

CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** 11/10/20

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 Chair.

Pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Zoning Administrator and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link <https://www.escondido.org/public-comment-form.aspx>. Council Chambers will be closed, no public allowed.

Public Comment: To submit comments in writing, please do so at the following link: <https://www.escondido.org/public-comment-form.aspx>. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write "Read Out Loud" in the subject line. All comments received from the public will be made a part of the record of the meeting. The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online at the following link: <https://www.escondido.org/> and click on the graphic showing "live stream - meeting in progress".

To watch the archived Planning Commission meeting(s) please visit:
<https://escondido.12milesout.com/presentations/boards-and-commissions-and-state-of-the-city-videos>

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 A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

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 3 minutes.

1. GENERAL PLAN AMENDMENT, ZONE CHANGE AND CONDITIONAL USE PERMIT – PHG 19-0049 AND ENV 19-0006:

REQUEST: Conditional Use Permit ("CUP") for the development of a proposed gasoline station/convenience store with concurrent sale of alcoholic beverages (beer and wine). The project consists of a 4,088 square foot convenience store with a 4,284 square foot gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles. A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the CUP. The project also includes a request to adopt a Mitigated Negative Declaration in accordance with the California Environmental Quality Act ("CEQA").

PROPERTY SIZE AND LOCATION: Approximately 1.14-acres generally located at the northwestern corner of W. Mission Avenue and Rock Springs Road, addressed as 900 W. Mission Avenue (APNs 228-220-13-00 and 228-220-43-00).

ENVIRONMENTAL STATUS: A Draft Initial Study/Supplemental Mitigated Negative Declaration "IS/MND" (Case No. ENV 19-006) was issued for the project in conformance with the California Environmental Quality Act (CEQA). The IS/MND incorporates mitigation measures that will avoid or mitigate impacts related to cultural/tribal resources, geology, noise and traffic to a less than significant level.

APPLICANT: Golcheh Group, LLC (representing 7-Eleven)

STAFF RECOMMENDATION: Approval to City Council

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

H. ITEMS CONTINUED FROM NOVEMBER 10, 2020:

1. CLIMATE ACTION PLAN UPDATE – PHG 18-0009:

REQUEST: The Climate Action Plan Update (“CAP Update”) consists of a comprehensive update to the 2013 CAP. The CAP update serves as a roadmap for the City to reduce citywide greenhouse gas emissions (“GHG emissions”) and builds on the 2013 CAP by updating the GHG emissions inventory with a new baseline year and forecasting emissions, consistent with state legislation and executive orders that are aimed at reducing Statewide GHG emissions. This includes AB 32, which established a target of reducing Statewide GHG levels to 1990 levels by 2020; SB 32, which established a mid-term target of reducing Statewide GHG levels to 40 percent below 1990 levels by 2030; and Executive Order S-3-05, which recommends a longer-term statewide GHG reduction goal of reducing emissions to 80 percent below 1990 levels by 2050. By establishing consistency with state legislation, the CAP Update seeks to streamline future development approvals within the City. The City has also developed a Climate Action Plan Consistency Review Checklist, in conjunction with the CAP Update, to provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA. The CAP Update also provides a range of adaptation strategies and measures as an additional component to climate action planning. The City recognizes the importance of building resilience in the community to future climate change—related impacts through climate adaptation. Through “adaptation planning” the City is undertaking a process of identifying climate risks and opportunities, assessing the options to manage these risks and opportunities, and implementing actions to sustain and even improve the community’s quality of life. The Planning Commission will be asked to review and consider the project and provide a recommendation to the City Council. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: A Draft Initial Study/Mitigated Negative Declaration (“IS/MND”) was issued for a 30-day public review, beginning on July 1, 2020, and ending July 31, 2020, in conformance with the California Environmental Quality Act (“CEQA”). The IS/MND incorporates mitigation measures that will avoid or mitigate impacts related to cultural/tribal cultural resources to a less than significant level.

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval to City Council

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

I. 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. [Planning Commission ByLaws](#)

Review of existing Planning Commission Bylaws and discussion of possible revisions.

J. ORAL COMMUNICATIONS:

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

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

K. PLANNING COMMISSIONERS

L. ADJOURNMENT

CITY OF ESCONDIDO

**ACTION MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION
VIDEO/VIRTUAL CONFERENCE**

November 10, 2020

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

Commissioners present: Stan Weiler, Chair; Joe Garcia, Vice-Chair, Katharine Barba, Commissioner; Dao Doan, Commissioner; Rick Paul, Commissioner; Ingrid Rainey, Commissioner; and Nathan Serrato, Commissioner.

Commissioners absent: None.

Staff present: Mike Strong, Director of Community Development; Kurt Whitman, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Adam Finestone, Principal Planner; Ann Dolmage, Associate Planner; and Joanne Tasher, Minutes Clerk.

MINUTES:

Moved by Commissioner Paul and seconded by Commissioner Barba to approve the Action Minutes of the October 27, 2020, Planning Commission meeting. Motion carried unanimously (7-0-0).

WRITTEN COMMUNICATIONS: Received.

FUTURE NEIGHBORHOOD MEETINGS: None.

ORAL COMMUNICATIONS:

Director Mike Strong noted that the November 24, 2020, Planning Commission meeting is cancelled due to the Thanksgiving holiday.

PUBLIC HEARINGS:

1. TENTATIVE SUBDIVISION MAP AND CONDOMINIUM PERMIT – SUB 20-0002:

REQUEST: The project is a Tentative Subdivision Map and Condominium Permit for ten (10) for-sale townhome units and associated amenities. Townhomes will be configured as five (5) duplexes. Each unit will have two (2) stories, three (3) bedrooms and 2.5 bathrooms, and a private two (2)-car garage. The project includes a request for a density bonus per the provisions of the California Density Bonus Law (Government Code Section 65915), including waivers from development standards for open space and setbacks, and a parking reduction that would preclude guest parking. The project is eligible for this density bonus because all units will be sold to low-income households (i.e., households with income not exceeding 80% of the Area Median Income). The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The project site is 0.6 acres in size and is located at 245 East El Norte Parkway (APN # 229-040-14).

ENVIRONMENTAL STATUS: The project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332, "In-Fill Development Projects." This exemption is applicable when the proposed development is consistent with the applicable general plan designation, general plan policies, and zoning designation and regulations; occurs within city limits on a site of no more than five (5) acres substantially surrounded by urban uses; has no value as habitat for endangered, rare, or threatened species; would not result in significant effects to traffic, noise, air quality, or water quality; and can be adequately served by required utilities and public services.

STAFF RECOMMENDATION: Approval to City Council

PUBLIC SPEAKERS (SUBMITTED WRITTEN COMMENTS):

Bryan Ward, submitted comments in favor of the project.

Patricia Borchmann, submitted comments in favor of the project.

COMMISSIONER DISCUSSION:

The Commissioners discussed various aspects of the Habitat for Humanity project.

COMMISSION ACTION:

Motion by Commissioner Paul seconded by Vice-Chair Garcia to recommend approval to City Council with the added condition that the applicant, Habitat for Humanity, increase the size of the garages to accommodate individual trash bins. Motion carried 4-3-0 (Doan, Rainey, and Serrato voted No).

2. MASTER AND PRECISE DEVELOPMENT PLAN MODIFICATION – PL 20-0601:

REQUEST: A Master and Precise Development Plan modification to install gates and fencing along an existing 126-unit multi-family apartment project. The project would include the installation of security gates across all three project driveways. The two driveways along W. Valley Parkway would change to one-way driveways, with the eastern driveway enter-only and the western driveway exit-only. The driveway on W. Grand Avenue would continue to provide two-way access (enter and exit). Fencing and man-gates connecting to existing structures and fences would be installed, as would a fence along the east side of an existing pedestrian pathway leading from W. Grand Avenue to W. Valley Parkway. All gates would be electric. Residents would be provided with remotes for site access, and callboxes would be installed for guest access. Up to 8 parking spaces would be removed in order to accommodate installation of the gates. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 2.6 acre project site is located between W. Valley Parkway and W. Grand Avenue, immediately east of the NCTD railroad right-of-way and directly across W. Valley Parkway from the Escondido Transit Center. The property is addressed as 700 – 730 W. Grand Avenue.

ENVIRONMENTAL STATUS: The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines.

STAFF RECOMMENDATION: Conditional Approval

PUBLIC SPEAKERS (SUBMITTED WRITTEN COMMENTS):

Helen Thelen, submitted comments regarding the project.

COMMISSIONER DISCUSSION:

The Commissioners discussed various aspects of the proposal for security gates and fencing for the Rowan Apartments.

COMMISSION ACTION:

Motion by Commissioner Rainey seconded by Commissioner Barba to conditionally approve the project. Approved 6-1-0 (Chair Weiler voted No).

3. ZONING CODE AMENDMENT – PL 20-0636:

REQUEST: A series of Escondido Municipal Code and Zoning Code Amendments to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Article 1 of Chapter 32 of the Municipal Code; and Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 16 (Commercial Zones), Article 26 (Industrial Zones), Article 39 (Off-Street Parking), Article 40 (Historical Resources), Article 57 (Miscellaneous Use Restrictions), Article 70 (Accessory Dwelling Units) of the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: Exempt (CEQA section 21080.17 and CEQA Guidelines sections 15301, 15304, 15282(h), and 15061(b)(3))

STAFF RECOMMENDATION: Approval to City Council

PUBLIC SPEAKERS:

None.

COMMISSIONER DISCUSSION:

The Commissioners discussed various aspects of the proposed zoning code updates.

COMMISSION ACTION:

Motion by Commissioner Paul seconded by Commissioner Barba to recommended approval to City Council. Motion carried unanimously (7-0-0).

ITEMS CONTINUED FROM OCTOBER 27, 2020:

1. CLIMATE ACTION PLAN UPDATE – PHG 18-0009:

REQUEST: The Climate Action Plan Update (“CAP Update”) consists of a comprehensive update to the 2013 CAP. The CAP update serves as a roadmap for the City to reduce citywide greenhouse gas emissions (“GHG emissions”) and builds on the 2013 CAP by updating the GHG emissions inventory with a new baseline year and forecasting emissions, consistent with state legislation and executive orders that are aimed at reducing Statewide GHG emissions. This includes AB 32, which established a target of reducing Statewide GHG levels to 1990 levels by 2020; SB 32, which established a mid-term target of reducing Statewide GHG levels to 40 percent below 1990 levels by 2030; and Executive Order S-3-05, which recommends a longer-term statewide GHG reduction goal of reducing emissions to 80 percent below 1990 levels by 2050. By establishing consistency with state legislation, the CAP Update seeks to streamline future development approvals within the City. The City has also developed a Climate Action Plan Consistency Review Checklist, in conjunction with the CAP Update, to provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA. The CAP Update also provides a range of adaptation strategies and measures as an additional component to climate action planning. The City recognizes the importance of building resilience in the community to future climate change—related impacts through climate adaptation. Through “adaptation planning” the City is undertaking a process of identifying climate risks and opportunities, assessing the options to manage these risks and opportunities, and implementing actions to sustain and even improve the community’s quality of life. The Planning Commission will be asked to review and consider the project and provide a recommendation to the City Council. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: A Draft Initial Study/Mitigated Negative Declaration ("IS/MND") was issued for a 30-day public review, beginning on July 1, 2020, and ending July 31, 2020, in conformance with the California Environmental Quality Act ("CEQA"). The IS/MND incorporates mitigation measures that will avoid or mitigate impacts related to cultural/tribal cultural resources to a less than significant level.

STAFF RECOMMENDATION: Approval to City Council

COMMISSIONER DISCUSSION:

The Commissioners continued the discussion of the Climate Action Plan (CAP) and went through the numerous strategies of the CAP

COMMISSION ACTION:

Motion by Commissioner Rainey and seconded by Commissioner Doan to further postpone the item and continue the discussion at the next Planning Commission Meeting scheduled for December 8, 2020. Motion carried unanimously (7-0-0).

CURRENT BUSINESS: None.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS:

Commissioner Paul asked about the letter he received regarding the construction going on at the Henry Ranch project, TR 920.

ADJOURNMENT: Chair Weiler adjourned the meeting at 10:40 p.m. The November 24, 2020, meeting is canceled due to the Thanksgiving Holiday. The next regularly scheduled Planning Commission meeting will be held at 7 p.m. on Tuesday, December 8, 2020, in the City Council Chambers via video conference, 201 North Broadway, Escondido, California.

Mike Strong, Secretary to the
Escondido Planning Commission

Joanne Tasher, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.1
Date: December 8, 2020

PROJECT NUMBER / NAME: PHG19-0049 and ENV19-0006 “7-Eleven”

REQUEST: Conditional Use Permit (“CUP”) for the development of a proposed gasoline station/convenience store with concurrent sale of alcoholic beverages (beer and wine). The project consists of a 4,088 square foot convenience store with a 4,284 square foot gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles. A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the CUP. The project also includes a request to adopt a Mitigated Negative Declaration in accordance with the California Environmental Quality Act (“CEQA”).

LOCATION: 900 W. Mission Avenue

APNs: 228-220-13-00 and 228-220-43-00

EXISTING GENERAL PLAN / ZONING:
Light Industrial (LI) / (M-1) Light Industrial zone

PROPOSED GENERAL PLAN / ZONING:
General Commercial (GC) / (CG) Commercial General

APPLICANT: Golcheh Group, LLC
(representing 7-Eleven)

PRIMARY REPRESENTATIVE: Ilan
Golcheh, Golcheh Group, LLC

DISCRETIONARY ACTIONS REQUESTED: General Plan Amendment, Zone Change and Conditional Use Permit

PREVIOUS ACTIONS: City Council authorization to process a General Plan Amendment request on May 15, 2019

PROJECT PLANNER: Jay Paul, Senior Planner, jpaul@escondido.org

CEQA RECOMMENDATION: Recommend adoption of Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (“Final IS/MND”)

STAFF RECOMMENDATION: Recommend approval by the City Council

REQUESTED ACTION: Approve Planning Commission Resolution No. 2020-19

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS:

☒ Mike Strong, Community Development Director

☒ Adam Finestone, City Planner

A. BACKGROUND:

The 1.14-acre project site is relatively flat and developed with an approximately 5,300 square foot building, accessory outbuildings and paved parking lot. The site is currently used for used automobile sales, service and auto body shop. The property is bounded by light industrial land uses to the west and north (vehicle sales, repair and various service-related uses) and by general commercial land uses (restaurant/retail) to the east and south. Project implementation involves minimal grading and demolition of the existing buildings and surface parking lot.

7-Eleven, Inc. proposes to construct a new 4,088 square foot convenience store with a 4,284 square foot gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles at a time, and the installation of underground storage tanks (USTs). A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the CUP. A CUP is necessary because the service station proposes to sell alcoholic beverages (beer and wine only) at a facility that can dispense fuel to five (5) or more vehicles. The applicant indicated the existing 7-Eleven store located on the northeastern corner of Mission Avenue/Rock Springs Road would close upon completion of the proposed development project subject to this request, and the existing alcohol license transferred to the new facility.

The proposed project includes an associated parking lot with up to 25 parking spaces, on site landscaping, and storm water facilities. Street widening and median improvements are proposed along the W. Mission Avenue. Access would be provided from a single driveway along W. Mission Avenue (right-in and right-out only) and a single-driveway along Rock Springs Road (left turn out restricted). An off-site traffic signal would be installed at the intersection of Rock Springs Road and W. Lincoln Avenue. Project plans are attached to draft Planning Commission Resolution No. 2020-19, as Exhibit "D."

B. PROJECT ANALYSIS:

1. General Plan / Zoning

The City's General Plan land-use designation for the project site is Light Industrial (LI) with an underlying zoning designation of Light Industrial (M-1). The project site also is located within a General Plan Opportunity area (Figure II-19) and Target Area (a), Downtown Transit Station (Figure II-20). Opportunity Areas call for implementing smart growth principles that promote development/redevelopment that enhance job growth and revitalize the community. The Guiding Principles for the Target Area supports a variety of commercial uses incorporating unified development standards and design guidelines. The subject site is located at the intersection of W. Mission Avenue and Rock Springs Road, with commercial zoning and development on the northeastern, southeastern and southwestern corners. The Light Industrial land-use designation and corresponding industrial zoning does not permit retail type uses such as gasoline stations

and convenience stores. Therefore, the project proponent is requesting an amendment to the General Plan to change the land-use designation from Light Industrial to General Commercial, along with a corresponding change to the underlying zoning designation from Light Industrial to General Commercial (CG). The Zone Change to CG allows for the consideration of the CUP for the convenience store/gasoline station along with the concurrent sale of alcoholic beverages. Final approval of the alcoholic permit is subject to approval by the State Department of Alcoholic Beverage Control (ABC).

