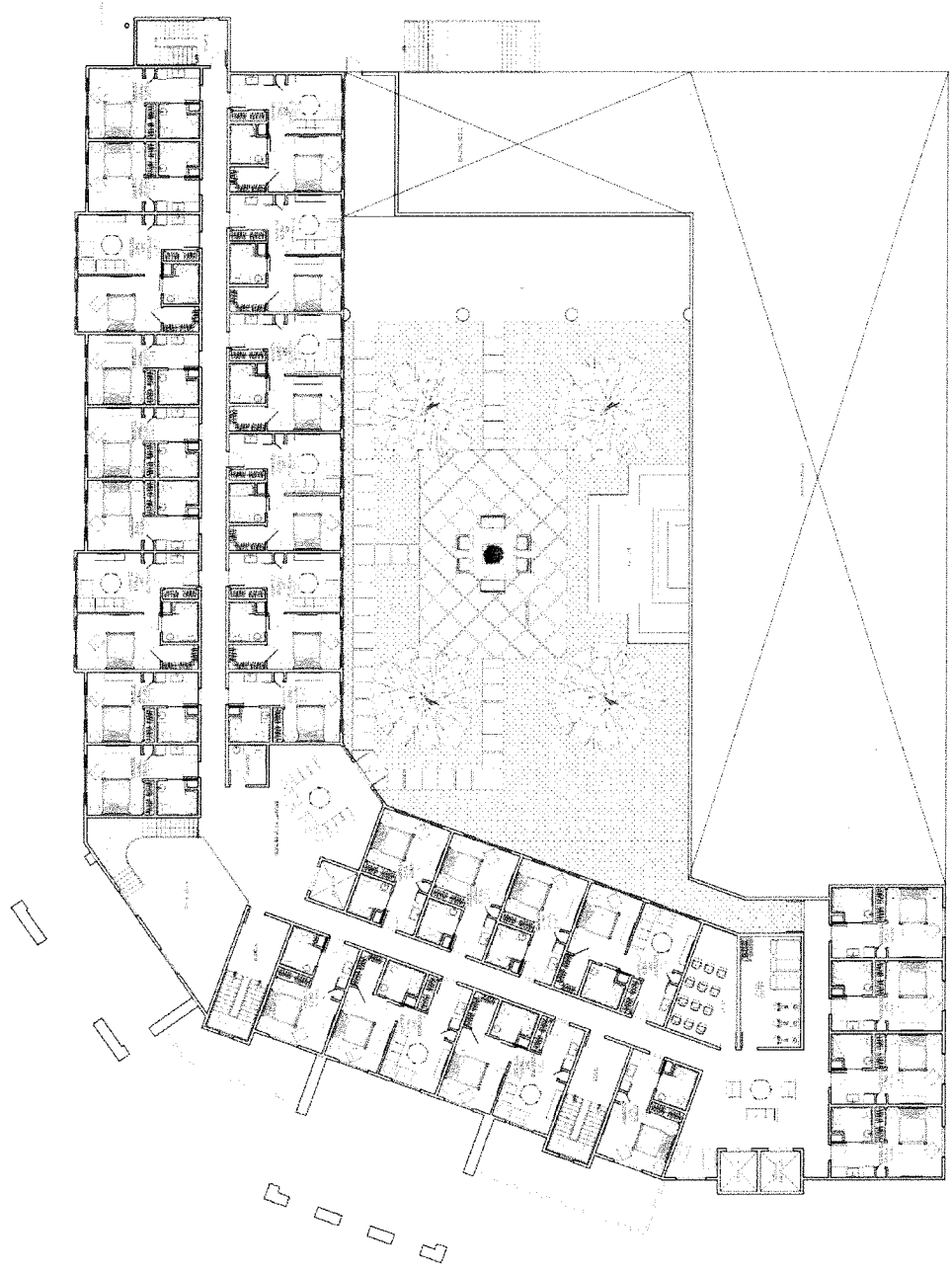
PROPOSED PROJECT: PHG 19-0015  
SITE PLAN



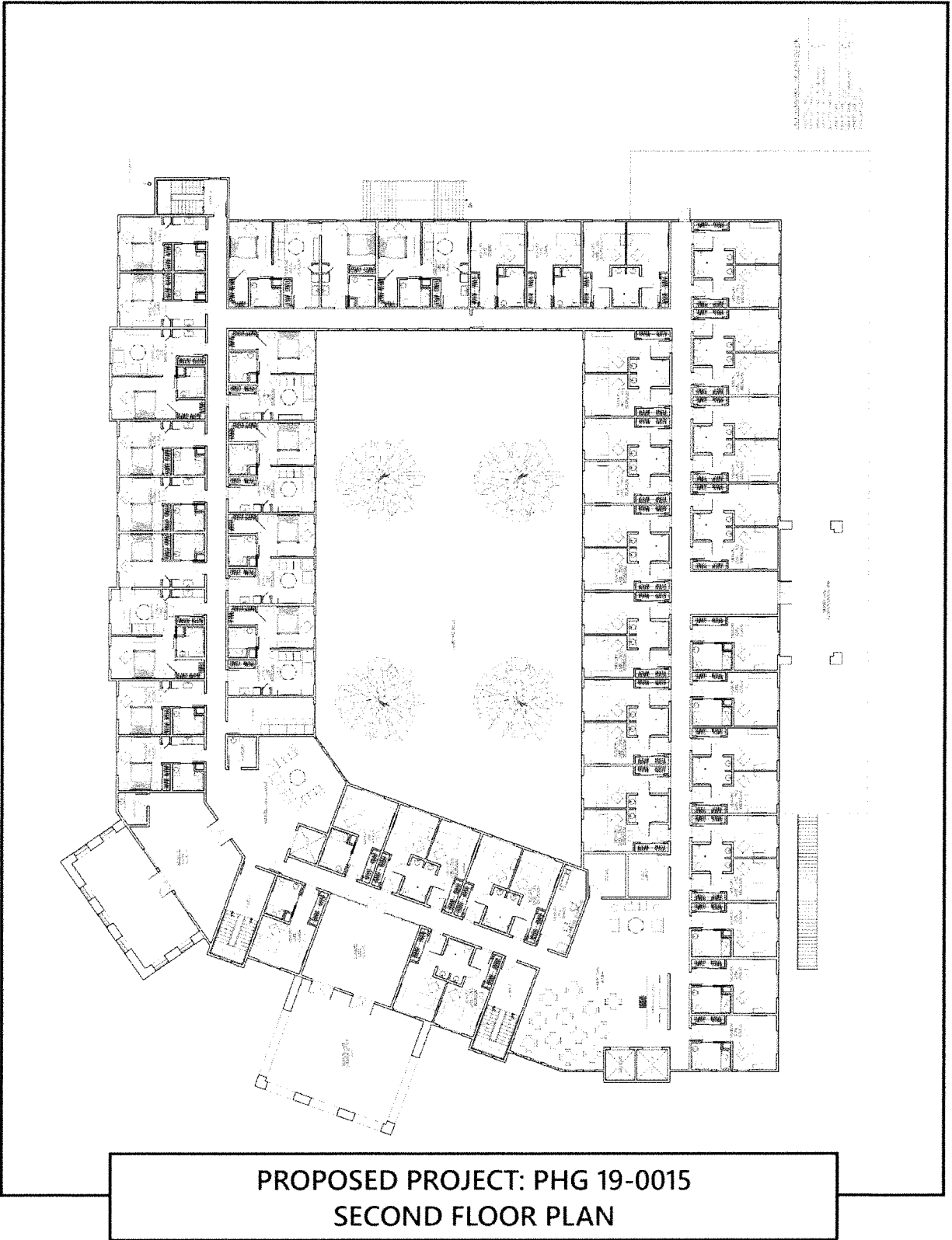
**PROPOSED PROJECT: PHG 19-0015**  
**GROUND FLOOR**