California Government Code section 65358(a) provides that, "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan." The Planning Commission acts as an advisory body to the City Council on applications for General Plan Amendments and Zone Changes. The City may approved up to four amendments to any element of the General Plan per year. If recommended for approval, the City Council would consider the request in calendar year 2021, and the request would constitute the first amendment to the Land Use and Community Form Element of the General Plan that year. There were no amendments to any element of the General Plan approved in 2020.

2. Design:

The project consists of a 4,088 square foot, single-story convenience store structure with a contemporary commercial design consisting of a storefront glass entry along the southern elevation with stone cladding around the main entry tower element and columns. Decorative wooden fascia is incorporated into the upper tower element. The main body includes exterior stucco walls (brown and tan colors) with decorative column elements and popouts to break up wall planes. The flat roof includes decorative parapet trim. Mechanical equipment located on the roof would be screened from view by the roof parapet. The 4,284 square foot rectangular-shaped canopy is 17.5 feet in height with an aluminum-clad fascia and the bottom portion of the supporting columns finished in stone cladding to match the main structure. Landscaping, including street trees, would be installed along the perimeter of the project site and adjacent to the proposed building. The architectural plans, color scheme and conceptual landscape design are included with Exhibit "D" to the draft Planning Commission Resolution 2020-19.

3. Alcohol Sales:

The California Department of Alcoholic Beverage Control ("ABC") is a State agency charged with regulation of alcoholic beverages. Before issuing a state liquor license, the ABC requires that businesses obtain zoning permits that may be required. California Business and Professions Code section 23790.5 authorizes land use authority of local governments to enact ordinances that requires conditional use permits for the concurrent retailing of beer and wine for off-premises consumption and motor vehicle fuel. In general, approval of a conditional use permit to authorize the sale of alcoholic beverages on the property itself and may remain for use by a future business if ownership changes. Article 16 of the Escondido Zoning Code requires the review and consideration of a Minor CUP application for off-premise alcohol sales with gas stations. Ordinarily the decision-maker of Minor CUPs is the Zoning Administrator. Because the totality of

the application request consists of a General Plan Amendment and Zone Change, the authorized decision-maker to grant final approval of the land use development request is the City Council.

The consideration of a conditional use permit and a California alcoholic beverage license may be reviewed and considered alongside each other, but they are two different permits. Both local municipalities and the ABC monitor the number of businesses serving alcohol within census tracts to avoid “overconcentration” and/or “high crime” rates. “Overconcentration” means that the ratio of existing licenses to population exceeds the ratio of licenses to population in the County. “High crime” exists if the crime rate exceeds the municipality’s average by 20 percent or more. Therefore, as part of the City review process, the Police Department was asked to analyze the role of the business in the area as it pertains to incompatible use, alcohol consumption, building occupancy, higher than average crime, specific problems with alcohol in the past, or any other negative impacts to the community that an additional alcohol license may create. This area of the City is already oversaturated with establishments and is in what is considered a high crime area. There are no sensitive land uses within the immediate vicinity, such as a school or independent education facility for students in grades Kindergarten through 12th grade. However, the addition of this establishment could potentially make illegal sales to minors more convenient. Therefore, a condition of approval has been added to Exhibit “C” of draft Resolution No. 2020-19 to prohibit the sales of all beer, malt beverages, and wine coolers by single container regardless of size. Other specific operational conditions are proposed to control the sale, display and advertising of alcohol on the premises in accordance with State law and Article 57 of the Escondido Zoning Code (Section 33-1115 - Concurrent sale of motor vehicle fuel and alcoholic beverages). In consideration of the foregoing, the Planning Division and the Police Chief support the proposed application because project would transfer a California alcoholic beverage license from the existing 7-Eleven store across the street, and the request would be consistent with the goals, objectives and policies of the General Plan and the Zoning Code in that the license would not be detrimental to the public health, safety or welfare of the community.

C. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 1.14 acres (2 parcels) A Lot Tie will be required.
2. Building Size:

Proposed New:	4,088 SF convenience store 4,284 SF gasoline canopy structure
Demo:	5,300 SF single-story building 874 SF storage/accessory building Removal of modular trailer
3. Building Height: 26.5' highest point roof peak, 20' parapet. 17.5' to top of canopy
4. No. Pumps: 8 pumps (16 fueling stations)
5. Materials: Stucco main exterior (brown/tan tones) and storefront type glass. Stone veneer column and wall accents.
6. Parking:

<u>Required</u>	<u>Proposed</u>
21 spaces 1 per 250 SF bldg. area canopy exempt	25 (includes 1 van accessible space and 1 electric vehicle charging space)
7. Setbacks

<u>Required</u>	<u>Proposed</u>
Front: 5' (corner lot)	43' to canopy (Mission Ave.)
Street Side: 5' (corner lot)	14.5' to store (Rock Spring Rd.)
Side: 0'	80'+ to store
Rear: 0'	9'+
8. Signage:

<u>CG zone Allowed</u>	<u>Proposed</u>
Wall: 166.7 SF max. (1 SF/50 SF) 4,088 SF store plus 4,248 SF canopy	158.2 SF 3 illuminated logo type signs, vinyl window graphics and interior ATM sign on building 3 illuminated logo signs and colored graphics on canopy

- | | | |
|---------------|--|--|
| Freestanding: | 1 per frontage, max. 50 SF and max 6' height | 2 monument signs (1 per frontage)
7-Eleven logo with digital pricing (49.8 SF sign display area internally lit) |
|---------------|--|--|
- All building/wall signage and freestanding signage subject to conformance with Article 66 (Sign Code). A separate sign plan/permit will need to be submitted and approved prior to building permit issuance.
9. Landscaping: New ornamental landscaping, irrigation, and street trees to be provided along W. Mission Avenue and Rock Springs Road, perimeter and parking areas. Two biofiltration features are designed within the landscaped area.
 10. Trash: A new covered trash enclosure would be provided. Collection service would be provided by Escondido Disposal (EDI).
 11. Lighting Security and accent light fixtures will be installed on building and parking area.
 12. Heating & Ventilation: Mechanical equipment (HVAC) units would be installed on the roof. All HVAC equipment would be installed on mechanical pads and would be screened by the roof parapet.

D. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Public Safety Services (Police and Fire/EMS) – The Police Department and Fire Department determined that existing and/or proposed infrastructure is adequate to provide services to the site, and the project would not impact levels of service. The site is served by Fire Station No. 1 (310 North Quince Street) located approximately one mile to the southeast.

The proposed project is a private development that will require the payment of fees in effect at the time permits are requested, as well as the development of required infrastructure (e.g., street improvements, traffic signals, utility upgrades, etc.) to support the project. The City has not yet analyzed the fiscal impact of commercial development on municipal services, but that studies conducted by other Cities have generally found that sales taxes generated by commercial development cover the cost of municipal services required to serve those developments.

2. Traffic – A Traffic Impact Study was prepared by Integrated Engineering Group to analyze the proposed project traffic impacts. The proposed project is estimated to generate 1,650 net new daily trips, 122 net new A.M peak hour trips (7:00 AM and 9:00 AM) and 59 net new P.M. peak hours trips (4:00 PM to 6:00 PM). Access to the site will be provided from one driveway fronting Rock Springs Road and one driveway fronting Mission Avenue. The Rock Springs Road driveway will restrict left turn movements exiting the site in order to reduce northbound

vehicles trips along Rock Springs Road. With the installation of appropriate signage and/or design feature to restrict left-turn movements exiting the Rock Springs driveway, the proposed project would not exceed the City's threshold of significance for the roadway segment. The restriction on left-turn out movements also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road. The Mission Avenue driveway will be restricted to right-in/right-out movements only and appropriate median improvements would be installed. All analyzed study area intersections are operating at an acceptable Level of Service (LOS) under existing conditions except for Rock Springs Road/W. Lincoln Avenue. Therefore, per Mitigation Measure TRA-1, the intersection will need to be signalized and in operation prior to occupancy of the facility.

3. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjacent roadways. The project would not materially degrade the levels of service of the public sewer and water system.
4. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project has provided a drainage study and designed drainage facilities to control runoff. Runoff from the project will be directed into a series of BMP treatment features to separate targeted pollutants from the runoff before it leaves the site and then connection to an existing storm water drainage pipe in Rock Springs Road. The project does not materially degrade the levels of service of the existing drainage facilities.

E. ENVIRONMENTAL STATUS

A draft Initial Study/Supplemental Mitigated Negative Declaration "IS/MND" (Case No. ENV19-0006) was issued for the project for 20-day public review in accordance with the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration is prepared when an Initial Study identifies project related impacts that might be potentially significant. The IS/MND identified effects related to cultural/tribal cultural resources, geology, noise and traffic that might be potentially significant. However, design and minimization measures, revisions in the project plans, and/or mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. No comments were received during the public comment period. The final IS/MND and technical studies are available on the City's web site and can be viewed at: <https://www.escondido.org/7-eleven-900-w-mission-avenue.aspx>.

F. CONCLUSIONS

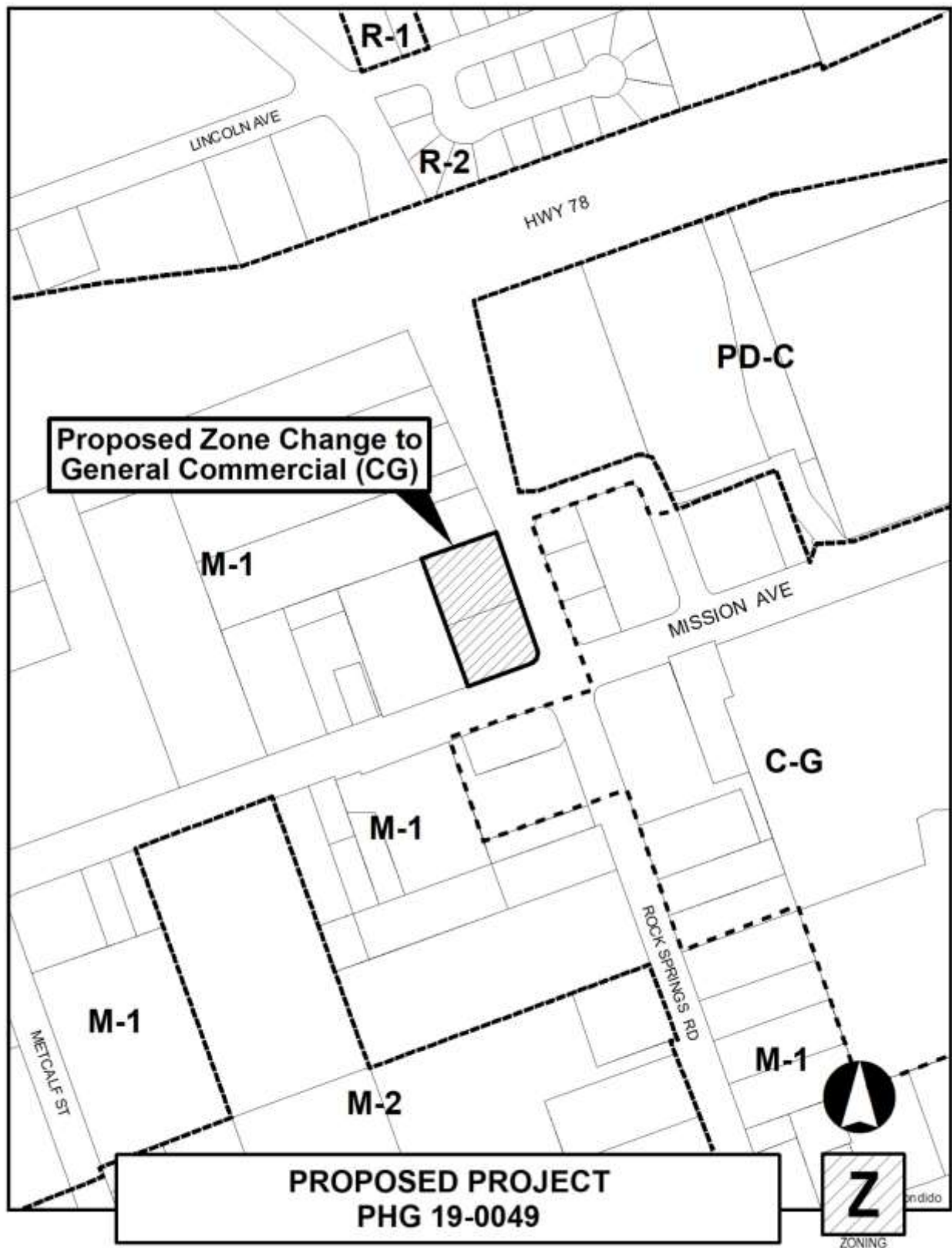
The proposed General Plan Amendment and Zone Change would be compatible with adjacent commercial zoning and development patterns, and the project is consistent with the design requirements for the proposed General Commercial zone. A gasoline station/convenience store would provide additional commercial services at this busy intersection as there is no gasoline station within the immediate area. The CUP provides for a well-designed project that will be beneficial to this commercial/industrial corridor and to surrounding businesses.

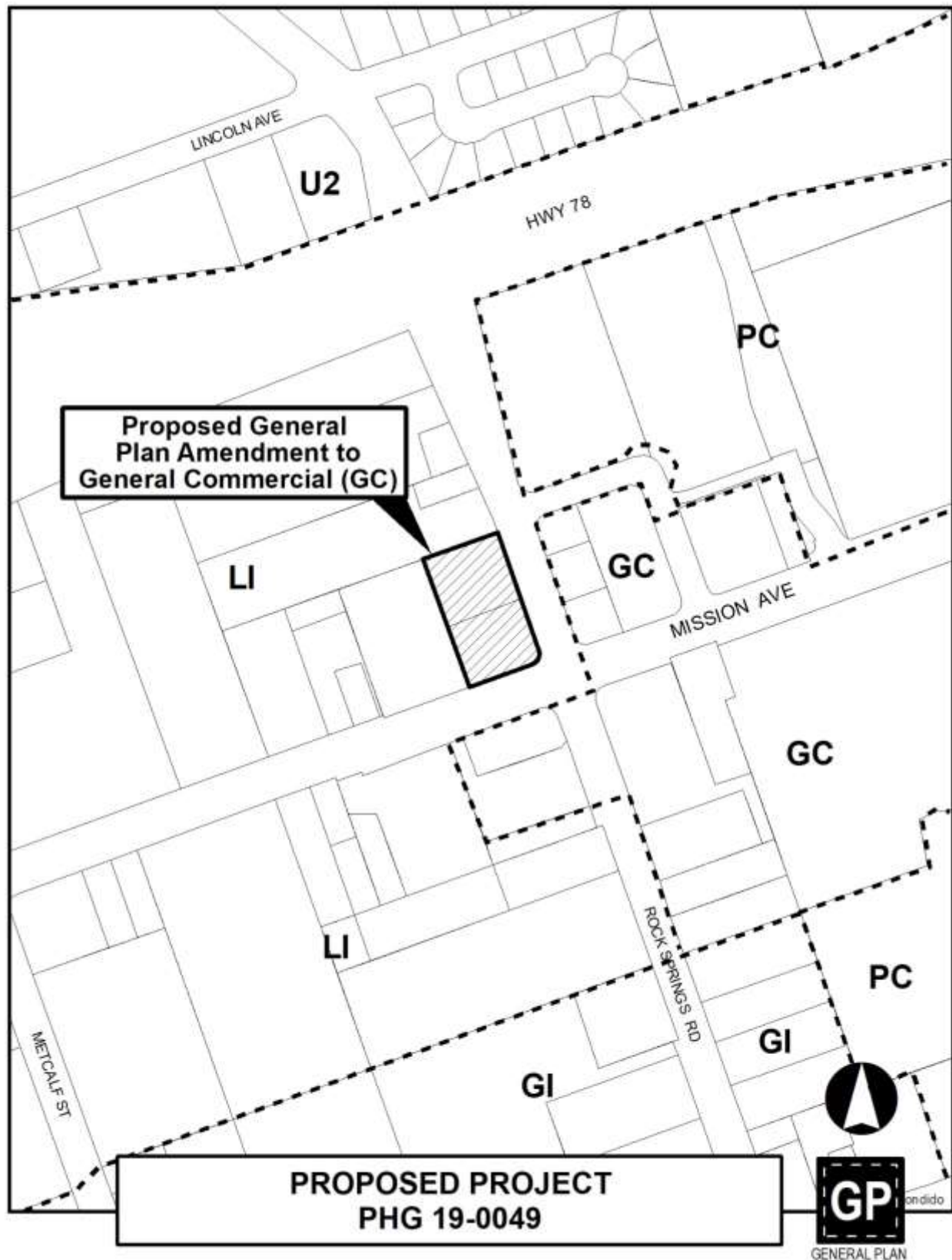
The Planning Division depends on the Police Department to evaluate a request for an alcohol license and to recommend appropriate conditions for the site and use, if a license is to be granted. The City has not identified any concerns with the request with the implementation of the recommend conditions of approval in conformance with Article 57. The alcohol permit also would need to be considered and approved by the Department of Alcoholic Beverage Control (ABC). Therefore, staff feels the CUP should be approved as conditioned. Staff recommends the Planning Commission adopt Resolution 2020-19, recommending approval of the proposed General Plan Amendment, Zone Change and Conditional Use Permit 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. Final Initial Study/Mitigated Negative Declaration
3. Resolution 2020-19

ATTACHMENT 1





ATTACHMENT 2

FINAL IS/MND ENV 19-0006

Due to the number of pages of Attachment 2,” a link has been provided to review the document electronically on the City’s web site at:

<https://www.escondido.org/7-eleven-900-w-mission-avenue.aspx>

A hardcopy of the Final Initial Study/Mitigated Negative Declaration is available for review in the Office of the Planning Division of the Community Development Department during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

Note: The following documents are available under the link above:

- Draft IS/MND
- Appendices
- Final IS/MND

ATTACHMENT 3

Planning Commission
Hearing Date: December 8, 2020
Effective Date: Not Applicable

PLANNING COMMISSION RESOLUTION NO. 2020-19

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
RECOMMENDING APPROVAL OF A GENERAL PLAN
AMENDMENT, ZONE CHANGE AND CONDITIONAL
USE PERMIT FOR A GASOLINE
STATION/CONVENIENCE STORE LOCATED AT 900
W. MISSION AVENUE

APPLICANT: Golcheh Group, LLC

CASE NO: PHG19-0049 and ENV19-0006

WHEREAS, the Golcheh Group, LLC ("Applicant"), filed a land use development application, Planning Case No. PHG19-0049 ("Application") constituting a request for an amendment to the General Plan from Light Industrial (LI) to General Commercial (GC), a Zone Change from Light Industrial (M-1) to General Commercial (CG) zoning, along with a Conditional Use Permit for the development of a convenience store and gasoline station that includes the sale of alcoholic beverages ("Project"). The approximately 1.14-acre Project site generally is located on the northwestern corner of W. Mission Avenue and Rock Springs Road, addressed at 900 W. Mission Avenue (APNs 228-220-13-00 and 228-220-43-00); and

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

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"); and

WHEREAS, gasoline stations/convenience stores with the concurrent sale of alcoholic beverages are conditionally permitted uses within the General Commercial Zone, subject to the approval of a Conditional Use Permit, in accordance with Articles 16 and 57 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 "D," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

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

WHEREAS, on December 8, 2020, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and

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

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated December 8, 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, 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. A Final Initial Study / Mitigated Negative Declaration ("Final IS/MND") has been prepared in compliance with all requirements contained in CEQA, the CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts to cultural/tribal cultural resources, geology, noise, and traffic. 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 and Reporting Program (“MMRP”) prepared for the Project. Mitigation measures incorporated as part of the Project’s conditions of approval reduce impacts to a level less than significant, therefore a IS/MND is appropriate for adoption.

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

4. The Application to use the Property for the Project, subject to each and all of the conditions of approval, hereinafter set forth in Exhibit “C,” and Mitigation Monitoring and Reporting Program (MMRP), hereinafter set forth in Exhibit “E,” is hereby recommended for **approval** by the City Council. The Planning Commission expressly declares that it would not have recommended approval of this Application except upon and subject to each and all of said conditions and mitigation measures, 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 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 it were fully set forth herein. The Project is recommended for conditional approval by the City Council as set forth on the Application and Project drawings.

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

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

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

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 8th day of December, 2020, by the following vote, to wit:

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

STAN WEILER, Chair
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.

JOANNE TASHER, Minutes Clerk
Escondido Planning Commission

EXHIBIT "A"

LEGAL DESCRIPTION Planning Case No.: PHG 19-0049

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

PARCEL 1: APN: 228-220-43

THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330 FEET FROM THE MOST NORTHERLY CORNER THEREOF, TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET SOUTHERLY FROM THE MOST WESTERLY CORNER THEREOF AND LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE SOUTHWESTERLY 449.5 FEET - MEASURED BETWEEN PARALLEL LINES - OF SAID LOT 2.

EXCEPTING THEREFROM THE NORTHWESTERLY 150 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE SOUTHEASTERLY 9 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE INTEREST CONVEYED TO THE CITY OF ESCONDIDO IN DEED RECORDED MARCH 25, 1974, AS FILE NO. 74-073291 OF OFFICIAL RECORDS, IN AND TO THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 2, BEING ALSO A POINT IN THE CENTER LINE OF THAT CERTAIN 66 FOOT STREET KNOWN AS ROCK SPRINGS ROAD; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2 SOUTH 69° 45' 10" WEST 33.00 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 20° 14' 20" WEST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 9.00 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 20° 14' 20" WEST 137.80 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO ESCONDIDO IMPORTS, INC., A CALIFORNIA CORPORATION, BY DEED RECORDED MAY 17, 1971, AS FILE NO. 101247; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID ESCONDIDO IMPORTS, INC. LAND SOUTH 69° 44' 40" WEST 9.00 FEET; THENCE SOUTH 20° 14' 20" EAST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 117.81 FEET TO THE BEGINNING OF A TANGENT 20 FOOT RADIUS CURVE, CONCAVE WESTERLY, THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 59' 39" A DISTANCE OF 31.41 FEET TO A POINT OF TANGENCY WITH THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 69° 45' 10" EAST 28.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2: APN: 228-220-13

THE NORTHWESTERLY 150.00 FEET OF THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, MADE BY J. M. GRAHAM, AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330.00 FEET FROM THE MOST NORTHERLY CORNER THEREOF, TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET FROM THE MOST WESTERLY CORNER THEREOF.

EXCEPTING THEREFROM THE SOUTHWESTERLY 449.50 FEET BETWEEN PARALLEL LINES.

ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9.00 FEET THEREOF.

EXHIBIT “B”

Findings of Fact/Factors to Be Considered

PHG 19-0049 and ENV 19-0006

Environmental Determination(s)

1. Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) (“CEQA”), and its implementing regulations (Article 14 of the California Code of Regulations, Section 15000 et. seq. (“CEQA Guidelines”), 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 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 Program (“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.
 - 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 a less-than-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 as Exhibit C to the Resolution.

6. Pursuant to Public Resources Code section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials that 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 that constitute the record of proceedings upon which the Planning Commission's decision is based. Such documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

General Plan Amendment and Zone Change Determinations

1. The public health, safety, and welfare will not be adversely affected by the proposed General Plan Amendment from Light Industrial (LI) to General Commercial (GC), and corresponding Zone Change from Light Industrial (M-1) to General Commercial (CG) zoning. An Initial Study/Mitigated Negative Declaration was prepared for the project and circulated for 20-day public review and comment, as required under CEQA. This environmental review document found that development of the property with a proposed gasoline station/convenience store could have potentially significant impacts related to cultural/tribal cultural resources, geology, noise, and traffic, but project design features and mitigation measures have been incorporated to reduce these impacts to a less-than-significant level. The development standards and building requirements allowed under the amendment to the General Plan and Zone change from industrial to commercial zoning would be subject to all local and state regulations, including but not limited to Air Pollution Control District regulations, Engineering Services Department regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning districts.
2. The property involved is suitable for the uses permitted by the proposed zone and would not be detrimental to surrounding properties as noted in Item No. 1 above. The project site is located within an urban area of the City and adjacent to commercial zoning to the south and east, and industrial zoned property to the north and west that are developed with commercial and industrial type uses. The proposed General Plan Amendment and Zone Change for the subject site from industrial to commercial would be compatible with the existing industrial and commercial development pattern in the surrounding area. All public services and utilities necessary to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. Proposed development standards and the design of buildings would be compatible with the character of buildings on adjoining and nearby properties. Street improvements are proposed by the Project that would benefit the surrounding area, including frontage improvements along W. Mission Avenue, and the installation of a traffic signal at the Rock Springs Road/W. Lincoln Avenue intersection.

3. The Project applicant has substantiated the need for the proposed General Plan Amendment in conformance with General Plan Amendment Policy 17.5. W. Mission Avenue and the intersection of W. Mission Avenue/Rock Springs Road is a highly traveled Circulation Element roadway. The area is primarily developed with commercial and industrial uses and certain support services such as gasoline stations/convenience stores would be beneficial to the surrounding businesses and customers along this busy transportation corridor. In addition, development of the site would facilitate the installation of certain street improvements along the project frontage and a traffic signal at the intersection of Rock Springs Road/W. Lincoln Avenue. These infrastructure improvements would be a substantial benefit for residents and commercial/industrial development throughout the area, and would further support implementation of the City's Mobility and Infrastructure Element and level of service at this intersection.
4. In order to develop the site as proposed, a change to the zoning classification and land use designation is necessary. The change of zone from Light Industrial (M-1) to General Commercial (CG) is proposed in conjunction with a Conditional Use Permit to allow the development of a gasoline station/convenience store. A General Plan Amendment to change the land use designation of the subject site from Light Industrial (LI) to General Commercial (GC) is proposed under this project to maintain consistency with the Zone Change request. The General Commercial land use designation accommodates a wide variety of retail and service activities intended to serve a broad customer base. The Zone Change to General Commercial required to facilitate the development of the subject site with a service type use is consistent with the General Commercial land use designation. The proposed development would be consistent with the proposed General Commercial land use designation as this designation is appropriate along major thoroughfares and in higher intensity urban nodes. The proposed project also would be in conformance with the General Commercial "Urban Form" requirements as the Project is located and designed to be compatible with adjacent uses in scale, bulk, and height.
5. The Project site is located within a General Plan Opportunity Area (Figure II-19) and Target Area (a), Downtown Transit Station (Figure II-20). Opportunity Areas call for implementing smart growth principles that promote development/redevelopment that enhance job growth and revitalize the community. The Guiding Principles for the Target Area supports a variety of commercial uses incorporating unified development standards and design guidelines. Redevelopment of the site for the development of a gasoline station/convenience store would be consistent with the range of uses that would be permitted within the Downtown Transit Station Target Area. The proposed Project also would result in the installation of necessary roadway and intersection improvements that would be compatible with the Opportunity Area and Target Area principles.

Conditional Use Permit

1. Granting the Conditional Use Permit to allow a gasoline station/convenience store along with the sale of alcoholic beverages (beer and wine only) is based on sound principles of land use

because adequate parking, access, on-site circulation, utilities, storm water facilities, and landscaping would be provided (as detailed in the staff report). The proposed Project would not diminish the quality of life standards of the General Plan because the Project would not materially degrade the level of service on adjacent streets or public facilities, nor create excessive noise, and adequate public services are currently provided on-site. The proposed development would be well integrated into its surroundings because the proposed structures would incorporate compatible architectural design, 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 use is in response to services required by the community because the proposed gasoline station/convenience store would provide additional services along this busy roadway. Appropriate conditions have been incorporated to address any potential impacts related to the sale of alcoholic beverages, as recommended by the City of Escondido. The sale of alcoholic beverages also will require approval and permitting by the California Department of Alcoholic Beverages (ABC) to further ensure the appropriateness of the operation, sale, control, and enforcement of the sale of alcoholic beverages at the site.

2. The proposed Conditional Use Permit will not cause deterioration of bordering land uses or create special problems for the area in which it is located. An Initial Study / Mitigated Negative Declaration was prepared for the project and circulated for 20-day public review and comment, as required under CEQA. This environmental review document found that development of the property with a proposed gasoline station/convenience store could have potentially significant impacts related to cultural/tribal cultural resources, geology, noise, and traffic, but Project design features and mitigation measures have been incorporated to reduce these impacts to a less-than-significant level. Development of the site with a gasoline station/convenience store would be subject to all local and state regulations, including but not limited to Air Pollution Control District regulations, Engineering Services Department regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning districts.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood and it has been determined to be compatible with the surrounding commercial and industrial properties and General Plan policies because the use would not create any land use or other adverse impacts that are not adequately mitigated. The Conditional Use Permit is subject to conditions of approval necessary and desirable to preserve the public health, safety, and general welfare.

EXHIBIT “C”
PLANNING CASE NO. PHG 19-0049
CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on September 19, 2019, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Conceptual Landscape Plans and Colored Elevations; all designated as approved on December 8, 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.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, 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 or Planned Development application, the Permit shall automatically expire after one (1) 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 (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 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. 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 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.

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

12. Clerk Recording.

- a.** State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (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 any approval or denial of the application 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. Applicant 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 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, 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 (including County Department of Health for USTs, APCD for Healy Tanks and Alcohol Beverage Control type 20 license). 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.

C. Parking and Loading/Unloading.

1. A minimum of 21 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 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 (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.) 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 Conditions:

- 1.** Prior to the issuance of building permits for the project, a Lot Tie shall be recorded between APNs 228-220-13-00 and 228-220-43-00. The project applicant shall be responsible for the submittal of the Lot Tie application, all required documents, application fees and recording.

2. The landscape plan attached to the project exhibits is conceptual only. The final landscape plan shall include appropriate screening around the main building, to include taller shrubs along the northern and eastern sides of the building. Appropriate street trees also shall be provide along the Rock Springs Road frontage, including along the eastern building frontage. Trees (min. 15 gallon) also shall be provided along the northern perimeter of the site. The final landscape design also shall provide 50 percent or more of shade coverage in 10 years for the open parking spaces.
3. An appropriate property boundary fence or wall shall be provided along the northern and western property boundaries. Appropriate sight distance shall be provided at driveways. Standard chain-link fencing shall not be permitted. Vinyl-clad fencing (with or without slats) would be acceptable. Any perimeter masonry walls shall include pilaster at wall corners, to the satisfaction of the Director of Community Development.
4. The sale of alcoholic beverages as part of this CUP is for the sale of beer and wine only. An appropriate license shall be required from the Department of Alcoholic Beverage Control.
5. Loitering is prohibited on or around these premises or the area under the control of the licensee.
6. No alcoholic beverage shall be displayed within five feet of the cash register of the front door unless it is in a permanently affixed cooler.
7. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
8. No sale of alcoholic beverages shall be made from a drive-in window.
9. No display or sale of alcoholic beverages shall be made from any ice container.
10. No self-illuminating advertising for beer and wine shall be located on the buildings or windows.
11. Employees selling alcoholic beverages between the hours of 10:00 p.m. and 12:00 a.m. shall be at least twenty-one years of age. (This change would be effective if we go with the additional condition below.)
12. No beer and wine shall be sold between the hours of 12:00pm and 8:00am.
13. At least two signs shall be posted in visible places on the convenience store building (one adjacent to the entrance) stating the consumption of alcoholic beverages on the premises is prohibited and that violators will be prosecuted.

- 14.** The licensee shall comply with all conditions set forth in the premise license issued through the Department of Alcoholic Beverage Control at all times.
- 15.** If the restrictions imposed by the conditions of approval included with this CUP are stricter than those placed on the ABC license, these conditions shall take precedent.
- 16.** There shall be no amusement machines or video game devices in the premises at any time.
- 17.** No wine shall be sold with an alcohol content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
- 18.** Beer, malt beverages, and wine coolers shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 19.** No other laws shall be violated. Any violation of this Conditional Use Permit or additional conditions set forth in the premise license issued by the Department of Alcoholic Beverage Control may result in a suspension or revocation of this CUP.