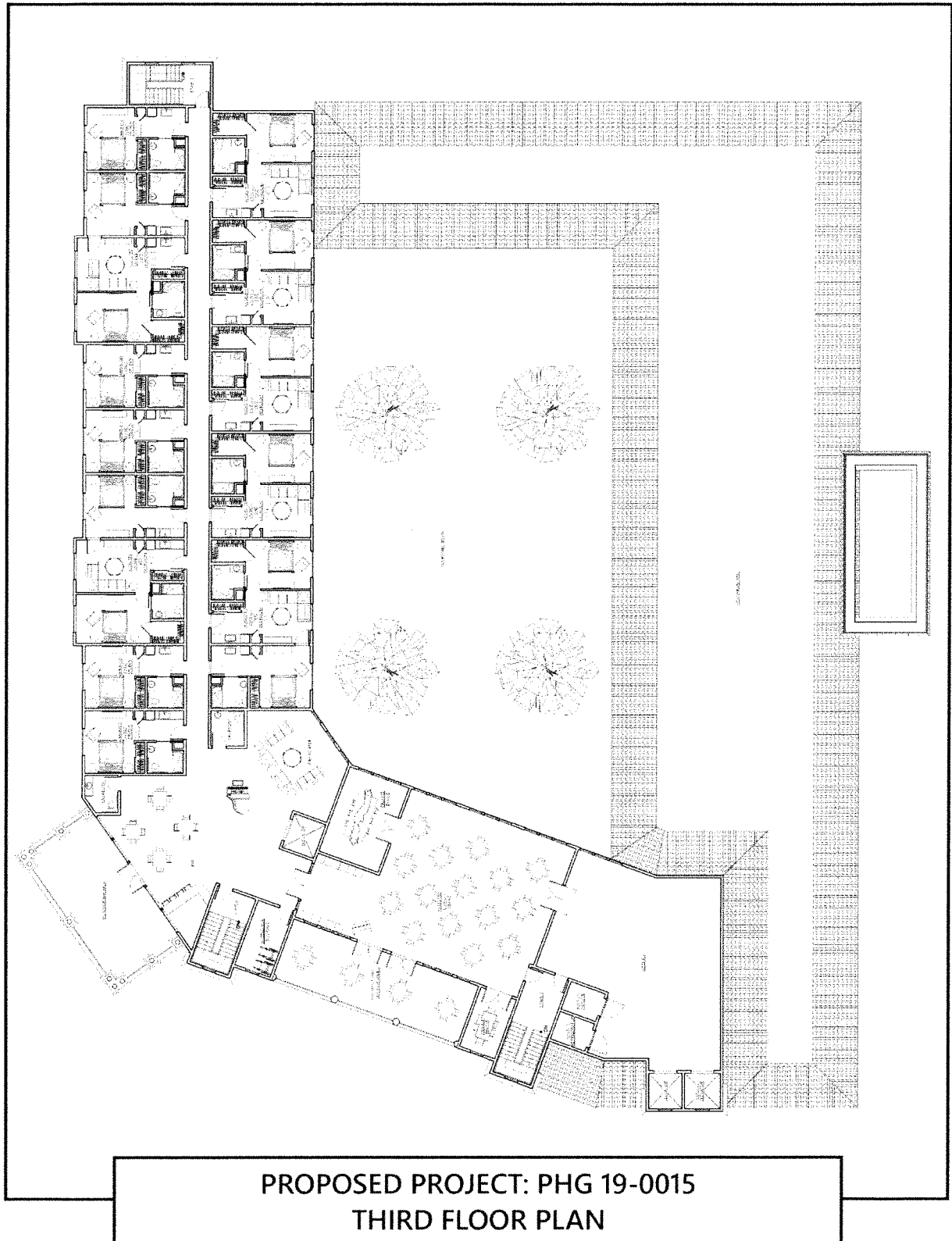


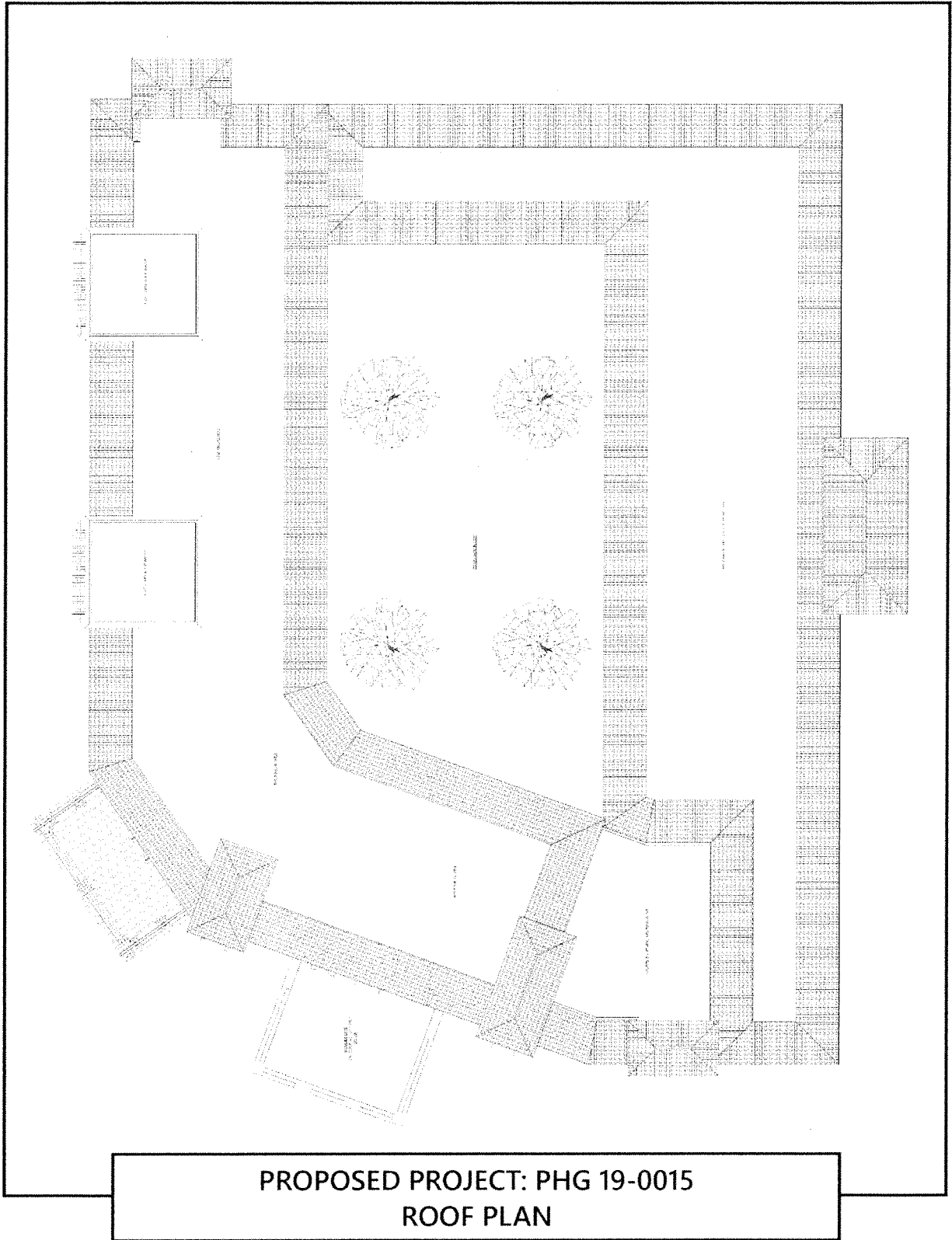
DATE: 08/08/2019  
PROJECT: PHG 19-0015  
DRAWN BY: [illegible]  
CHECKED BY: [illegible]  
SCALE: 1/8" = 1'-0"