F. Mitigation Measures:

- CUL-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.
- CUL-2** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitors associated with TCA Tribes have been retained to implement the monitoring program. Because the project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people will be retained for the project. The archaeologist shall be responsible for coordinating with the Native American monitors. This verification shall be presented to the City in a letter from the project archaeologist that confirms that Native American monitors representing both Luiseño and Kumeyaay TCA Tribes have been retained. The

City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

- CUL-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.
- CUL-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.
- CUL-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.
- CUL-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.
- CUL-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.

CUL-8 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

CUL-9 If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows:

- 1) It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

OR

- 2) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/ researchers for further study. The collection and associated records,

including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.

CUL-10 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

GEO-1 Prior to issuance of a grading permit or ground disturbing activities, a preliminary assessment by a professional paleontological resource consultant shall be conducted to determine if the characteristics of a unique paleontological resource or site are present. If determined to be present, and the potential for destruction of a unique paleontological resource or site exists, the preliminary assessment must make recommendations for mitigating potential impacts, such as monitoring during construction, or identify requirements for the proper documentation per state or federal guidelines, of any significant resource proposed to be impacted.

NOI-1 To reduce potential construction noise impacts, the following multi-part mitigation shall be implemented for the proposed project:

- The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall ensure that unnecessary idling of internal engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- At all times during proposed project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.

- The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.

TRA-1 Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportations improvements within the City shall be constructed to the satisfaction of the City Engineer.

TRA-2 Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right-out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.

ENGINEERING CONDITIONS OF APPROVAL

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 are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. 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 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 Site Plan as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Site Plan will be certified by the Planning Department verifying that they are an accurate reproduction of the approved Site 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 improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
2. Prior to first occupancy the developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

STREET

W. Mission Ave.

CLASSIFICATION

Major Road (41' half width)

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

3. Median curb shall be installed on W. Mission Avenue to limit the W. Mission Avenue driveway to right turns in and out only. Paving or overlay within and near the left turn pocket may be needed for proper drainage within the left turn pocket.
4. The project's access drive shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the right-of-way line to the satisfaction of the City Engineer.
5. The Developer shall construct a new traffic signal at the intersection of Rock Springs Road and Lincoln Avenue prior to project occupancy. The Developer shall submit separate traffic signal and signing and striping improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. The traffic signal design shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, and interconnect conduits and cables to an existing traffic signal controller. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal work with the Developer's Contractor(s) and Equipment Suppliers and City staff.
6. As part of the required Mission Avenue widening and new 30' curb return improvements and to add protected left turn phasing to the south and north bound legs, the Developer will be required to modify the existing Rock Springs Road and Mission Avenue traffic signal and associated equipment. The Developer shall submit separate traffic signal and signing and striping modification improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. These traffic signal modifications shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, left turn phasing heads, APS, and shall include a new controller and cabinet. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal modification work with the Developer's Contractor(s) and Equipment Suppliers and City staff.
7. The Developer may be responsible for an overlay of Rock Springs 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.
8. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
9. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
10. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.

11. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
12. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
13. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.
14. The existing W. Mission Avenue bus stop shall be relocated to the satisfaction of the North County Transit District (NCTD) and the City Engineer. The relocated bus stop shall be constructed on W. Mission Avenue along the project frontage. The developer shall provide written correspondence from NCTD stating they have approved the proposed location of the bus stop prior to approval of the Improvement Plan. The NCTD approved bus stop location shall be shown the Improvement Plan.
15. The existing Rock Springs Road storm drain inlet near W. Mission Avenue shall be relocated to the satisfaction of the City Engineer. The existing 29"x18" corrugated steel arch pipe (CSPA) that connects to this storm drain inlet shall be replaced with a reinforced concrete pipe (RCP). The new storm drain pipe shall connect to the existing 36" RCP in Rock Springs Road with a cleanout per San Diego Regional Standard Drawings.
16. The proposed Rock Springs Road driveway shall be signed and striped for right turns in and out only.

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. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of asphalt base (AB) or 7" portland concrete cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.

3. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or work necessary to construct the project and/or the required improvements.
4. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The Developer shall be responsible for maintaining all erosion control facilities throughout the project.
5. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.
9. 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. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Property Owner.
3. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.

4. Storm water runoff from the W. Mission Avenue frontage improvements shall be treated in accordance with Green Streets” best management practices (BMPs).
5. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
7. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

WATER SUPPLY

1. All water services, detector check assemblies, and other water appurtenances shall be designed and installed at locations required and approved by the Director of Utilities. All new water lateral locations and sizing shall be to the satisfaction of the City Engineer and, in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal. Fire hydrants shall connect to a minimum 8-inch water main.
3. Where fire hydrants are being relocated, the abandoned fire hydrant laterals shall be abandoned at the water main. All existing gate valves and tees shall be removed and a straight run of pipe shall be replaced within the water main to the nearest joints.
4. A fire suppression sprinkler system shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings and per the requirements of the Fire Marshal.
5. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.
6. All on-site water lines and backflow prevention devices not in public easements or the City’s Right of Way shall be considered a private water system. The Property Owner will be solely responsible for all maintenance of these water lines and facilities.
7. No trees or deep rooted plants shall be planted within 10-feet of any water service.

SEWER

1. A private 6-inch minimum (PVC) sewer lateral with a standard clean-out within the right-of-way 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 a wye fitting or Inserta-Tee. 8-inches in diameter sewer laterals shall be connected to the public sewer at a manhole.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. No trees or deep rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
5. All sewer lateral(s) and grease traps shall be considered a private sewer system. The Property Owner will be responsible for all maintenance of the sewer lateral(s) and system to the sewer main.
6. A grease trap, if required for the restaurant component of the project, shall be installed at an approved location to the satisfaction of the Director of Utilities.

LANDSCAPE

7. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.
8. 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 and landscaping installed in the right-of-way, shall be maintained by the property owner.

EASEMENTS AND DEDICATIONS

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

STREET

CLASSIFICATION

W. Mission Avenue

Major Road (51' CL to R/W - 9' dedication)

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
2. The developer shall dedicate to the public a 20-foot radius corner rounding at W. Mission Avenue and Rock Springs Road.
3. The Developer is responsible for making the arrangements quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading plans and Building Permits. Building permits will not be issued for lots in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed. The initial submittal of the plat and legal shall include the required dedication fee in effect at the time of the submittal.

Material necessary for processing a dedication or easement shall include: a current grant deed or title report, a legal description and plat of the dedication or easement signed and sealed by a person authorized to practice land surveying and traverse closure tapes. The City will prepare all final public documents.

FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of 36,000, unless a higher amount is deemed necessary by the City Engineer.
2. The City shall credit the Developer \$50,000 in Traffic Impacts Fees as the City's contribution towards the addition of protected left turn phasing to the south and north bound legs at this intersection.
3. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

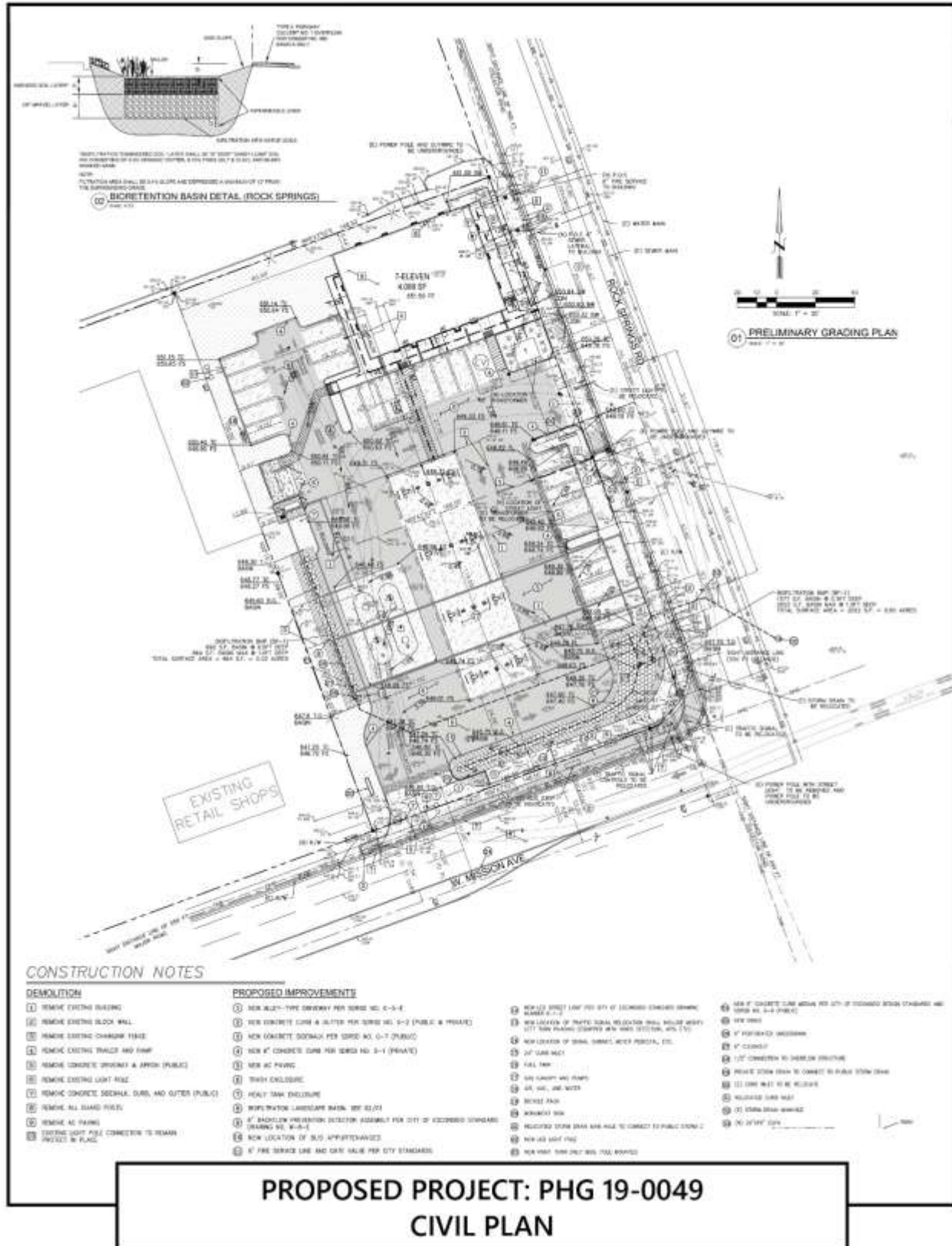
UTILITY UNDERGROUNDING AND RELOCATION

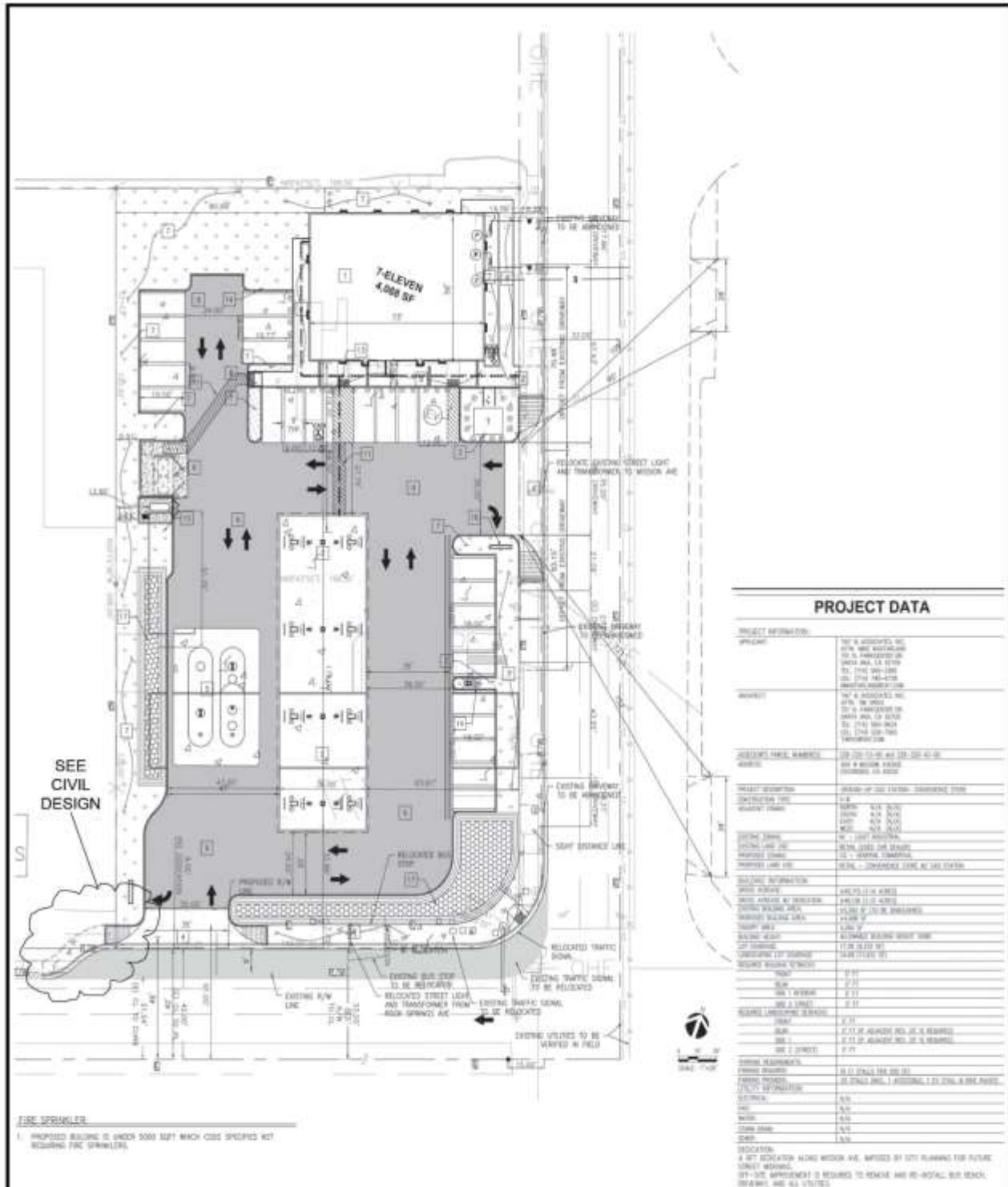
1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting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

SURVEYING AND MONUMENTATION

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

EXHIBIT "D"





PROPOSED PROJECT: PHG 19-0049
SITE PLAN CONT.