**PROPOSED PROJECT: PHG 19-0015**  
**FIRST FLOOR PLAN**

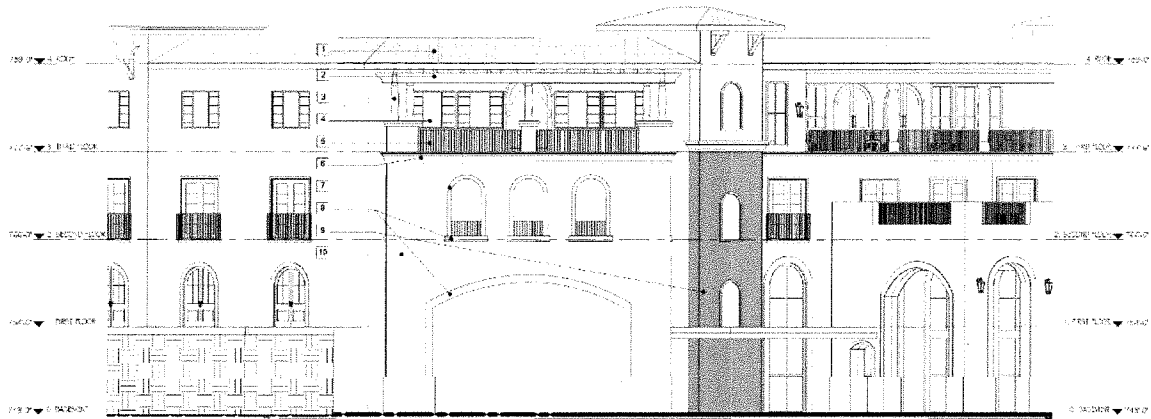




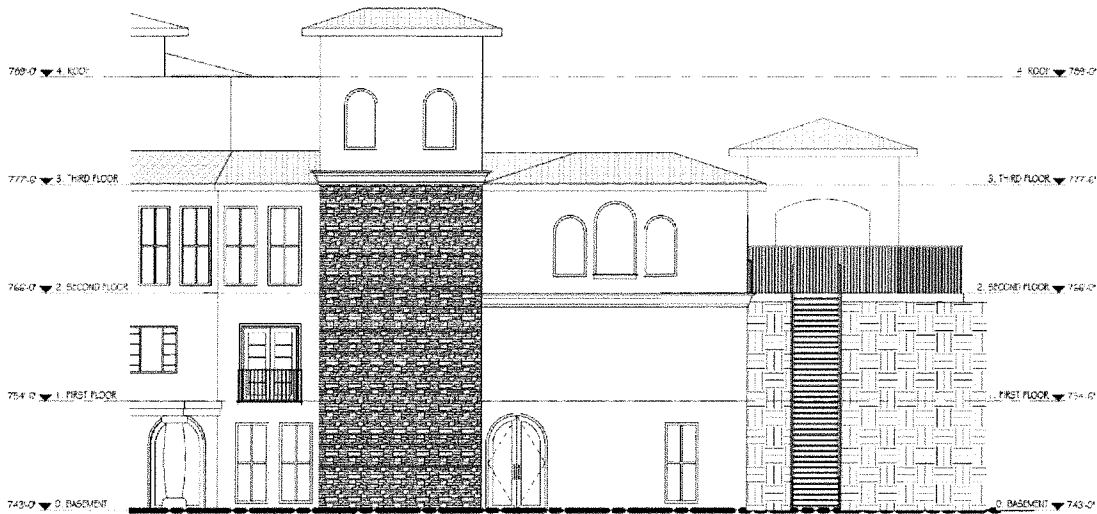


**PROPOSED PROJECT: PHG 19-0015**  
**ROOF PLAN**





**1 NORTH-WEST (ASSISTED LIVING)**  
Ref: A-101 / Scale: 1/8" = 1'-0"

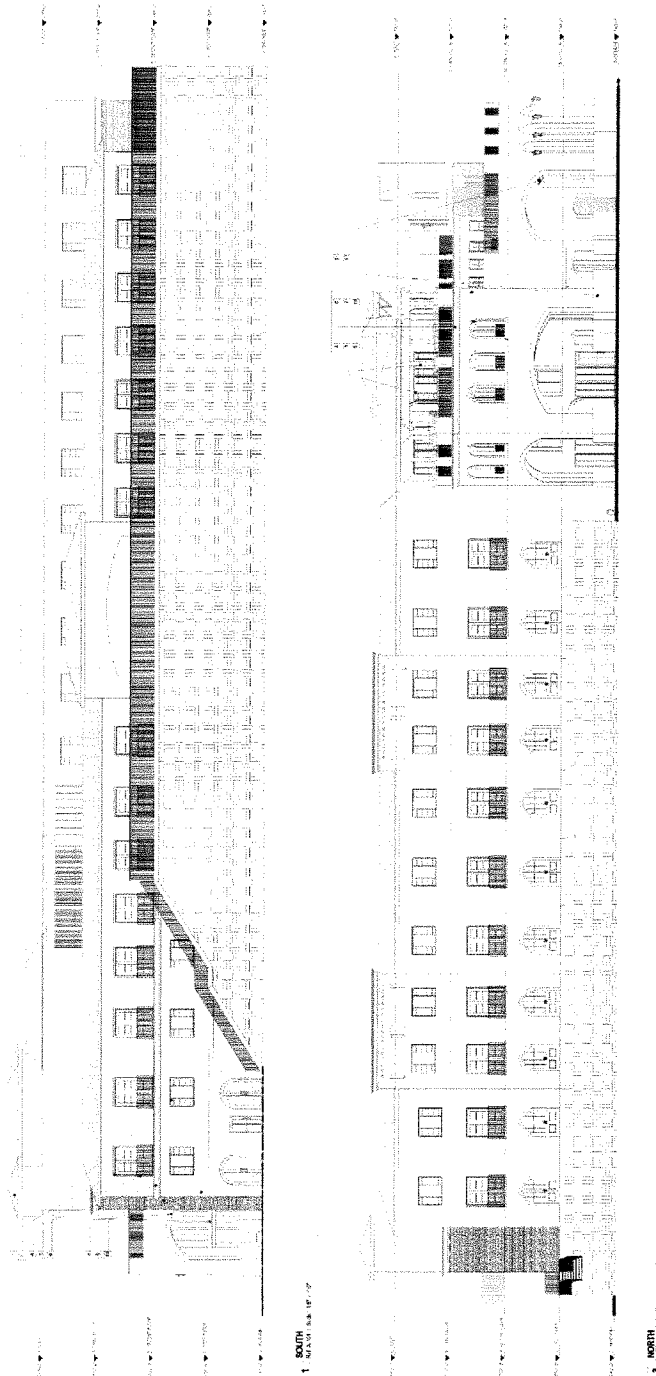


**3 WEST**  
Ref: A-101 / Scale: 1/8" = 1'-0"

#### ELEVATION NOTES

- |                                                                           |                                                        |
|---------------------------------------------------------------------------|--------------------------------------------------------|
| 1 CONCRETE S-TILE (HIGH PROFILE). COLOR TO BE MIXED TUSCAN BLEND. (ROOF). | 7 GFRC WINDOW / OPENING TRIM. COLOR TO BE BROWN.       |
| 2 HEAVY TIMBER TRELLIS. STAIN COLOR TO BE DARK BROWN.                     | 8 GFRC TRIM. COLOR TO BE DARK SAND.                    |
| 3 PRECAST TWO PIECE CONCRETE COLUMNS. COLOR TO BE NATURAL.                | 9 ELDORADO STONE CLADDING.                             |
| 4 JELD WEN VINYL CLAD WINDOWS. TRIM COLOR TO BE BROWN.                    | 10 SAND FINISH STUCCO. COLOR TO BE SOFT WHITE.         |
| 5 METAL GUARD RAILS AND PICKETS. COLOR TO BE BROWN.                       | 11 DECORATIVE LIGHT FIXTURES. STYLE 1BU.               |
| 6 GFRC CORNICE MOLDING. COLOR TO BE DARK SAND.                            | 12 SAND FINISH STUCCO WAINSCOT. COLOR TO BE DARK SAND. |

**PROPOSED PROJECT: PHG 19-0015**  
**ELEVATIONS**



**PROPOSED PROJECT: PHG 19-0015**  
**ELEVATIONS**



1 ASSISTED LIVING ENTRY FROM PARKING LOT



2 MEMORY CARE ENTRY FROM PARKING LOT

PROPOSED PROJECT: PHG 19-0015  
3D RENDERINGS



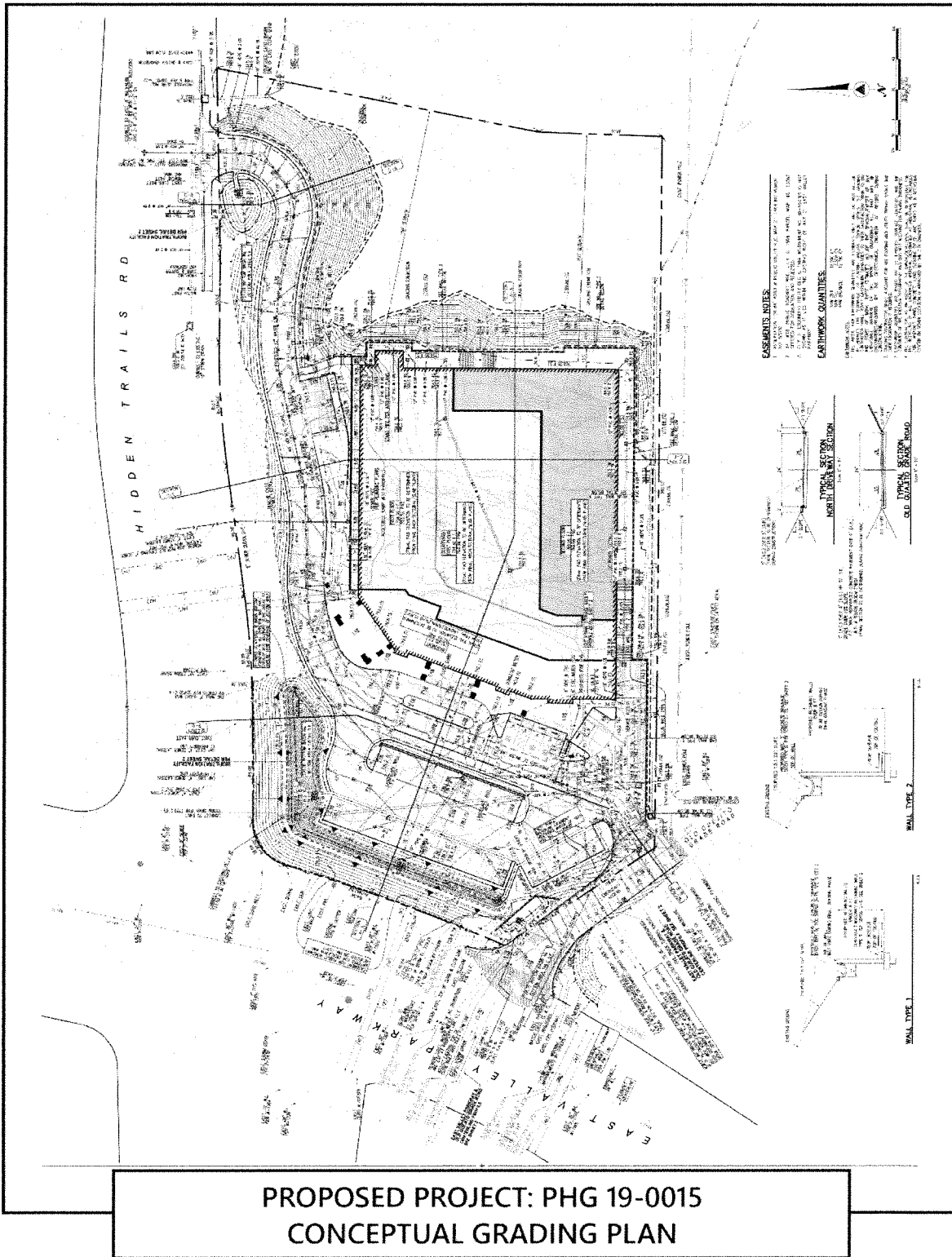


3 PORTE-COCHERE



4 COURTYARD

PROPOSED PROJECT: PHG 19-0015  
3D RENDERINGS





## **EXHIBIT “C”**

### **INITIAL STUDY / MITIGATED NEGATIVE DECLARATION PLANNING CASE NO. PHG 19-0015 and ENV 19-0003**

A link to the Final Initial Study/Mitigated Negative Declaration and associated technical studies is available here:

<https://www.escondido.org/apollo-assisted-living-facility.aspx>

**EXHIBIT "D"**  
**PHG 19-0015 and ENV 19-0003**

| Mitigation Monitoring and Reporting Program for the<br>Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                         |                                                                                                                                      |                                 |                   |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------|
| Mitigation<br>Number                                                                       | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Timing/<br>Schedule                     | Implementation<br>Responsibility                                                                                                     | Completion of<br>Implementation |                   |
|                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                         |                                                                                                                                      | Action                          | Date<br>Completed |
| Biological Resources                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                         |                                                                                                                                      |                                 |                   |
| Bio-1                                                                                      | <p>Per the City's Subarea Plan, sensitive biological habitat that is removed shall be mitigated either on site or off site by the planting of the same habitat species at a minimum ratio of one to one (1:1) for coastal sage scrub and two to one (2:1) for impacts to coast live oak woodland. If replacement of sensitive biological species and/or habitat is not feasible on or off site, other equivalent mitigation measures may be considered by the director.</p> <p>Prior to issuance of the grading permit, the applicant will mitigate for impacts to sensitive biological habitats (coast live oak woodland and Diegan coastal sage scrub-disturbed) through purchase of credits for 0.05 acre at the City of Escondido Daley Ranch Conservation Bank or another approved habitat mitigation bank.</p>                                                                               | Prior to issuance of the grading permit | The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |
| Bio-2                                                                                      | <p><b>Mitigation for the loss of mature and protected trees shall be conducted per City Municipal Code Sec. 33-1069 (Vegetation Protection and Replacement Standards) in coordination with the City.</b></p> <ul style="list-style-type: none"><li>• If mature trees cannot be preserved on-site, they shall be replaced at a minimum one to one (1:1) ratio. The preferred replacement is a tree(s) of equal size and caliper.</li><li>• Protected trees shall be replaced at a minimum two to one (2:1) ratio.</li><li>• The number, size, and species of replacement trees shall be determined on a case-by-case basis by the director, based on the specific circumstances of each request, the characteristics and condition (size, age, and location) of the individual trees involved, and any professional report.</li><li>• If any required replacement trees cannot be planted</li></ul> | Prior to issuance of the grading permit | The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |

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|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                     |                                                                                                                                             |  |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--|
|              | <p>on-site, the applicant or owner shall coordinate with the City of Escondido Public Works Department and Planning Division to arrange for the planting of trees within one or more Landscape Maintenance Districts.</p> <ul style="list-style-type: none"> <li>• The applicant will replace 10 trees onsite. The applicant or owner shall be responsible for the planting of the 20 off-site replacement trees, and shall be responsible for maintaining said trees for an establishment period of at least twenty-four (24) months.</li> <li>• If one or more Landscape Maintenance Districts are not available to accommodate the trees, a City-owned park or open space area may substitute, at the discretion of Public Works and Planning. If the Landscape Maintenance District, park, or open space area is not irrigated, the applicant or owner shall be responsible for watering the off-site replacement trees during the 24-month establishment period.</li> </ul>                                                                                                                                                                       |                                                                                                                     |                                                                                                                                             |  |
| <b>Bio-3</b> | <p><b>To ensure that MBTA-regulated species' nesting activities are not impacted:</b></p> <ul style="list-style-type: none"> <li>• a pre-construction general nesting bird survey will be conducted within all potential nesting habitat (in this case, shrub- and tree-associated vegetation on site) that may be impacted by active construction during the general avian breeding season (February 1 through August 31).</li> <li>• The pre-construction survey will be conducted no more than 7 days prior to initiation of construction.</li> <li>• If no active avian nests are identified within the development impact footprint area or within a 300-foot buffer of the proposed development project area (as feasible), no further mitigation is necessary.</li> <li>• If active nests of avian species regulated by the MBTA are detected within the proposed development footprint or within a 300-foot buffer, construction will be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have</li> </ul> | <p>A pre-construction general nesting bird survey will be conducted 7 days prior to initiation of construction.</p> | <p>The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance.</p> |  |

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                         |                                                                                                                                          |  |  |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|                                  | <p>been developed and implemented in consultation with the regulatory agencies.</p> <ul style="list-style-type: none"> <li>The results of the survey will be provided in a report to the Director, City of Escondido Planning Department, for concurrence with the conclusions and recommendations.</li> </ul>                                                                                                                                                                                                                                            |                                                                                         |                                                                                                                                          |  |  |
| <b>Paleontological Resources</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                         |                                                                                                                                          |  |  |
| <b>Paleo-1</b>                   | <p><b>If construction-related excavations, trenching, or other forms of ground disturbance are required 10.0 feet or more below the surface:</b></p> <ul style="list-style-type: none"> <li>a paleontological monitor shall be present on the project site during ground-disturbing activities. The paleontological monitor shall be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.</li> </ul> | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |  |  |
| <b>Paleo-2</b>                   | <p><b>If unanticipated paleontological resources are encountered during ground-disturbing activities:</b></p> <ul style="list-style-type: none"> <li>All work within 50 feet shall halt, until the discovery can be evaluated by a qualified paleontologist.</li> <li>The monitor shall determine whether the findings are significant and whether additional work, including recovery and preservation of the find, is warranted.</li> </ul>                                                                                                             | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |  |  |

| Mitigation Number         | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Timing/<br>Schedule                                                                | Implementation Responsibility                                                                                                                                                    | Completion of Implementation |                |
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|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                    |                                                                                                                                                                                  | Action                       | Date Completed |
| Tribal Cultural Resources |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                    |                                                                                                                                                                                  |                              |                |
| TCR-1                     | <p><b>To provide clear expectations regarding tribal cultural resources and to formalize protocols and procedures:</b></p> <ul style="list-style-type: none"><li>• The City of Escondido Planning Division (“City”) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. 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 proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.</li></ul> | The pre-excavation agreement shall be entered before the grading permit is issued. | The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance with input from the jurisdictional agencies. |                              |                |



| Mitigation Monitoring and Reporting Program for<br>Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                          |                                                                                                                                          |                                 |                   |
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| Mitigation<br>Number                                                                   | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Timing/<br>Schedule                      | Implementation<br>Responsibility                                                                                                         | Completion of<br>Implementation |                   |
|                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                          |                                                                                                                                          | Action                          | Date<br>Completed |
| TCR-2                                                                                  | <p><b>Association to a qualified archaeologist and a Native American monitor:</b></p> <ul style="list-style-type: none"> <li>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 and pre-construction meeting, shall approve all persons involved in the monitoring program.</li> </ul> | Prior to issuance of the grading permit. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |
| TCR-3                                                                                  | <p><b>Coordination of the requirements of the mitigation program:</b></p> <ul style="list-style-type: none"> <li>The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Prior to commencing the grading process. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |

| Mitigation Monitoring and Reporting Program for<br>Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                         |                                                                                                                                          |                                 |                   |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------|
| Mitigation<br>Number                                                                   | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Timing/<br>Schedule                                                                     | Implementation<br>Responsibility                                                                                                         | Completion of<br>Implementation |                   |
|                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                         |                                                                                                                                          | Action                          | Date<br>Completed |
| TCR-4                                                                                  | <p><b>Presence of the Native American monitor and the qualified archeologist:</b></p> <ul style="list-style-type: none"> <li>During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</li> </ul> | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |
| TCR-5                                                                                  | <p><b>Discovery of Tribal Cultural Resources:</b></p> <ul style="list-style-type: none"> <li>In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                         | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring             |                                 |                   |

| Mitigation Monitoring and Reporting Program for<br>Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                         |                                                                                                                                          |                                 |                   |
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| Mitigation<br>Number                                                                   | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Timing/<br>Schedule                                                                     | Implementation<br>Responsibility                                                                                                         | Completion of<br>Implementation |                   |
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|                                                                                        | significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                         | compliance.                                                                                                                              |                                 |                   |
| TCR-6                                                                                  | <p><b>Notification of significant tribal cultural resource discovery:</b></p> <ul style="list-style-type: none"> <li>If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.</li> </ul> | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |
| TCR-7                                                                                  | <p><b>Management of significant tribal cultural resources:</b></p> <ul style="list-style-type: none"> <li>The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have</li> </ul>                                                                                                                                                                                                                                                                                            | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible                          |                                 |                   |