MATERIALS BOARD



'CASA BLANCA' SW7571
SHERWIN WILLIAMS



'MEXICAN SAND' SW7519
SHERWIN WILLIAMS



'QUARTERSAWN OAK' SW2835
SHERWIN WILLIAMS



DARK ANODIZED BRONZE



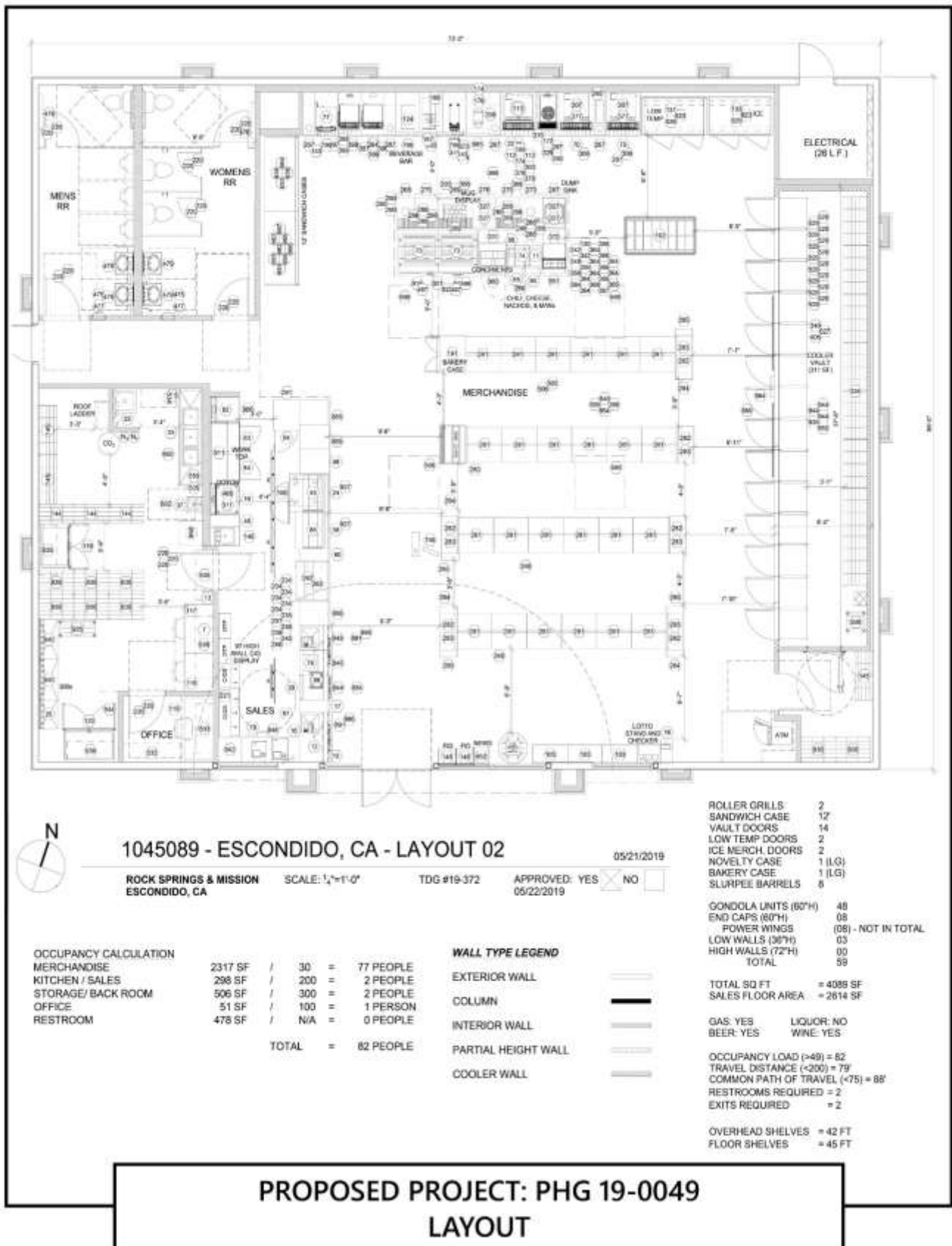
QUICKSTACK 'COASTAL BROWN'
CORONADO STONE



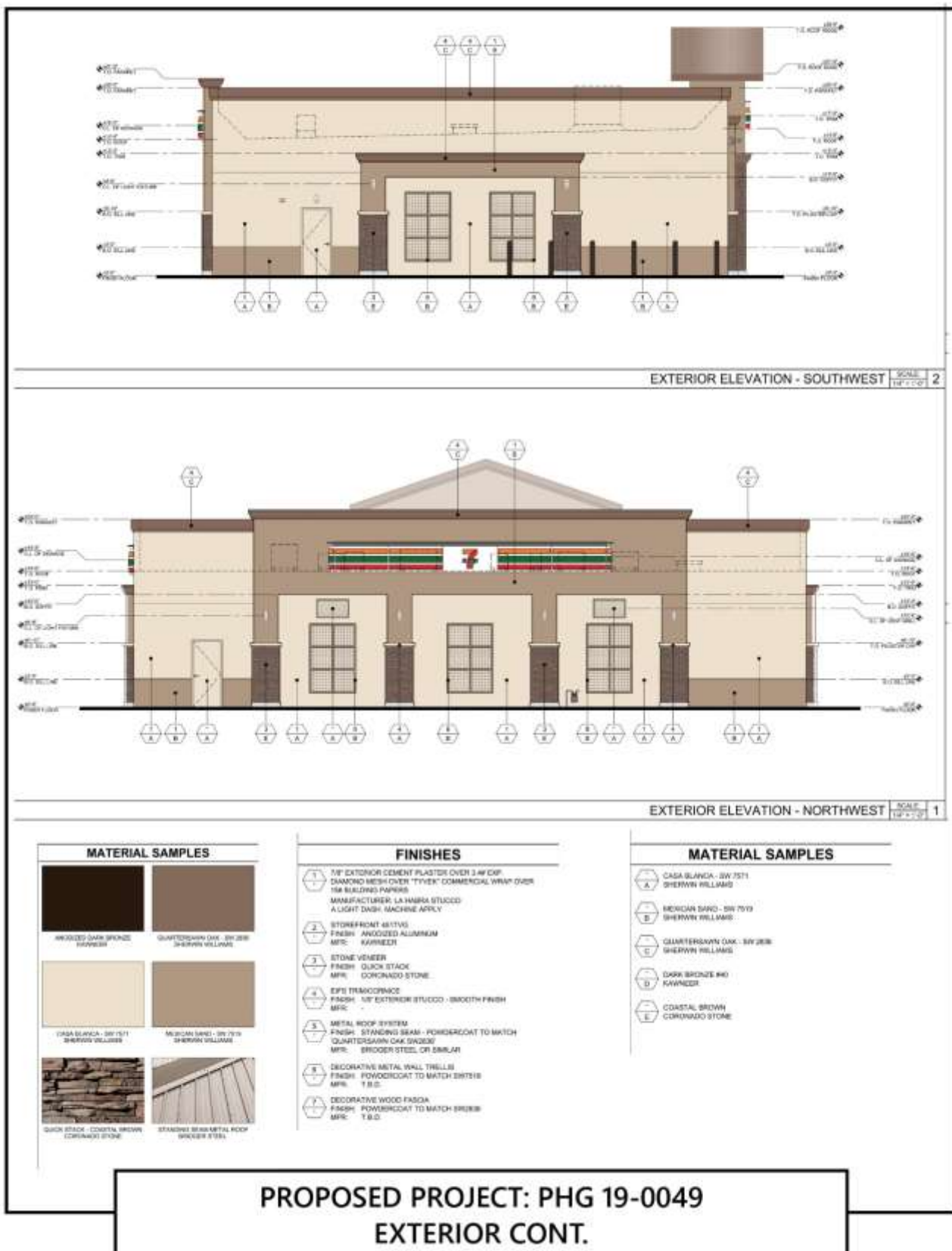
STANDING SEAM METAL ROOF
BRIDGER STEEL



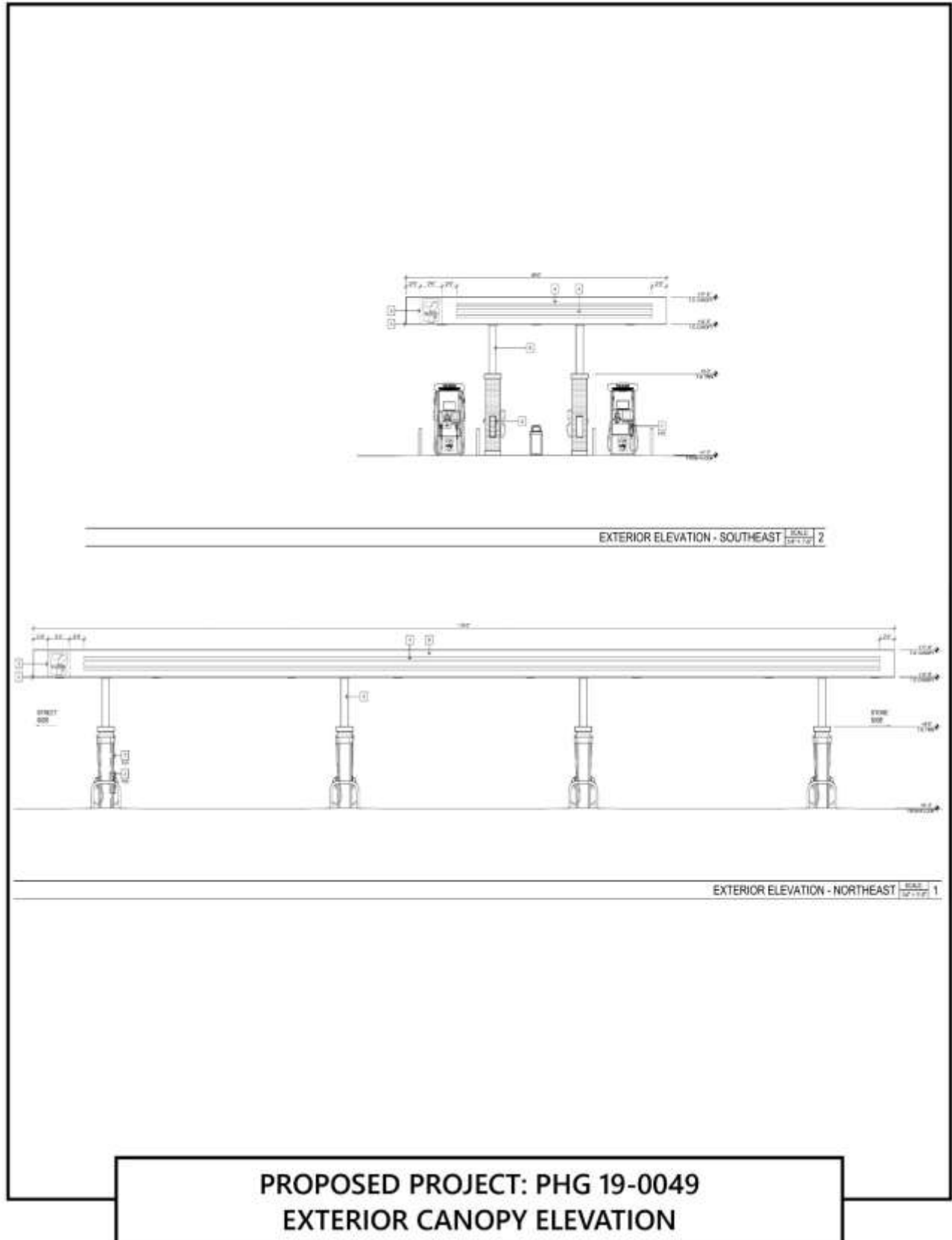
PROPOSED PROJECT: PHG 19-0049
MATERIALS

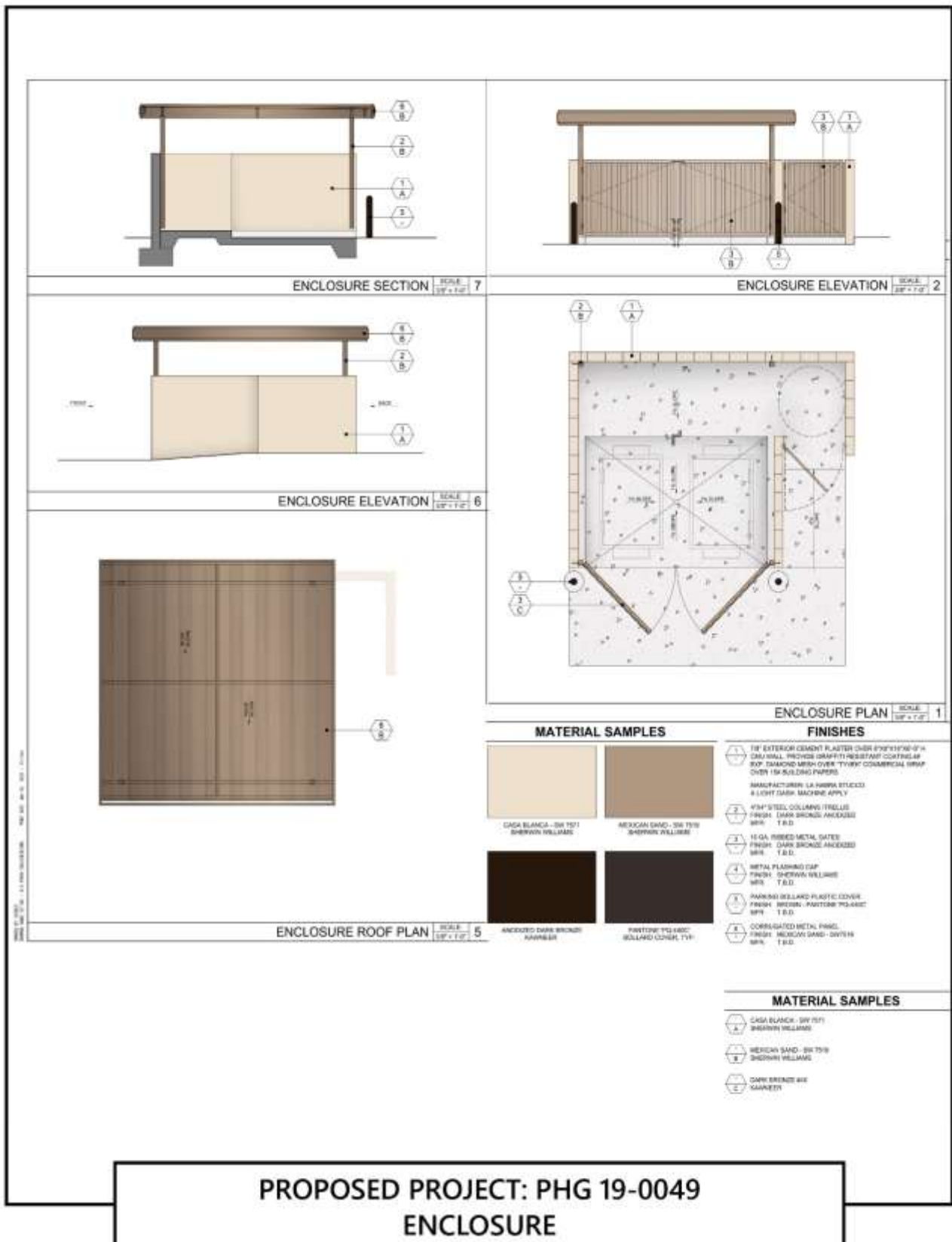


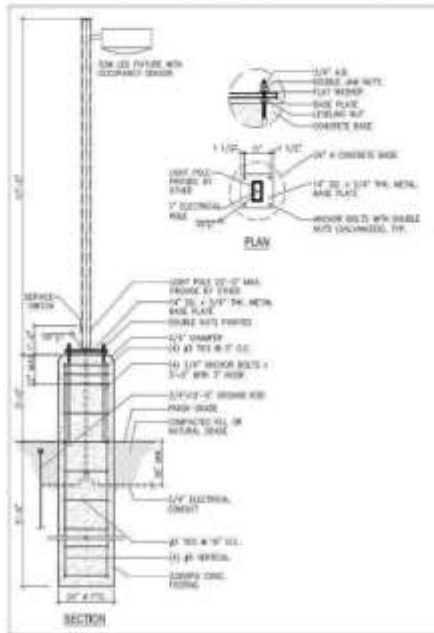




PROPOSED PROJECT: PHG 19-0049
EXTERIOR CONT.



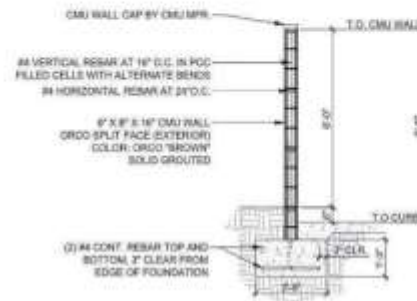




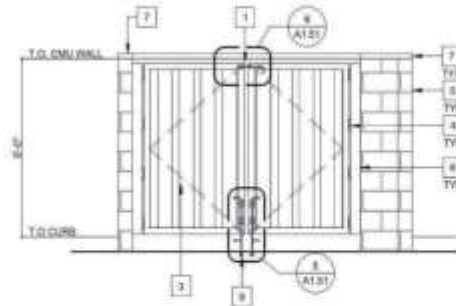
STORE OPERATES 24HR /7-DAYS

THE POLE MOUNTED FIXTURES ARE MOUNTED ON A 17' POLE WITH 36\"/>

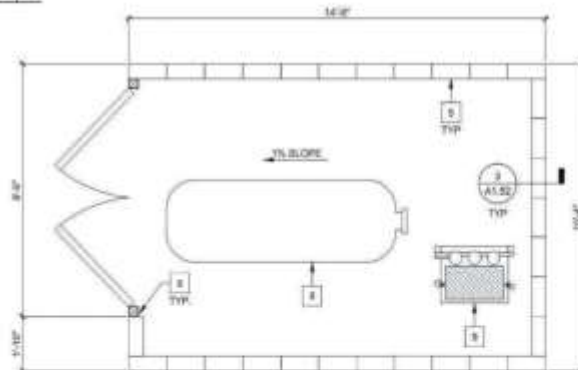
LIGHT POLE DETAIL SCALE: 3/32\"/>



HEALY TANK ENCLOSURE SCALE: 3/8\"/>

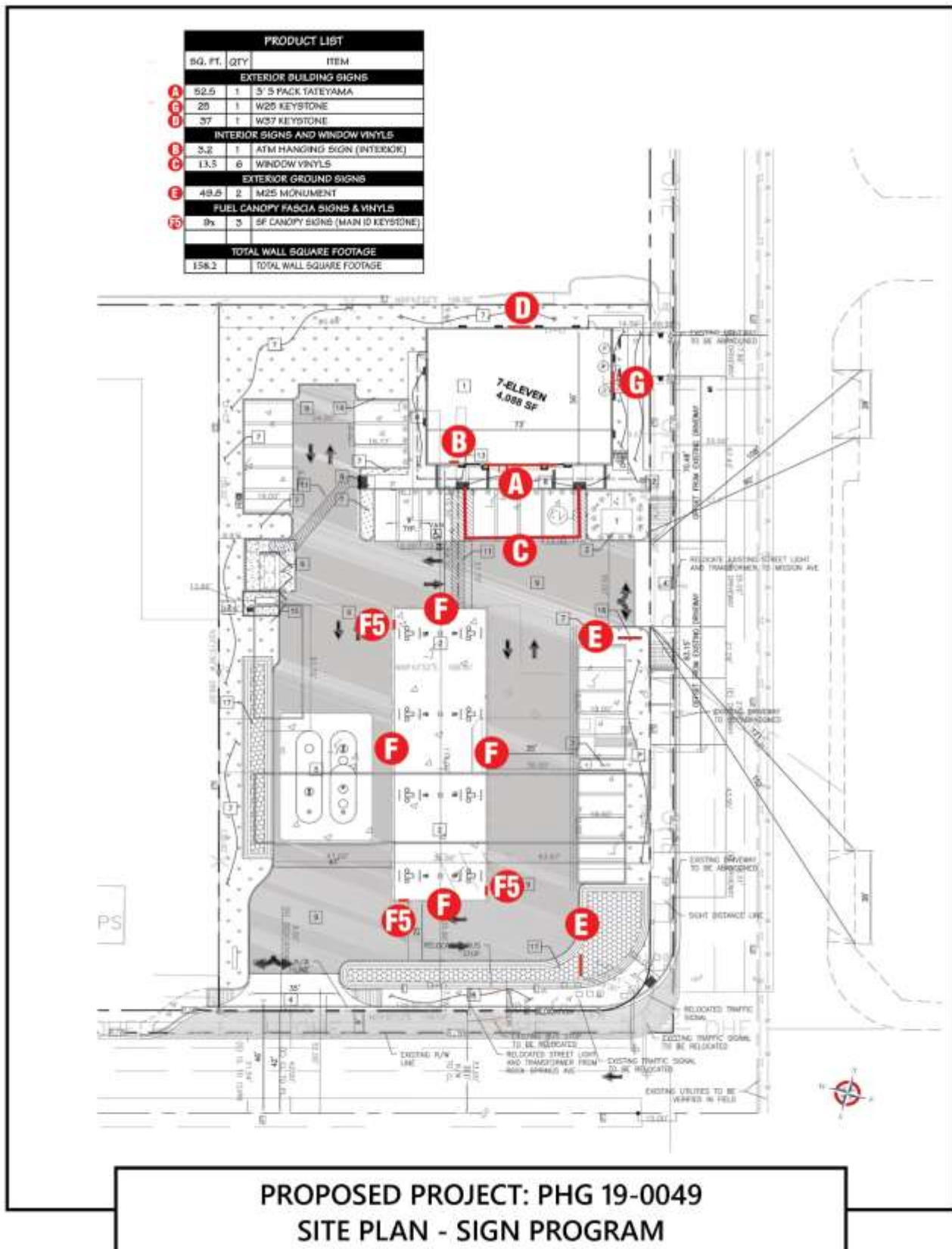


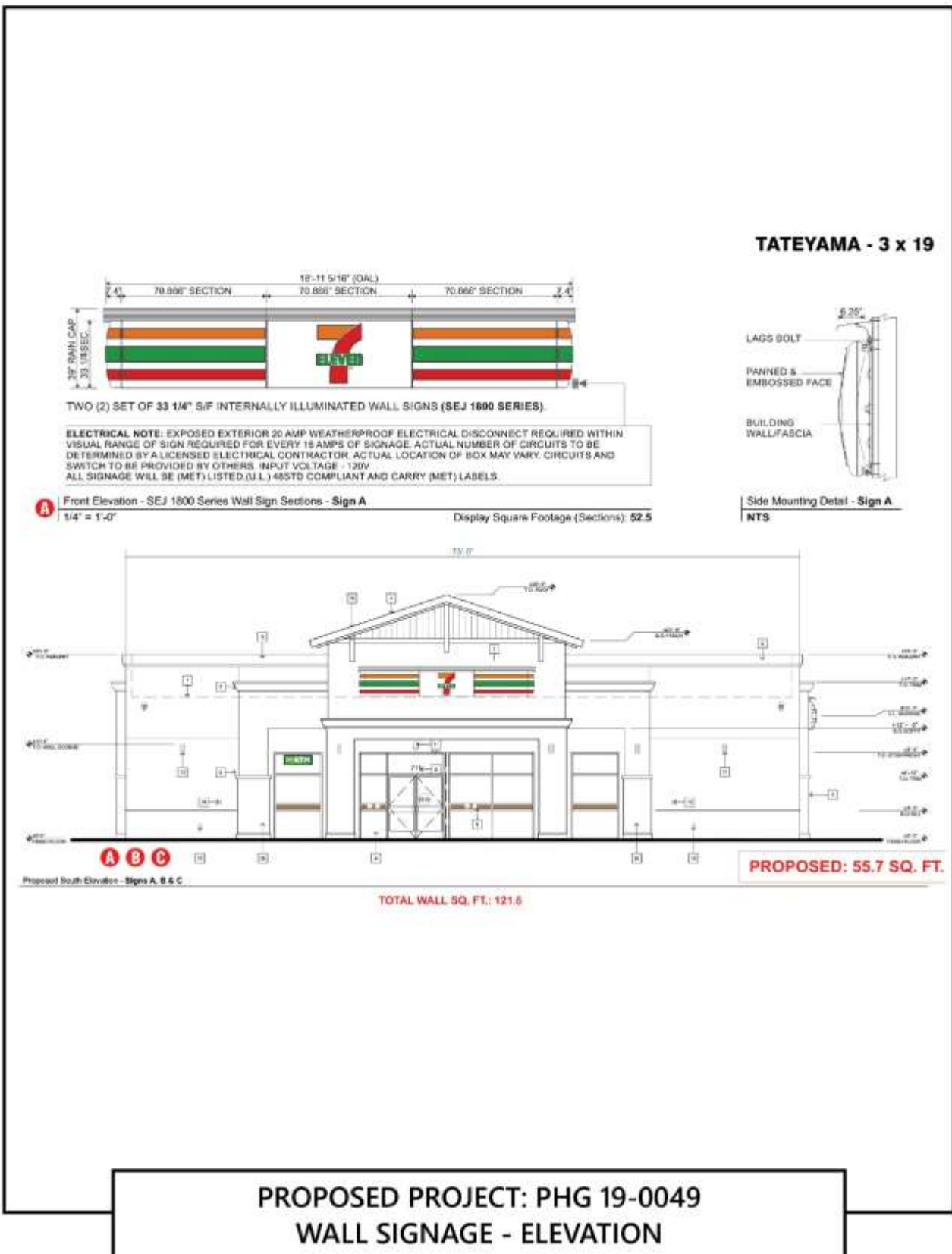
ENCLOSURE SECTION SCALE: 3/8\"/>

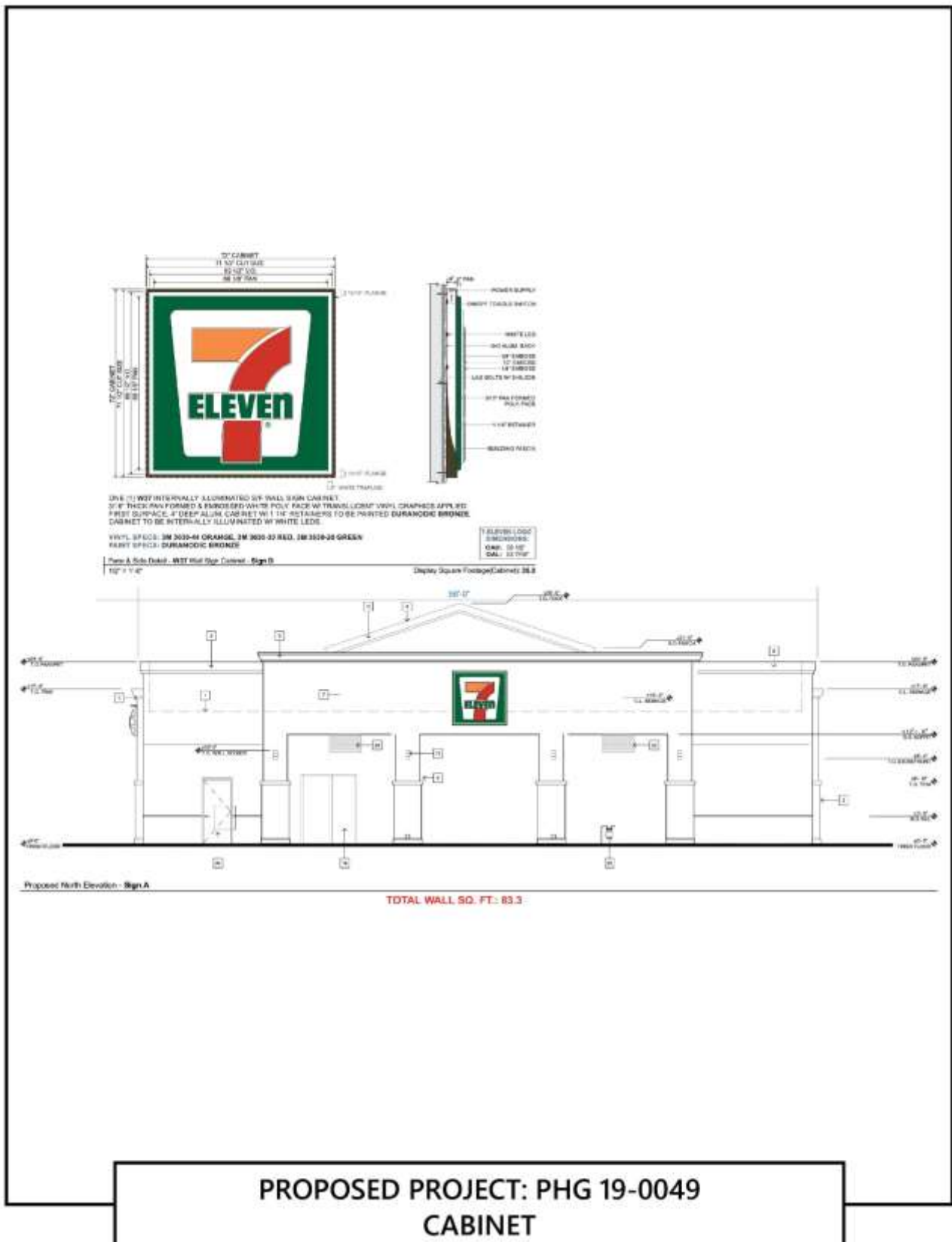


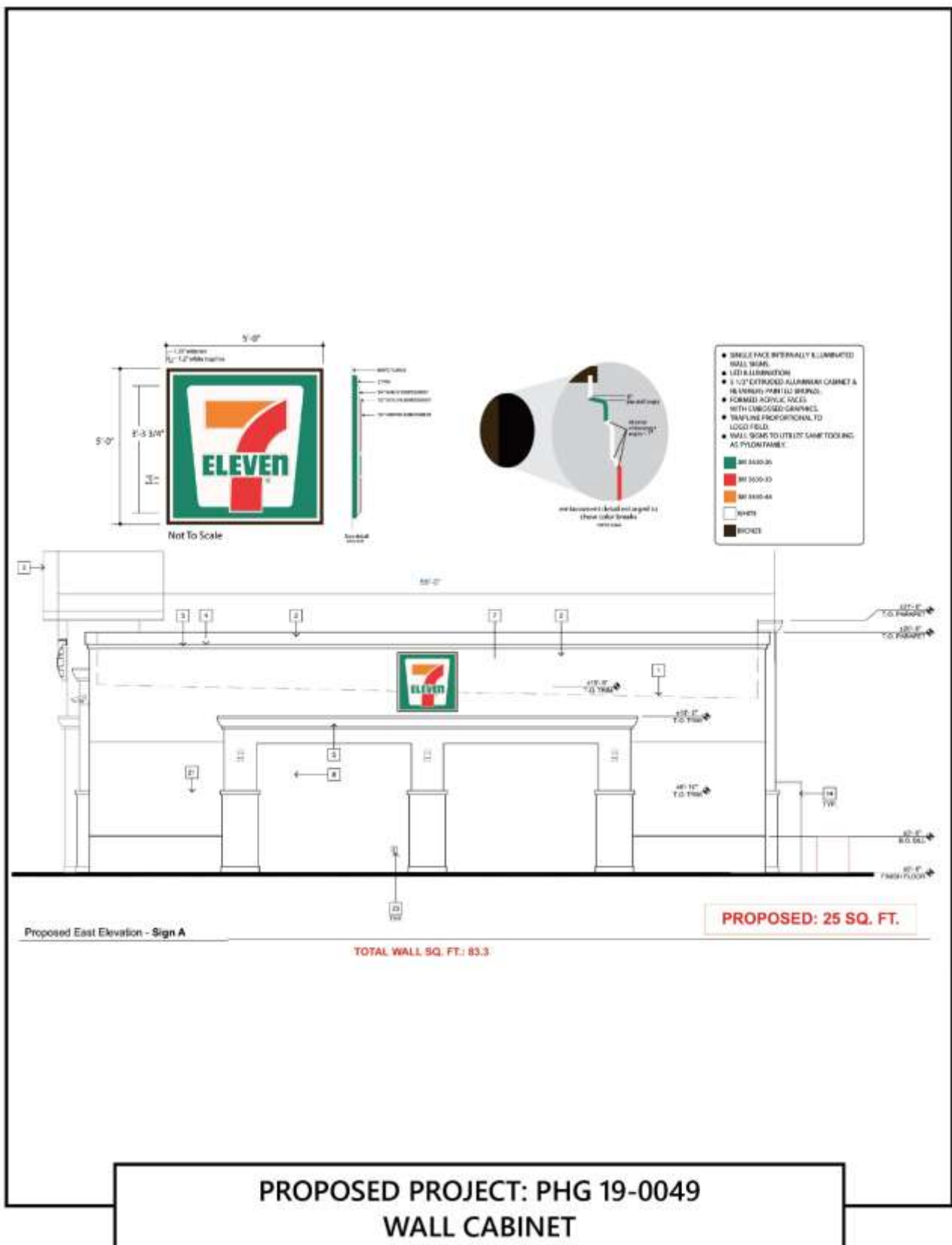
ENCLOSURE ELEVATION SCALE: 3/8\"/>

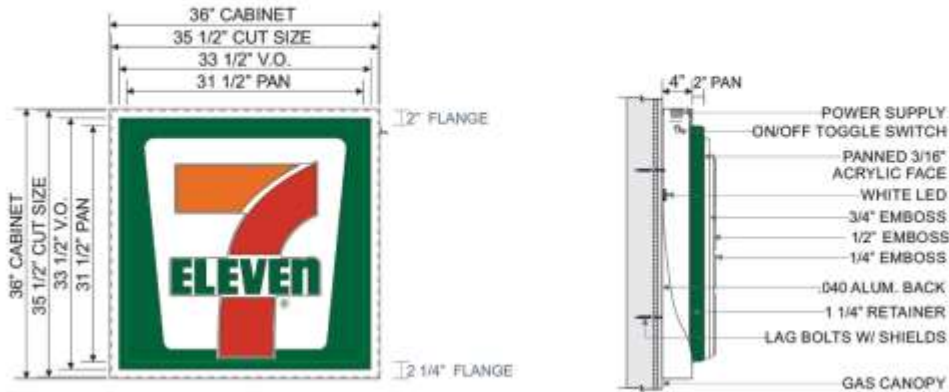
PROPOSED PROJECT: PHG 19-0049 ENCLOSURE TANK