| Mitigation Monitoring and Reporting Program for<br>Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                         |                                                                                                                                          |                                 |                   |
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| Mitigation<br>Number                                                                   | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Timing/<br>Schedule                                                                     | Implementation<br>Responsibility                                                                                                         | Completion of<br>Implementation |                   |
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|                                                                                        | <p>been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p> |                                                                                         | for ensuring compliance.                                                                                                                 |                                 |                   |
| TCR-8                                                                                  | <p><b>Management of human remains if discovered:</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>                                                                                                                                                                                                                                                                                               | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |

| Mitigation Monitoring and Reporting Program for<br>Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |                                  |                                 |
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| Mitigation<br>Number                                                                   | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Timing/<br>Schedule | Implementation<br>Responsibility | Completion of<br>Implementation |
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|                                                                                        | <p>human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p> |                     |                                  |                                 |

| Mitigation Monitoring and Reporting Program for<br>Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                         |                                                                                                                                          |                                 |                   |
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| Mitigation<br>Number                                                                   | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Timing/<br>Schedule                                                                     | Implementation<br>Responsibility                                                                                                         | Completion of<br>Implementation |                   |
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| TCR-9                                                                                  | <p><b>Collection of tribal cultural resources:</b></p> <ul style="list-style-type: none"><li>If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe 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.</li></ul> | During initial grubbing, site grading, excavation or disturbance of the ground surface. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |                   |

| Mitigation Monitoring and Reporting Program for<br>the Apollo Senior Care Facility Project |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                           |                                                                                                                                          |                                 |
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| Mitigation<br>Number                                                                       | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Timing/<br>Schedule                       | Implementation<br>Responsibility                                                                                                         | Completion of<br>Implementation |
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| TCR-10                                                                                     | <b>Monitoring and/or evaluation report:</b> <ul style="list-style-type: none"> <li>Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</li> </ul> | Prior to the release of the grading bond. | The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. |                                 |

## **EXHIBIT “E”**

### **FACTORS TO BE CONSIDERED/FINDINGS OF FACT PLANNING CASE NO. PHG 19-0015 and ENV 19-0003**

#### **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 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 State 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 Civic Center. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

#### **Public Notice and Outreach:**

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the local newspaper on January 2, 2020. In addition, twenty-eight (28) notices were sent to owners and occupants within 500 feet of the project site. A public notice was also provided at the on the project site, on the City's website, and posted at City Hall and City Library.

#### **Conditional Use Permit Findings**

1. Granting the Conditional Use Permit for an assisted living and memory care facility would be based upon sound principles of land use and in response to services required by the community. The facility will provide a professional service that will continue to be in demand as the population ages. Institutional uses, including convalescent homes, are a conditionally permitted use for Planning Area 4 of the Northeast Gateway Specific Plan. The project has been reviewed by Planning staff for consistency with the City of Escondido General Plan, Northeast Gateway Specific Plan, and Zoning Code. All proposed development standards meet or exceed the requirements of those documents, and building setbacks in particular will be far greater than the minimums called for in the Northeast Gateway Specific Plan. The project has undergone design review to ensure an attractive product that follows the design guidelines in the Northeast Gateway Specific Plan and is compatible with the appearance of nearby residential neighborhoods. The project has also undergone review from other City departments, including Fire, Engineering, Environmental Programs, and Engineering, to ensure compatibility with their codes and policies, and conditions of approval have been applied where needed.
2. The project will not cause deterioration of bordering land uses or create special problems for the area in which it is located. As proposed, the site plan utilizes a functional layout that adequately achieves the City's required parking and landscaping provisions. The proposed

site is adequate in size and shape to accommodate the parking and loading facilities, landscaping, stormwater facilities, and other development features prescribed by Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area. An IS/MND was prepared for the project that identified potential impacts to biological resources, cultural and tribal cultural resources, geology and soils, and mandatory findings of significance; however, mitigation measures have been proposed to reduce these impacts to a less than significant level. Traffic and noise generated by the project would not exceed the City's thresholds, and the project has been conditioned to require all outdoor lighting to conform to the Outdoor Lighting Ordinance.

3. The project has been considered in relationship to its effect on the community or neighborhood plan for the area in which it will be located. The project has undergone staff design review and has been reviewed for consistency with the City of Escondido General Plan, Northeast Gateway Specific Plan, and Zoning Code. The proposed use at the location requested will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; and will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance.

### **Grading Exemption Findings**

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
  - a. The grading activity would affect sensitive biological habitats and mature or protected trees. However, proposed mitigation measures would compensate for these impacts, via the purchase of credits at a habitat mitigation bank for the loss of sensitive biological habitat, and the on-site or off-site replacement of affected mature/protected trees.
  - b. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties and the public right of way because landscaping on the slope would assist in softening the visual effect.
  - c. The proposed slope would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; or preclude the future development of any adjacent parcel.
  - d. The proposed design of the slope would not adversely affect any adjoining septic systems. The proposed project would be provided with sewer service.
  - e. The project's IS/MND indicates that no significant impacts to aesthetics or visual quality would arise as a result of the project.
  - f. A manufactured slope with an inclination of 1.5:1 and a maximum height of 26' is necessary to accommodate the location of a building pad and the relocation of an

existing driveway at the base of a hill that occupies the eastern portion of the project site. A manufactured 2:1 slope in this area would require cutting into natural slopes in excess of 25 percent (which is not permitted by the Northeast Gateway Specific Plan), while shifting the building pad toward the west (away from the hill) would reduce the area available for parking, landscaping, and stormwater facilities.

All graded areas shall be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Engineering Services Department.

## EXHIBIT “F”

### CONDITIONS OF APPROVAL

#### PLANNING CASE NO. PHG 19-0015 and ENV 19-0003

This Project is conditionally approved as set forth on the application dated received by the City of Escondido on **March 20, 2019**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on **January 14, 2020**, 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.** The Permit shall automatically expire after two (2) years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code or Zoning Code.

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

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

with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three (3) 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 Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. 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. The applicant shall make a copy of the terms and conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and

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

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

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

10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of 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. **Public Partnership Program.** All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

**12. Clerk Recording.**

- a. State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the

Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the applicant shall remit to the City of Escondido Planning Division, within two (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 increase after the date of this approval, the applicant shall be responsible for the increase.

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

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

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

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

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject

property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

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

**16. Indemnification.** The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the applicant or owner's business or from any activity, work or thing done, permitted or suffered by applicant or owner or its sublessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or owner's part to be performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

**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, Building Code; and the requirements of the Planning Department, Director of Community Development, Building



Official, 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.

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. 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.
4. **Signage.** All proposed signage associated with the Project must comply with the City of Escondido Sign Ordinance (Ord. 92-47 and amendments) for the underlying zone, and any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The applicant shall submit with any sign permit application a list or graphic of all signs to be removed and retained, along with any new signage proposed. This shall include the square footage of each sign, and dimensions of each sign.
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 No. 2014-20).
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. Parking and Loading/Unloading.**

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

b. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.

c. 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.

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

a. 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.

b. 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.

c. 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.

d. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

- e. 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.

**12. 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.

**13. Trash Enclosures.** Appropriate trash enclosure(s) 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.

**14. 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.

**15. 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.

#### **C. Landscaping Plans:**

1. 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.
2. A final landscape and irrigation plan shall be submitted if meeting any of the criteria listed under Section 33-1323 of the Zoning Code (except where superseded by the State of California's 2015 Update to the Model Water Efficient Landscape Ordinance). Five (5) 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 for fencing and walls.) 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.

3. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
4. 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.
5. 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 Community Development.
6. 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 Community Development 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.

#### **D. CEQA Mitigation Measures:**

1. **Bio-1:** Per the City's Subarea Plan, sensitive biological habitat that is removed shall be mitigated either on site or off site by the planting of the same habitat species at a minimum ratio of one to one (1:1) for coastal sage scrub and two to one (2:1) for impacts to coast live oak woodland. If replacement of sensitive biological species and/or habitat is not feasible on or off site, other equivalent mitigation measures may be considered by the director.

Prior to issuance of the grading permit, the applicant will mitigate for impacts to sensitive biological habitats (coast live oak woodland and Diegan coastal sage scrub-disturbed) through purchase of credits for 0.05 acre at the City of Escondido Daley Ranch Conservation Bank or another approved habitat mitigation bank.

2. **Bio-2:** Mitigation for the loss of mature and protected trees shall be conducted per City Municipal Code Sec. 33-1069 (Vegetation Protection and Replacement Standards) in

coordination with the City. If mature trees cannot be preserved on-site, they shall be replaced at a minimum one to one (1:1) ratio. The preferred replacement is a tree(s) of equal size and caliper. Protected trees shall be replaced at a minimum two to one (2:1) ratio. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the director, based on the specific circumstances of each request, the characteristics and condition (size, age, and location) of the individual trees involved, and any professional report.