THREE (3) W9 S/F INTERNALLY ILLUMINATED CANOPY SIGN CABINET.
 3/16\"

VINYL SPECS: 3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN
 PAINT SPECS: PMS WHITE

NOTE: SIGN TO BE INSTALLED 2'-0\"

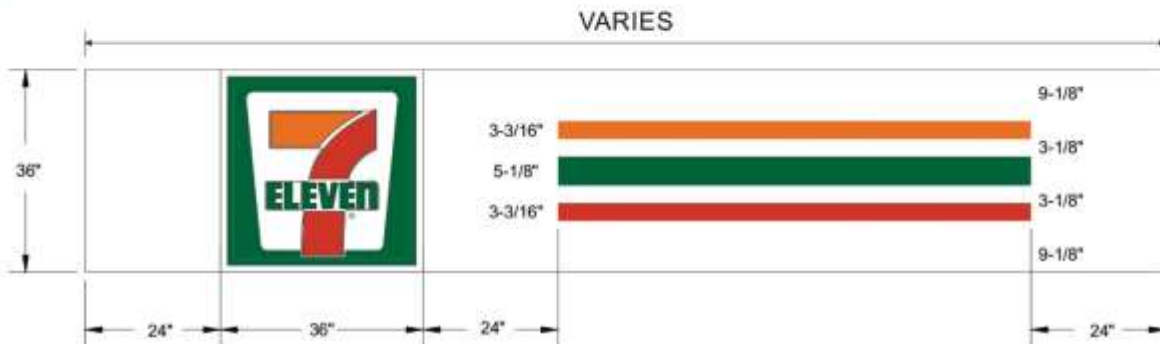
7-ELEVEN LOGO
 DIMENSIONS:
 OAH: 29 1/2\"

F5

Face & Side Detail - W9 Canopy Sign Cabinet - Sign F

NTS

Display Square Footage(Cabinet): 9.0



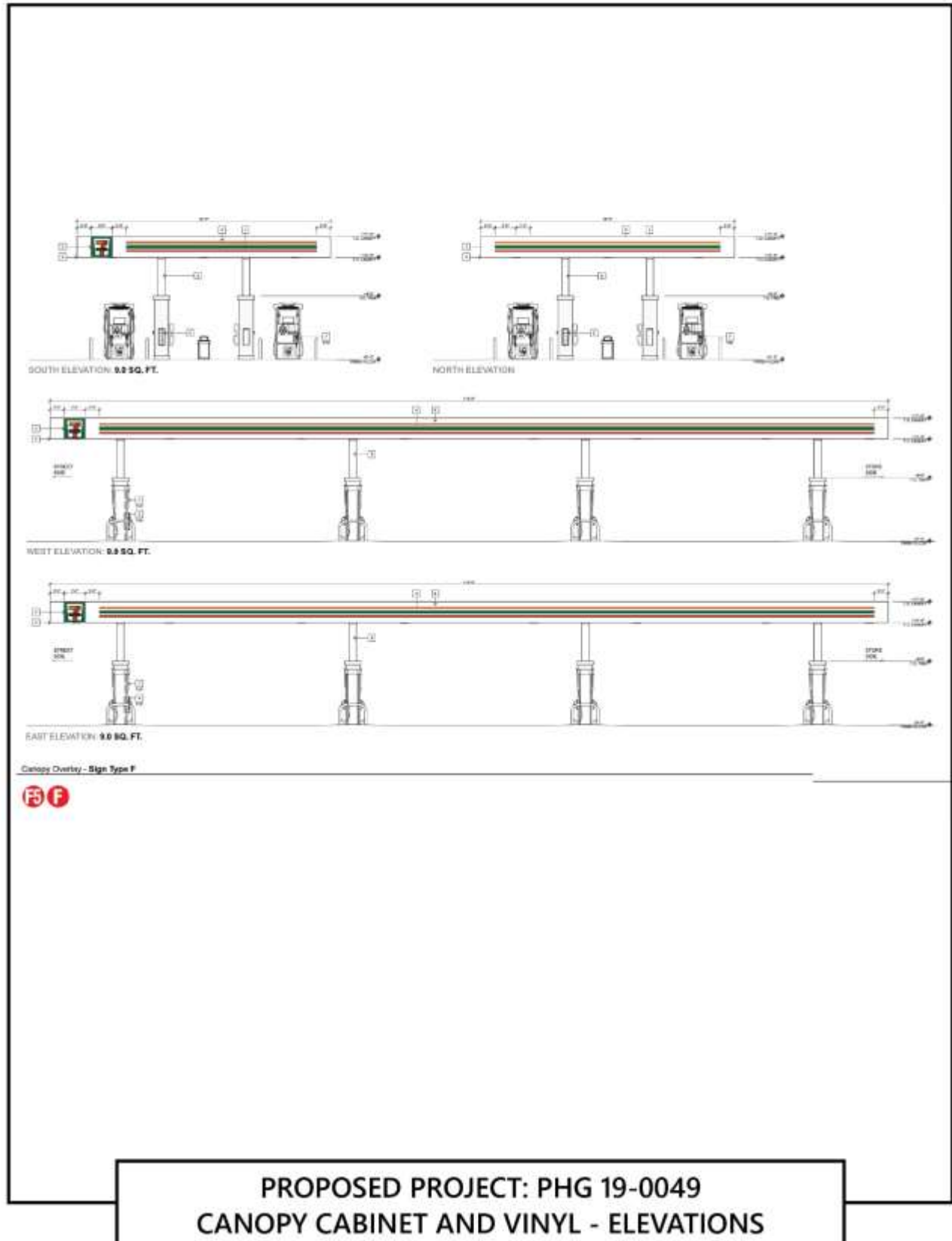
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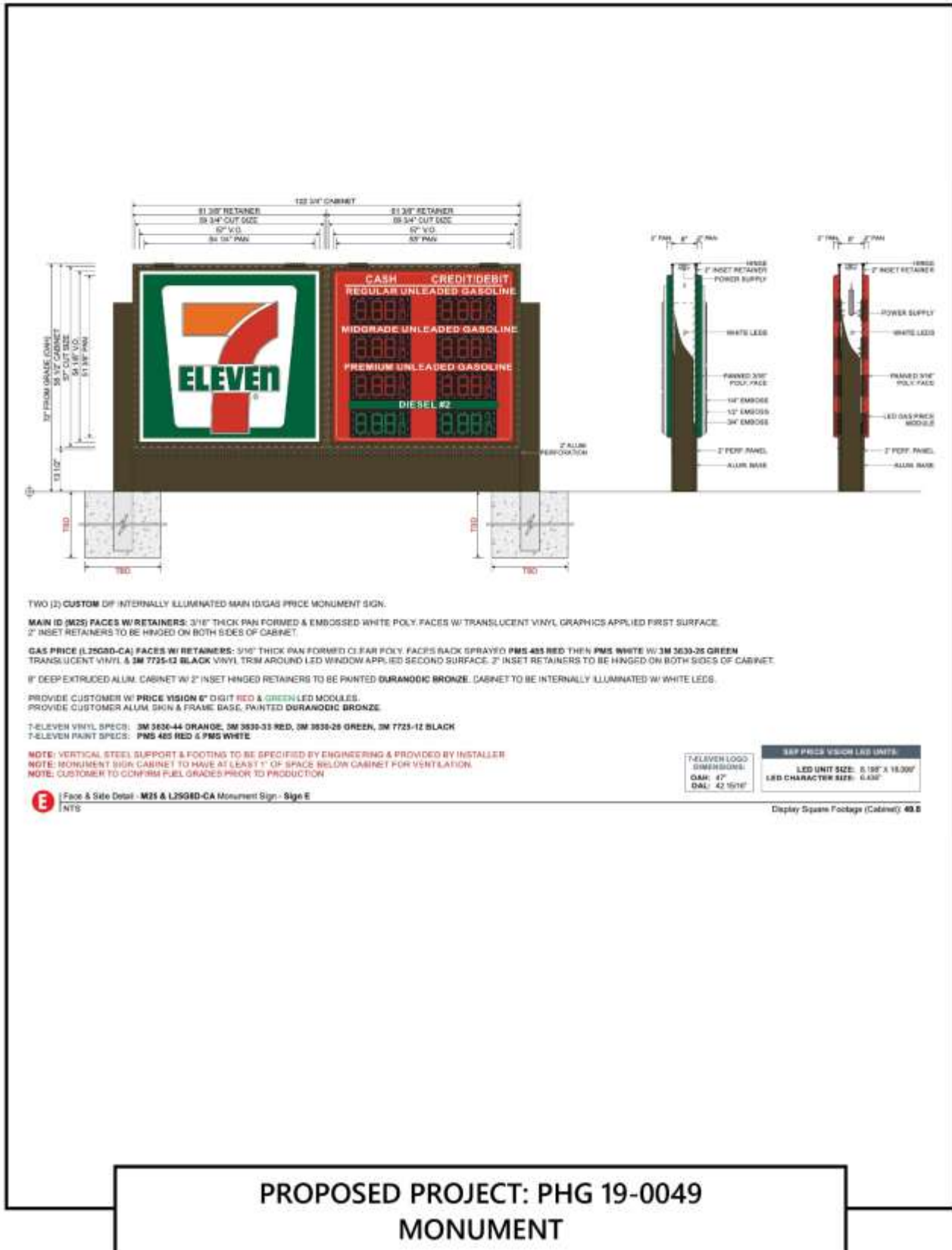
F

Front Elevation - 36\"

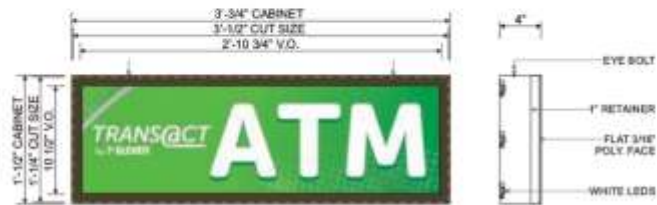
NTS

PROPOSED PROJECT: PHG 19-0049
 CANOPY CABINET AND VINYL





PROPOSED PROJECT: PHG 19-0049
 MONUMENT



ONE (1) INTERIOR ATM INTERNALLY ILLUMINATED S/F WINDOW SIGN. 3/16" THICK FLAT WHITE POLYCARBONATE FACE W/ DIGITALLY PRINTED IMAGE VINYL TO BE APPLIED FIRST SURFACE. CABINET TO BE INTERNALLY ILLUMINATED W/ GE WHITE LEDS. 4 DEEP ALUM. CABINET & 1" RETAINERS ALL PAINTED 313E DURANODIC BRONZE. SIGN TO HANG INSIDE THE STORE BEHIND GLASS AS INDICATED IN PHOTO OVERLAY WITH EYE BOLTS.

VINYL SPECS: DIGITALLY PRINTED IMAGE VINYL
 PAINT SPECS: 313E DURANODIC BRONZE

NOTE: ATM SIGN TO BE FABRICATED & INSTALLED BY OTHERS

B Front Elevation & Side Mounting Detail - ATM S/F Window Sign - Sign B
 NTS Display Square Footage (Cabinet): 3.2



WINDOW VINYL GRAPHICS:
 VINYL GRAPHICS TO BE APPLIED SECOND SURFACE ONTO DESIGNATED STORE WINDOWS.
NOTE: WINDOW GRAPHICS KITS TO BE PROVIDED AND INSTALLED BY OTHERS. NOT PART OF HARBINGERS SCOPE OF WORK.
NOTE: FOR FULL INSTALLATION INSTRUCTIONS, REFER TO 7-ELEVEN SIGNAGE MANUAL.

C Front Elevation - Typical Window Vinyl Graphics - Sign C

PROPOSED PROJECT: PHG 19-0049
 WINDOW SIGNAGE

EXHIBIT “E”

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT NAME: 7-Eleven (City File Nos.: PHG 19-0049)
NEG. NEC. NO. : ENV 19-0006
SCH NO.: N/A
APPROVAL BODY: Escondido City Council

PROJECT DESCRIPTION: Conditional Use Permit (CUP) for the development of a proposed gasoline station/convenience store with the concurrent sale of alcoholic beverages (beer and wine). The project consists of an approximately 4,088 SF convenience store with a 4,284 SF gas station canopy with eight (8) fuel dispenser pumps that can accommodate up to sixteen (16) fueling stations/vehicles. A General Plan Amendment from Light Industrial (LI) to General Commercial (GC) along with a Zone Change from Light Industrial (M-1) zoning to General Commercial (CG) zoning is required to process the land use development application and allow the consideration of the Conditional Use Permit. The project includes the installation of a traffic signal at the intersection of Rock Springs Road/Lincoln Avenue and widening of the street right-of-way along Mission Avenue.

PROJECT LOCATION: 900 W. Mission Avenue (APNs 228-220-13-00 and 228-220-43-00)

APPLICANT/CONTACT PERSON: Ilan Golchek, Golchek Group, LLC

PROJECT MANAGER: Jay Paul, Senior Planner, City of Escondido Planning Division Phone No.: (760) 839-4537
Email: jpaul@escondido.org

Mitigation Monitoring and Reporting Program

Mitigated Negative Declaration/Initial Study Environmental Checklist

Project No. ENV 19-0006

The City of Escondido adopts this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that Project, which is the subject of the Mitigated Negative Declaration (MND) and Initial Study Environmental Checklist, complies with all applicable environmental mitigation requirements. The mitigation described in the MND and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the MND and Initial Study Environmental Checklist. Only those subsections of the environmental issues presented in the Initial Study Environmental Checklist that have mitigation measures are provided below in the MMRP table. All other subsections do not contain mitigation measures. For each mitigation measure, the MMRP table identifies the following: (1) mitigation measure; (2) implementation action; (3) responsible agency/party; (4) monitoring schedule; and (5) verification date.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Cultural Resources						
CUL-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.	Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement.	Applicant; City of Escondido Community Development Department Planning Division	X			
CUL-2: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitors associated with TCA Tribes have been retained to implement the monitoring program. Because the project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people will be retained for the Project. The archaeologist shall be responsible for coordinating with the Native American monitors. This verification shall be presented to the City in a letter from the project archaeologist that confirms	Require verification and approval of qualified archaeologist.	Applicant; City of Escondido Community Development Department Planning Division	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
that Native American monitors representing both Luiseño and Kumeyaay associated with a TCA Tribes have been retained. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.						
CUL-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.	Require monitoring program coordination.	City of Escondido Community Development Department Planning Division; Qualified Archaeologist; Grading Contractor	X			
CUL-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.	Require on-site archaeological monitor and Native American Monitor.	City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division	X	X		
CUL-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	Require identification and preservation of any unidentified cultural resources.	City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner;		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
deposits shall be minimally documented in the field and collected so the monitored grading can proceed.		Native American Monitor				
CUL-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.	- Require identification and preservation of any significant tribal resource. - Consultation with Native American Monitor.	City of Escondido Community Development Department Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe		X		
CUL-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.	- Require research design and data recovery program. - Consultation with Native American Monitor.	City of Escondido Community Development Department Planning Division; Project Archaeologist; TCA Tribe		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
CUL-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.	Require identification and preservation of any undiscovered cultural resources or human remains.	City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
CUL-9: If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows: 1. It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received. OR 2. Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be	• Require that a Native American monitor is present during any testing or cataloging. • Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe, and/or curated.	City of Escondido Community Development Department Planning Division; Project Archaeologist		X	X	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
professionally curated and made available to other archaeologists/researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.						
CUL-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.	- Require documentation of analysis and data by the qualified archaeologist. - Consultation with Native American Monitor.	Qualified Archaeologist; Native American Monitor			X	
Geology						
GEO-1 Prior to issuance of a grading permit or ground disturbing activities, a preliminary assessment by a professional paleontological resource consultant shall be conducted to determine if the characteristics of a unique paleontological resource or site are present. If determined to be present, and the potential for destruction of a unique paleontological resource or site exists, the preliminary assessment must make recommendations for mitigating potential	Paleontological analysis required	Applicant Paleontological consultant	X	X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
impacts, such as monitoring during construction, or identify requirements for the proper documentation per state or federal guidelines, of any significant resource proposed to be impacted.						
Noise						
NOI-1: To reduce potential construction noise impacts, the following multi-part mitigation shall be implemented for the proposed project: - The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. - The construction contractor shall ensure that unnecessary idling of internal engines (i.e., idling in excess of 5 minutes) is prohibited. - The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists. - At all times during proposed project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses. - The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures	Requires applicant and contractor to implement specific operational measures to reduce potential noise impacts	Applicant; Construction Contractor		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.						
Traffic						
TRA-1 Prior to occupancy, a signal shall be constructed and operational at the intersection of Rock Springs Road and W. Lincoln Avenue. All proposed transportations improvements within the City shall be constructed to the satisfaction of the City Engineer.	Installation of Traffic Signal	Applicant	x	x	x	
TRA-2 Prior to occupancy, the proposed project shall construct appropriate improvements and/or signage (as determined by the City's Engineering Services Division) at the proposed driveway on Rock Springs Road to restrict egress to right-out only (left out restricted). This proposed physical improvement is necessary to reduce the number of northbound trips from the Project along Rock Springs Road and also will provide the opportunity to extend the southbound left-turn lane capacity at the intersection of W. Mission Avenue and Rock Springs Road up to 280 feet.	Installation of roadway improvements	Applicant Engineering Services Division	x	x	x	

PLANNING COMMISSION

Agenda Item No.: I.1
Date: December 8, 2020

PROJECT NUMBER / NAME: PL 20-0698 / Planning Commission Bylaws

REQUEST: Receive report and provide direction to staff.