If any required replacement trees cannot be planted on-site, the applicant or owner shall coordinate with the City of Escondido Public Works Department and Planning Division to arrange for the planting of trees within one or more Landscape Maintenance Districts. The applicant will replace 10 trees onsite. The applicant or owner shall be responsible for the planting of the 20 off-site replacement trees, and shall be responsible for maintaining said trees for an establishment period of at least twenty-four (24) months. If one or more Landscape Maintenance Districts are not available to accommodate the trees, a City-owned park or open space area may substitute, at the discretion of Public Works and Planning. If the Landscape Maintenance District, park, or open space area is not irrigated, the applicant or owner shall be responsible for watering the off-site replacement trees during the 24-month establishment period.

3. **Bio-3:** To ensure that MBTA-regulated species' nesting activities are not impacted, a pre-construction general nesting bird survey will be conducted within all potential nesting habitat (in this case, shrub- and tree-associated vegetation on site) that may be impacted by active construction during the general avian breeding season (February 1 through August 31). The preconstruction survey will be conducted no more than 7 days prior to initiation of construction. If no active avian nests are identified within the development impact footprint area or within a 300-foot buffer of the proposed development project area (as feasible), no further mitigation is necessary. If active nests of avian species regulated by the MBTA are detected within the proposed development footprint or within a 300-foot buffer, construction will be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies. The results of the survey will be provided in a report to the Director, City of Escondido Planning Department, for concurrence with the conclusions and recommendations.
4. **Paleo-1:** If construction-related excavations, trenching, or other forms of ground disturbance are required 10.0 feet or more below the surface, a paleontological monitor shall be present on the project site during ground-disturbing activities. The paleontological monitor shall be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.

5. **Paleo-2:** If unanticipated paleontological resources are encountered during ground-disturbing activities:
  - All work within 50 feet shall halt, until the discovery can be evaluated by a qualified paleontologist.
  - The monitor shall determine whether the findings are significant and whether additional work, including recovery and preservation of the find, is warranted.
6. **TCR-1:** The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. 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 them. 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 proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
7. **TCR-2:** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
8. **TCR-3:** The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
9. **TCR-4:** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

10. **TCR-5:** In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
11. **TCR-6:** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
12. **TCR-7:** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
13. **TCR-8:** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified

by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

14. **TCR-9:** If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe 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.
15. **TCR-10:** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

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

1. A lot tie agreement shall be recorded for the three lots affected by this project, prior to issuance of any building permits.
2. The applicant shall sound attenuate all residential units against present and projected noise so that the composite interior standard of 45 dBA for habitable rooms is not exceeded. Prior to the issuance of grading permits, the applicant shall submit an acoustical analysis report to the Planning Division, which demonstrates that this standard shall be satisfied.
3. All residential units shall be provided with heating and air conditioning.



4. An exemption from the Grading Ordinance is approved as part of this project, as shown on the conceptual grading plan provided by the applicant and included within the January 14, 2020 Planning Commission staff report. This exemption includes a cut slope up to 26' feet in height and 1.5:1 in inclination. A substantial conformance allowance of up to one (1) foot is allowed for the slope covered by the Grading Exemption (i.e., a maximum height of up to 27' may be included on the official grading plan submittal, without additional approvals from the Planning Commission or the Community Development Director).
5. Per the vegetation replacement standards in Section 33-1052 of the City of Escondido Zoning Code, all mature trees removed by the project shall be replaced at a 1:1 ratio, while protected trees shall be replaced at a 2:1 ratio. Non-oaks may be replaced by various ornamental species, but oaks must be replaced with new oaks. All trees to be removed by the project or to remain on site, regardless of species, shall be identified on the formal landscape plan submittal.

Per a tree survey provided by the applicant, the project would remove a total of 57 trees, 26 of which would be mature or protected oaks requiring replacement with 30 new oaks. Per the project's conceptual landscape plan, 86 new trees would be planted on-site, but only ten (10) of these new trees would be oaks. Off-site replacement of the remaining 20 oaks is allowed as described in Mitigation Measure BIO-2 of the Initial Study/Mitigated Negative Declaration. Any off-site replacement must be coordinated with the Planning Division and Public Works Department prior to issuance of any grading permits for the project.

#### **F. Fire Department Conditions**

1. A Fire Protection Plan is a deferred submittal to the Escondido Fire Department, and shall be submitted prior to, or concurrent with, building plan submittal.
2. The underground fire line, fire sprinkler, standpipe, and fire alarm plans are all deferred submittals to the Escondido Fire Department.
3. A wet standpipe system is required on the outside of the building along the rear.

#### **Engineering Division Conditions:**

##### **GENERAL:**

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

2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs, these utilities shall be relocated.
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 issuance of Building Permits.
4. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
5. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

#### **STREET IMPROVEMENTS AND TRAFFIC**

1. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of 24 feet.
2. The Hidden Trails Road driveway shall be aligned with the Valley High School private driveway at 410 Hidden Trails Road.
3. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
4. Old Guejito Grade Road profile shall be designed for E. Valley Parkway's ultimate Prime Arterial street classification per the City's General Plan Circulation Element.
5. The project entrance from Old Guejito Grade Road shall be designed as street intersections with curb returns, cross gutters and spandrels, etc., with a minimum throat width of 24 feet.
6. The developer may be responsible for an overlay of Hidden Trails Road 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.
7. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
8. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on

landscaping shall be provided as needed for adequate sight distance and subject to approval of the City Engineer.

9. The developer will be required to provide a detailed detour and traffic control plan for all construction within the existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. The traffic control plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
10. The project owner shall remove and replace all damaged sidewalks and curb and gutters along project frontages on E. Valley Parkway and Hidden Trails Road. to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.
11. The project owner shall plant street trees along property frontage on E. Valley Parkway and Hidden Trails Road to the satisfaction of Planning Director, prior to issuance of Certificate of Occupancy.

## **GRADING**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim sloping planting, gravel bags, 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 development of the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 5 1/2" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. 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.

5. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer and Building Official
6. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
7. Trash enclosures shall drain toward the landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of 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. After approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760-839-4664 to arrange for the Encroachment Permit and inspections.
10. All blasting operations performed in connection with the improvements of the project shall comply with the City of Escondido Blasting Operations Ordinance.
11. The developer shall 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.
12. The developer shall be responsible for the recycling all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other locations approved by the Director of Engineering Services.

## **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted and approved as part of the grading plan check. The proposed basin shall have a secondary/emergency outlet structure or spillway.
3. A (minimum) three-foot-wide berm shall be provided along the north and west perimeters of the proposed detention basin.

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. Storm water detention storage facilities located upstream from biofiltration basins shall contain pre-treatment BMPs (such as catch basin or roof drain inlet filters).
6. Treatment for storm water runoff from the Old Guejito Grade Road improvements may be accomplished in accordance with the City's latest adopted Storm Water Design Manual and USEPA Green Streets guidance.
7. All on-site storm drains, detention basins, and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
8. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts of the building 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.
9. 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**

1. Required water main improvements for the project include construction of a looped 12-inch public water main through the project from Hidden Trails Road to Old Guejito Grade Road. The 12-inch water main shall be in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Connection to the existing 30-inch water main in Old Guejito Grade Road will require one 30" x 12" reducer at the tee. Tee shall be designed per City Design Standards.
3. A public utility easement shall be granted to the City of Escondido for any proposed public waterlines on private property. The easement shall include all fire hydrants, water meters and other public water appurtenances. The minimum easement width for public mains shall be 20 feet.
4. 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.

5. A fire suppression sprinkler system shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings and per the Fire Marshal. The public water lines for the sprinkler system shall be shown on the grading and improvement plans.
6. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per the City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or private drive areas.
7. All on-site water lines and backflow prevention devices beyond the City water meter shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
8. No trees or deep rooted bushes shall be planted within 10-feet of any water mains.
9. There shall be no permanent structures located within the City's public utility easements.

## **SEWER**

1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the public utility easement or ROW shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with an Inserta-Tee and not at a manhole.
2. 6-inch sewer laterals must connect to a minimum 8-inch sewer main. In the event that the public main is not 8-inches, sewer main upsizing may be required.
3. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per 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.
5. All sewer laterals shall be considered a private sewer system. The property owners shall be responsible for all maintenance of their individual sewer laterals to the sewer main.

## **LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the first submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees.

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

### **EASEMENTS AND DEDICATIONS**

1. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
2. Necessary public utility easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
3. An emergency access easement shall be granted to the City. The minimum width of the easement shall be 24 feet and to the satisfaction of the City Engineer and Fire Marshal.
4. The developer shall make arrangements to remove from title all existing easements which conflict with the proposed project site improvements.
5. The developer is responsible for making the arrangements to quitclaim all easements of record and vacate the irrevocable offer of dedication (IOD) for Cloverdale Road (as shown on Parcel Map 13367) which conflict with the proposed development prior to approval of the grading plan. All street vacations shall be accomplished by means of a separate public hearing. 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 plan. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.
6. The developer will be required to pay the street vacation fee in effect at the time the Cloverdale Road IOD is vacated.

### **REPAYMENTS AND FEES / CASH SECURITY AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up 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, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.

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

#### **MISCELLANEOUS REQUIREMENTS / SURVEYING AND MONUMENTATION**

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded. If all record property corners of record are found at the completion of the project, they shall be flagged in the field for inspection and no corner record or record of survey will be required.
2. A current preliminary title report shall be submitted with the grading plans.

#### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All new dry utilities to serve the project shall be constructed underground.
2. 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.
3. The developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation, and undergrounding. All new utilities shall be constructed underground.



**Attachment 4**  
**PL 21-0117**

Planning Commission  
Hearing Date: July 27, 2021  
Effective Date: August 7, 2021

PLANNING COMMISSION RESOLUTION NO. 2021-13

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING PLOT PLAN AND AN ADDENDUM TO  
THE APPROVED MITIGATED NEGATIVE  
DECLARATION FOR THE EXPANSION OF AN  
APPROVED ASSISTEND LIVING FACILITY 3,094  
SQUARE FEET IN THE BASEMENT AND EXPANDED  
BRUSH MANAGEMENT ZONE FOR THE PROPOSED  
FUEL MODIFICATION PLAN

APPLICANT: NOAA Group

CASE NO: PL 21-0117

WHEREAS, the NOAA Group ("Applicant"), filed a land use development Application, Planning Case No. PL 21-0177 ("Application") constituting a request for a Plot Plan and Mitigated Negative Declaration ("MND") Addendum for a 3,094 square foot basement addition to an approved assisted living facility, and expanded Brush Management Zone ("BMZ") associated with a new Fuel Modification Plan ("Project") on a 3.31 gross acre site located at 3141 E. Valley Parkway (APNs 240-110-54-00, 240-110-55-00, and 240-110-56-00), in the SPA 5 Zone; and

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

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the 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, the expansion of the approved assisted living facility by less than 10% can be approved through a Plot Plan process in accordance with Escondido Zoning Code section 33-1208; 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, On January 14, 2020, the Planning Commission adopted Resolution No. 2020-01, approving a Conditional Use Permit and MND for a proposed assisted living facility, CEQA Findings, and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a Project for which an MND has been approved, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, the Applicant provided an updated biological study as a result of an expanded BMZ identified in a Fuel Modification Plan ("FMP") prepared for the Project to evaluate the environmental impact of the proposed modifications to the Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162; and

WHEREAS, based on updated biological study, all impacts had been fully analyzed and mitigated in compliance with CEQA, and the modifications are consistent with and would not create substantial new or increased impacts beyond those that were evaluated in the MND, and that, therefore, no subsequent MND is required; and

WHEREAS, as a result of the proposed modifications to the BMZ of the FMP for the Project, an Addendum was prepared pursuant to CEQA Guidelines section 15164; 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, on July 27, 2021, the Planning Commission held a regularly scheduled meeting, 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 July 27, 2021, 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 meeting; and

WHEREAS, the regularly scheduled Planning Commission meeting 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 Addendum to the previously approved MND, attached as Exhibit "C" and incorporated herein by this reference as though fully set forth herein, has been prepared in compliance with all requirements contained in CEQA, CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Based on the review of the Addendum, no additional mitigation measures are required.
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 "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.

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

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

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

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, [www.escondido.org](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 27<sup>th</sup> day of July, 2021, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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KATHARINE BARBA, Chair  
Escondido Planning Commission

ATTEST:

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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.

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JOANNE TASHER, Minutes Clerk  
Escondido Planning Commission

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

## EXHIBIT "A"

### LEGAL DESCRIPTION

#### PL 21-0117

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

##### PARCEL ONE:

REVISED PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. [2009-0442971](#) OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 (NORTHWEST QUARTER OF THE NORTHWEST QUARTER), IN SECTION 7, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. [13367](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 1 OF SAID PARCEL MAP NO. [13367](#), THENCE NORTH 89° 38' 39" WEST (RECORD NORTH 89° 22' 09" WEST) ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 A DISTANCE OF 56.12 FEET; THENCE CONTINUING NORTH 89° 21' 16" WEST (RECORD NORTH 89° 29' 09" WEST) 89.24 FEET (RECORD 89.22 FEET) ALONG SAID SOUTHERLY LINE OF PARCEL 1 AND CONTINUING NORTH 33° 26' 00" WEST (RECORD NORTH 33° 27' 18" WEST) 116.75 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY SIDELINE OF VALLEY PARKWAY, WHICH IS A POINT ON A 1463 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 66° 46' 39" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06° 03' 19" AN ARC LENGTH OF 154.62 FEET TO THE BEGINNING OF A REVERSE TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; TO A POINT IN THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD; THENCE NORTH 89° 54' 05" EAST ALONG SAID SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD 64.81 FEET TO A TANGENT 639.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE EASTERLY ALONG SAID CURVE AND THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD THROUGH A CENTRAL ANGLE OF 07° 41' 47" AN ARC LENGTH OF 85.84 FEET; THENCE NORTH 82° 12' 18" EAST 85.07 FEET TO A TANGENT 559.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08° 21' 39" A DISTANCE OF 81.57 FEET; THENCE SOUTH 89° 26' 19" EAST A DISTANCE OF 37.53 FEET; THENCE LEAVING SAID SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD, SOUTH 14° 43' 00" WEST 8.85 FEET; THENCE SOUTH 76° 07' 23" WEST 168.69 FEET, THENCE SOUTH 90° 00' 00" WEST 73.94 FEET, THENCE SOUTH 00° 00' 00" WEST 28.00 FEET, THENCE NORTH 90° 00' 00" EAST 7.00 FEET, TO A TANGENT 30 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 07° 37' 47" WEST 29.22 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02, WHICH IS THE NORTHWEST CORNER OF ADJUSTED PARCEL 2; THENCE SOUTH 07° 46' 14" EAST ALONG THE COMMON BOUNDARY WITH SAID ADJUSTED PARCEL 2, 148.94 FEET TO THE SOUTHERLY LINE OF SAID PARCEL MAP NO. [13367](#); THENCE NORTH 89° 38' 39" WEST (RECORD NORTH 89° 22' 09" WEST) ALONG SAID SOUTHERLY LINE OF PARCEL MAP NO. [13367](#), 38.84 FEET TO THE POINT OF BEGINNING.

##### PARCEL TWO:



AN EASEMENT OVER PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS, ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE MOST WESTERLY CORNER OF REVISED PARCEL 2 OF - CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT., THENCE NORTH 90° 00' 00" EAST 73.94 FT., THENCE NORTH 76° 07' 23" EAST 168.69 FT., THENCE NORTH 14° 43' 00" EAST, 8.85 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FT., THENCE NORTH 88° 43' 43" EAST 10.87 FT., THENCE SOUTH 14° 43' 00" WEST 32.90 FT. AND SOUTH 76° 07' 23" WEST 176.62 FT. TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 29' 36" A DISTANCE OF 35.86 FT., THENCE SOUTH 07° 37' 47" WEST 41.03 FT. TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF ADJUSTED PARCEL 3, 28.26 FT. TO THE TRUE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 3 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

PARCEL THREE:

REVISED PARCEL 2 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. [2009-0442972](#) OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. [13367](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 2 OF PARCEL MAP NO. [13367](#) THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 NORTH 89° 38' 39" WEST 285.22 FEET; THENCE LEAVING SAID SOUTHERLY LINE NORTH 07° 46' 14" WEST 148.94 FEET; THENCE NORTH 89° 54' 36" EAST 217.65 FEET; THENCE SOUTH 77° 07' 50" EAST 102.69 FEET TO THE EASTERLY LINE OF SAID PARCEL 2; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF PARCEL 2 SOUTH 10° 38' 10" WEST 46.60 FEET; THENCE SOUTH 02° 41' 52" WEST 81.10 FEET TO THE POINT OF BEGINNING.

PARCEL FOUR:

AN EASEMENT OVER PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS, ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA:

BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2, DESIGNATED AS POINT 'A' OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST 29.22 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT., THENCE NORTH 90° 00' 00" EAST 73.94 FT., THENCE NORTH 76° 07' 23" EAST 168.69 FT., THENCE NORTH 14° 43' 00" EAST, 8.85 FT. TO

THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FT., THENCE NORTH 88° 43' 43" EAST 10.87 FT., THENCE SOUTH 14° 43' 00" WEST 32.90 FT. AND SOUTH 76° 07' 23" WEST 176.62 FT. TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 29' 36" A DISTANCE OF 35.86 FT., THENCE SOUTH 07° 37' 47" WEST 41.03 FT. TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF ADJUSTED PARCEL 3, 28.26 FT. TO THE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 1 AND PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

PARCEL FIVE:

A PRIVATE UTILITY EASEMENT OVER ALL THAT PORTION OF REVISED PARCEL 1 AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FT., THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST 148.94 FT. TO POINT "A" AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT. TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 00" EAST 28.76 FT., MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD.