LOCATION: Citywide

APPLICANT: City of Escondido

APN / APNS: N/A

**PRIMARY
REPRESENTATIVE:** Planning Division

GENERAL PLAN / ZONING:
N/A

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: Planning Case No. MISC 17-0013

PROJECT STAFF: Mike Strong, Director of Community Development
mstrong@escondido.org

CEQA RECOMMENDATION: Not subject to CEQA review; not a project. (CEQA Guidelines section 15378(b)(5) [organizational/administrative activity of the City that will not result in direct or indirect physical changes to the environment].)

STAFF RECOMMENDATION: Review and report on meeting policies and protocols, including possible changes to existing policies and protocols.

REQUESTED ACTION: Receive and provide direction to staff.

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:
☒ Mike Strong, Director of Community Development
☒ Adam Finestone, City Planner

A. BACKGROUND:

The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Planning Commission has final approval authority on certain cases and recommends action to the City Council on others. The Planning Commission was established in accordance with Section 20-1 of Chapter 20 of the Escondido Municipal Code and Government Code section 65101. Pursuant to Section 20-8 of the Escondido Municipal Code, the Planning Commission has the power to adopt its own rules of procedure. Bylaws were enacted on October 23, 2018, to provide a framework for the operation and management of the Commission and the rules that govern it. The adopted Bylaws consist of policies and protocols related to meeting operations, including but not limited to officer duties, committee responsibilities, meeting calendar, and meeting business and organization. The adopted Bylaws are attached to this Staff Report as Attachment 1.

At the conclusion of the October 13, 2020, Planning Commission meeting, Commissioner Paul inquired about the possibility of the Commission having an eighth Commissioner, in the form of a non-binding vote/student to encourage youth participation. Commissioner Paul also inquired about the possibility of changing the 7:00 p.m. meeting start time. Because these questions were received during the “open communications” portion of the meeting, there was no group discussion on the topic or responses provided. In general, the Planning Commission is very limited in its ability to respond to public comments or questions if they were not on the agenda. The topic of meeting rules and procedures needs to be placed on a future agenda for discussion. The purpose of this agenda item is to follow-up on the aforementioned issues raised by Commissioner Paul, facilitate group discussion about the existing rules and procedures for meetings, and identify and discuss any issues and opportunities.

B. ANALYSIS:

1. Membership and composition

Government Code section 65101(a) states, “The legislative body shall specify the membership of the [planning] commission or commissions” and that “each planning commission shall consist of at least five members, all of whom shall act in the public interest.” The Planning Commission, created by the City Council through Chapter 20 of the Escondido Municipal Code, consists of seven members, all appointed by the City Council. All members must reside within the geographic area covered by the City’s General Plan, and, no more than three members may reside outside the City limits. The Planning Commission should include members of the general public and licensed design professionals. Appointment procedures are detailed in Section 20-3 of the Escondido Municipal Code. The Planning Commission’s membership and composition is defined by state law and the Escondido Municipal Code, rather than the Planning Commission’s Bylaws. However, the Planning Commission may report recommendations to City Council for proposed changes to Chapter 20, including

changes as to membership and composition. The City Council ultimately has the authority to make any such changes.

2. Meeting schedule

Pursuant to the Bylaws the Commission shall prepare and adopt an annual schedule of regular meetings. The Planning Commission holds regular meetings on the 2nd and 4th Tuesday of each month, at 7 p.m. Special meetings of the Commission may be called by the Chair or by any two members of the Commission upon written request to the Chair. Special meetings shall be coordinated with the City Council's schedule so referrals of reports and plans to the City Council can be timely. The Planning Commission meeting schedule can be ratified or revised by the Bylaws and may be modified.

3. Other Bylaw policies and protocols

The Planning Commission may review and report on other items related to the Bylaws, including possible changes to existing policies and protocols to make the decision-making process more efficient.

C. ENVIRONMENTAL ANALYSIS:

This action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

D. CONCLUSION:

At its meeting on December 8, 2020, the Planning Commission may review and report on meeting policies and protocols, including possible revisions to the Planning Commission Bylaws. Bylaws should direct all business functions to the extent not preempted by the Municipal Code, Local Executive Order(s), County Health Order(s), State Executive Order(s), State or Federal law, or Robert's Rules of Order. If directed to do so, City staff will evaluate and propose an update to Planning Commission Bylaws and present the changes to the Commission at its January 12, 2020, meeting. Updated Bylaws could bring the Commission's operation into alignment with the City Council's operating policies and protocols, address needs unique to the Commission, and communicate observations to help business to run more smoothly. Any recommendations that fall outside of the scope and authority of the Planning Commission (i.e., changes to Chapter 20 of the Escondido Zoning Code), must be identified as areas to be reviewed and considered by the City Council.

ATTACHMENTS:

1. Planning Commission Bylaws, dated October 23, 2018

Attachment 1

ESCONDIDO PLANNING COMMISSION BY-LAWS

ADOPTED BY PLANNING COMMISSION RESOLUTION NO. 2018-01

October 23, 2018

Advisory bodies play an important role in City government by assisting and advising the City Council in formulating and implementing policy. Advisory bodies also develop recommendations and present supporting information to the City Council.

The Escondido Planning Commission ("Commission") is established in accordance with Section 20-1 of Chapter 20 of the Escondido Municipal Code.

ARTICLE I. OBJECTIVES

The Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Commission has final approval authority on certain cases and recommends action to the City Council on others. Areas of focus include:

- Providing citizen input by being positive representatives of the City Council and community;
- Conducting a detailed review of all types of development projects and individual land use requests, such as subdivision maps, specific plans, conditional use permits, planned developments, and appeals of administrative approvals, as well as others; and
- Assisting the Council in the formulation of policies and ordinances that implement the General Plan, such as amendments to the Zoning Code, the adoption of new code sections, changes to the existing zoning text and maps, etc.

The Commission has the authority to make final decisions in some cases; some decisions may be appealed to the City Council. The Commission is not involved in the administration or operation of City departments. They should not contact the media or speak on behalf of the advisory body unless authorized to do so. The scope of authority of the Commission are those powers and duties delegated to the Commission by the City Council, set forth by provisions of the Municipal Code, and adopted hereto. In all matters of parliamentary procedure not specifically governed by these by-laws or otherwise required by law, the current edition of *Robert's Rules of Order* shall apply.

ARTICLE II. OFFICERS

The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary. The appointment of officers for Chair and Vice-Chair shall be held on the regular meeting date in April of each year, or the next regular meeting if no regular meeting is held in April, and the newly elected officers shall immediately preside upon election.

A. Chair: The Chair must preside at and conduct all meetings of the Commission, administer all rules of the Commission, and rule upon other business transacted by the Commission. The Vice-Chair shall, in the absence of the Chair, exercise all responsibilities of the Chair. The Chair shall have the following duties:

1. The Chair shall preside at meetings of the Commission.
2. When authorized by the Commission, the Chair shall execute in its name all communications of the Commission, all recommendations to the City Council, as well as any contracts, bonds, or other obligations.
3. The Chair must appoint all committees and subcommittees.
4. The Chair shall have general supervision of the conduct of the affairs of the Commission and shall instruct the Secretary in conducting Commission business.
5. The Chair shall have the discretion to set time limits on individual public speakers, not to exceed three (3) minutes.
6. The Chair shall preserve order and decorum at all meetings of the Commission.
7. The Chair is responsible for moving the discussion forward involving all members of the Commission and allowing for adequate public participation.
8. The Chair facilitates meeting protocol.
9. The Chair shall, when called upon, represent or appoint one of the members to represent the Commission before the City Council. Such representation shall reflect the view of the majority of the Commission on any particular matter upon which the Commission has acted.

B. Vice-Chair: The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. Temporary Chair: In the absence of both the Chair and Vice-Chair at any meeting, the Commission shall appoint a Chair pro-tem to conduct that meeting. In the absence of the Chair and Vice-Chair, the Planning Commission Secretary shall call the meeting to order and immediately call for a motion to select a Chair pro-tem whom shall perform the duties of the Chair during the absence or disability of the Chair and Vice-Chair.

D. Secretary: The Director of the Community Development Department shall determine who serves as the Secretary to the Commission. The Secretary may, in performance of the

Secretary's duties, appoint a Deputy Secretary to perform the secretarial function for the Commission in the Secretary's absence.

The Secretary or the Secretary's designee shall have the following duties:

1. The Secretary shall attend all regular and special meetings and keep or supervise the keeping of a record of same and transcribe same properly to preserve the records thereof.
2. The Secretary shall have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence relative to hearings, meetings, and other business of the Commission.
3. The Secretary shall prepare the agenda and staff reports for items of business on the Commission's agenda.
4. The Secretary shall notify the Vice-Chair, by phoning or in person, on the day the Chair informs the Secretary that he will not attend a future Commission meeting.

E. Parliamentarian: A representative from the Office of the City Attorney shall act as Parliamentarian for the Commission and may be called upon by the Chair to rule on motions or decisions made. Only the Parliamentarian, other than the Chair, may proactively intervene on matters of procedure or other legal matters as determined by the Parliamentarian.

ARTICLE III. COMMITTEES AND SUBCOMMITTEES

A. Creation: Committees and subcommittees shall be appointed by the Chair at the time deemed necessary or advisable so as to conduct Commission business properly. Each committee shall consist of no fewer than two (2) and no more than three (3) Commission members. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Chair, in which case they shall serve until their successors are appointed. The Commission Chair shall fill any vacancy in committees.

B. Reporting Obligations: All reports of committees and subcommittees shall be made at the direction of the Chair; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee. Reports of committees and subcommittees shall be made orally or in writing. If in writing, the original copy thereof shall be filed with the Secretary and become a part of the administrative record.

ARTICLE IV. MEETINGS – REGULAR AND SPECIAL

The Commission may hold two (2) types of meetings: regular and special meetings.

- A. Schedule:** The Commission shall prepare and adopt an annual schedule of regular meetings. The Planning Commission holds regular meetings on the 2nd and 4th Tuesday of each month, at 7:00 p.m. Special meetings of the Commission may be called by the Chair or by any two (2) members upon written request to the Chair. Special meetings shall be coordinated with the City Council's schedule so referrals of reports and plans to the City Council can be timely.
- B. Location:** The official meeting place of the Commission shall be in the Council Chambers of the City of Escondido, California. All regular and special meetings shall be held there or at a location as determined by the Secretary and at such times as the Commission may, by a majority vote of those present at any regular or special meeting, otherwise direct.

ARTICLE V. MEETING BUSINESS

All meetings of the Commission shall be conducted in an orderly manner designed to expedite the business of the Planning Commission. The current edition of Robert's Rules of Order shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission, as herein specified, unless stated otherwise in Commission resolutions or in City Ordinances.

- A. Meeting Order:** The Secretary is authorized to place items on agendas that are generated by City administrative requirements, laws, or City ordinances. Only those cases set for hearing on a given date will be heard and they shall be heard in the order in which they appear on the agenda unless otherwise directed by the Chair.
- B. Motion:** Any Commissioner may offer a motion for Commission action. For each time a first motion is made, the Chair should restate the motion. The Chair should solicit a second of the motion.
- C. Discussion on the Motion:** No recall of speakers for questions may occur when a motion is on the floor. When the Chair determines that there has been enough discussion, the debate may be closed, and the item can be put to a vote. After the vote, the Chairman should announce the decision.
- D. Planning Commission Action:** The Planning Commission shall act by motion, motion to adopt resolution, or may give direction to staff by consensus (minute order). A majority of voting members present is required for a motion to be approved. In case of a tie vote, or deadlock, the Chair shall have the item of business placed on the next agenda of the

Commission as a matter for reconsideration and vote, but not for rehearing. If the returned matter again results in a tied vote it will be forwarded to the City Council with no recommendation.

- E. Agenda Packets:** The Secretary is responsible for the preparation of the meeting agenda. Every matter on which the Commission is authorized or required to act or brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided by the Commission for a specific presentation and shall include all information necessary for a clear understanding and informed action by the Commission. Such information (which includes and is not limited to maps, surveys, drawings, plans, charts, and descriptive information) shall be transmitted as an agenda packet to the full Commission and posted online to the Planning Commission webpage not less than 72-hours before a scheduled meeting.

All matters for Commission consideration and recommendation shall be filed as hardcopies in the Planning Office with the Secretary at least 72-hours prior to a meeting of the Commission at which the item is to be on the agenda.

F. Public Testimony and Participation:

1. Speaker slips will be available in the Council Chambers to be submitted by persons wishing to speak on an agenda item. The normal time allowed for a person to speak will be three (3) minutes. The Chair shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time on an agenda item.
2. Speaker slips for agenda items will be accepted by the Planning Commission Minutes Clerk in the Council Chambers no earlier than one (1) hour before the meeting and up until the public testimony on the item is finished. At times, up to the discretion of the Secretary, shall be the option for an individual to register support or opposition but do not wish to speak included on the speaker slip (individual must be present).
3. Written correspondence directed to the Commission that is received prior to an agenda packet being posted shall be held by the Secretary and included for Planning Commission review as part of the agenda packet. Written communications submitted after the agenda packet is posted, but before the meeting begins, will be provided to the Commission at the beginning of the meeting.
4. Written communications may also be presented to the Planning Commission Minutes Clerk at Planning Commission meetings, as part of the record of the meeting and for distribution to the Commission.
5. After the close of the public hearing, no person shall testify before the Commission and no other new evidence shall be received by it; provided, however, this rule shall not prohibit the members of the Commission from examining any public record or requesting additional information from staff.

G. Meeting Cancellation and Adjournment: Regular meetings may be cancelled from time to time due to a lack of business or for other reasons. A meeting cancellation notice shall be provided by the Secretary.

H. Meeting Minutes: The Planning Commission Minutes Clerk is instructed to prepare action minutes for each Planning Commission meeting. The Planning Commission Clerk shall add a brief description/topic for oral communication speakers and note whether the speaker was speaking in favor or opposition to agenda items.

The Commission shall keep action minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote shall be recorded with each motion, order or resolution. Audio recordings, action minutes, records, resolutions, transactions, findings and determinations shall be of public record and be posted online.

ARTICLE VI. AMENDMENTS

These Rules and By-laws may be added to, amended, or revised at any meeting of the Planning Commission by a majority of a quorum of the Planning Commission by proper notice in advance of the meeting.