PARCEL SIX:

REVISED PARCEL 3 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. 2009-0442973 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 (NORTHWEST QUARTER OF THE NORTHWEST QUARTER), IN SECTION 7, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. 13367, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST 148.94 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02, AND WHICH IS THE TRUE POINT OF BEGINNING;

THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE

SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 0° 00' 00" EAST 28.00 FEET; THENCE NORTH 90° 00' 00" EAST 73.94 FEET; THENCE NORTH 76° 07' 23" EAST 168.69 FEET; THENCE NORTH 14° 43' 00" EAST, 8.85 FEET TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FEET; THENCE NORTH 88° 43' 43" EAST 123.60 FEET, WHICH POINT IS THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID PARCEL MAP NO. 13367; THENCE SOUTH 10° 38' 10" WEST ALONG SAID NORTHERLY PROLONGATION AND SAID EASTERLY LINE OF PARCEL MAP NO. 13367 A DISTANCE OF 167.95 FEET; THENCE NORTH 77° 07' 50" WEST 102.69 FEET, AND SOUTH 89° 54' 36" WEST 217.65 FEET, TO THE TRUE POINT OF BEGINNING.

PARCEL SEVEN:

A PRIVATE UTILITY EASEMENT OVER ALL THAT PORTION OF PARCEL 1 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST, 148.94 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 00° 00' 00" EAST 28.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 00" EAST 28.76 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD.

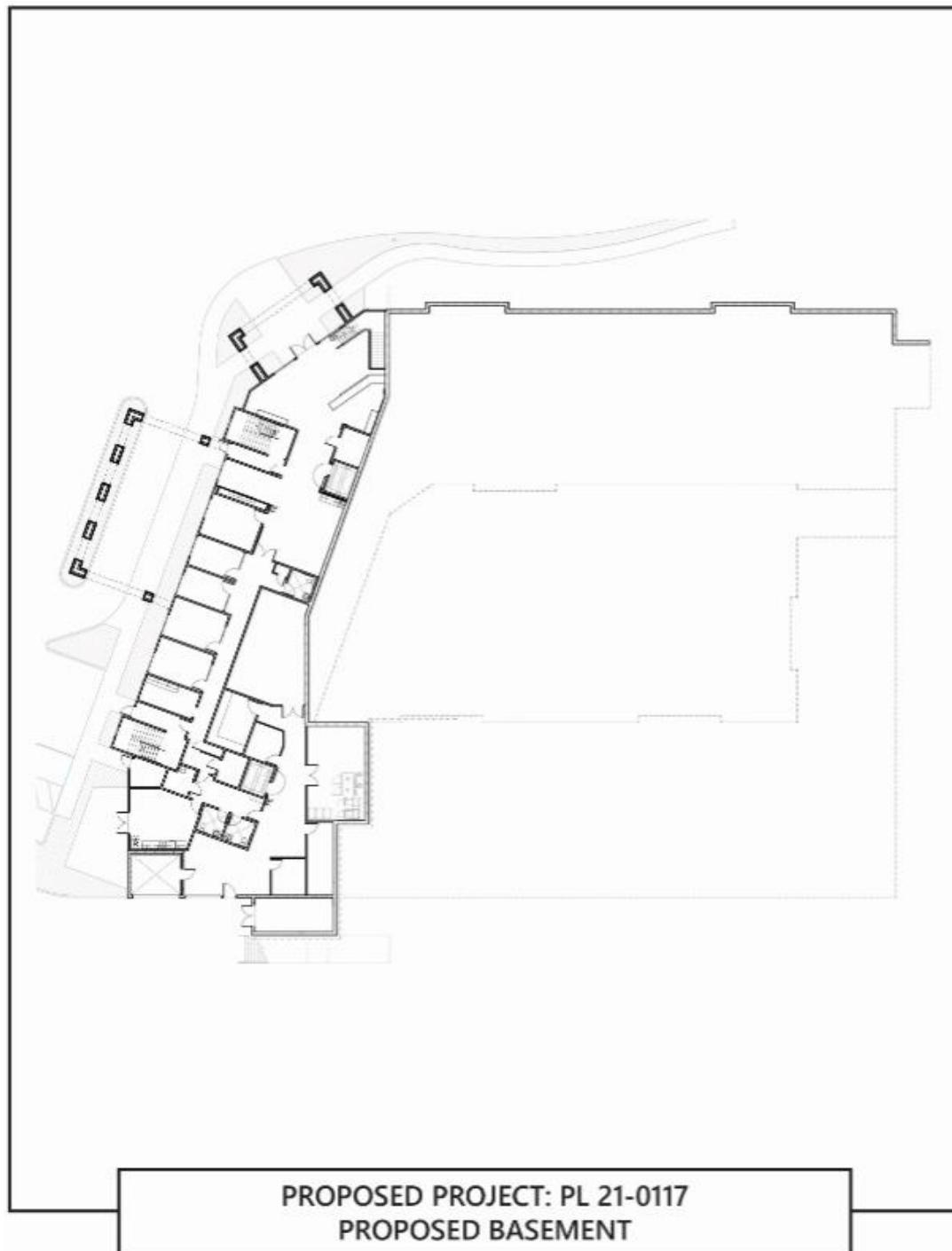
SUBJECT TO AN EASEMENT IN FAVOR OF PARCELS 1 & 2 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 00° 00' 00" EAST 28.00 FEET; THENCE NORTH 90° 00' 00" EAST 73.94 FEET; THENCE NORTH 76° 07' 23" EAST 168.69 FEET; THENCE NORTH 14° 43' 00" EAST, 8.85 FEET TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FEET; THENCE NORTH 88° 43' 43" EAST 10.87 FEET; THENCE SOUTH 14° 43' 00" WEST 32.90 FEET AND SOUTH 76° 07' 23" WEST 176.62 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 35.86 FEET; THENCE SOUTH 07° 37' 47" WEST 41.03 FEET, TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF SAID ADJUSTED PARCEL 3, 28.26 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 1 AND PARCEL 3 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

APN: 240-11-54-00 (Affects: Parcel One)  
240-11-55-00 (Affects: Parcel Three)  
240-11-56-00 (Affects: Parcel Six)









PROPOSED PROJECT: PL 21-0117  
PROPOSED RENDERING

## **EXHIBIT “C”**

### **ADDENDUM TO MITIGATED NEGATIVE DECLARATION**

**PL 21-0117**

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

<https://www.escondido.org/apollo-assisted-living-facility.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours (8 a.m. to 5 p.m.).

## **EXHIBIT “D”**

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

**PL 21-0117**

#### **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 is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the Project.
2. An Initial Study/Mitigated Negative Declaration (IS/MND) was approved for the Project by Planning Commission Resolution No. 2020-01, in accordance with the requirements of CEQA, the State CEQA Guidelines, and the local environmental procedures.
3. Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a Project for which an MND has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review.
4. The Applicant provided an updated biological study as a result of expanded BMZ in the proposed FMP to evaluate the environmental impact of the proposed modifications to the Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162.
5. As a result of the proposed modifications to the BMZ of the FMP for the Project, an Addendum was prepared pursuant to CEQA Guidelines section 15164.
6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Civic Center. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.



### **Plot Plan Findings**

1. The Project is a conditionally permitted use in Planning Area 4 in Northeast Gateway Specific Plan (SPA 5). The Project, approved by Planning Commission Resolution No. 2020-01 on January 14, 2020, meets all applicable development standards. The 3,094 square foot addition to the Project, located in the basement/ground floor portion of the Project, allows for more “back of house” functions to be conducted on-site rather than relying on outside services. The addition to the structure will not be visible from the exterior. Staff has provided comments on the modified exterior elevations and as a condition of approval will continue to work with the Applicant to refine the changes. Overall, the conditions of approval and Mitigation Monitoring and Reporting Program included with Planning Commission Resolution 2020-01 are still applicable and will ensure no environmental impacts will result from the Project modifications.
2. The Plot Plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards in that the conditions of approval and Mitigation Monitoring and Reporting Program are referenced in the attached conditions of approval included as Exhibit “E” hereto and are still in effect, in addition to the new conditions of approval provided under Exhibit “E”.
3. The Plot Plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety, and general welfare in that all of the original Planning Commission conditions of approval and mitigation monitoring has been incorporated into this approval for the modifications and Addendum to the MND for the Project to ensure compatibility with surrounding uses and residents.

**EXHIBIT “E”**  
**CONDITIONS OF APPROVAL**  
**PL 21-0117**

This Project is conditionally approved as set forth on the Application dated received by the City of Escondido on **March 1, 2021**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on **July 27, 2021**, and shall not be altered without express authorization by the Community Development Department.

All conditions of approval, plans not modified by this Plot Plan, and Mitigation Measures adopted by the Planning Commission on January 14, 2020, by Planning Commission Resolution 2020-01 shall continue to be in full effect, unless expressly modified herein.

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

**4. Availability of Permit Conditions.**

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

**3. 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.

5. **BMZ Expansion.** Prior to issuance of any permits for the Apollo Assisted Living Facility, the Applicant shall provide an agreement signed by the adjacent Property owner to allow the work and maintenance of the required BMZ clearing area associated with the FMP approved by Escondido Fire.
6. **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.
7. **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.
8. **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.

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

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

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

OR

**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.

**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 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. **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.
8. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The Property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
9. **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.
10. **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.
11. **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.

**12. 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.

**13. Specific Planning Division Conditions:**

- a. Elevation Modifications.** Modifications to the proposed elevations are not approved and additional staff level design review is required to ensure that the final architecture substantially conforms to the plans approved by Planning Commission on January 14, 2020. The elevations shall be approved by the Director of Community development, or their designee, prior to issuance of building permits.