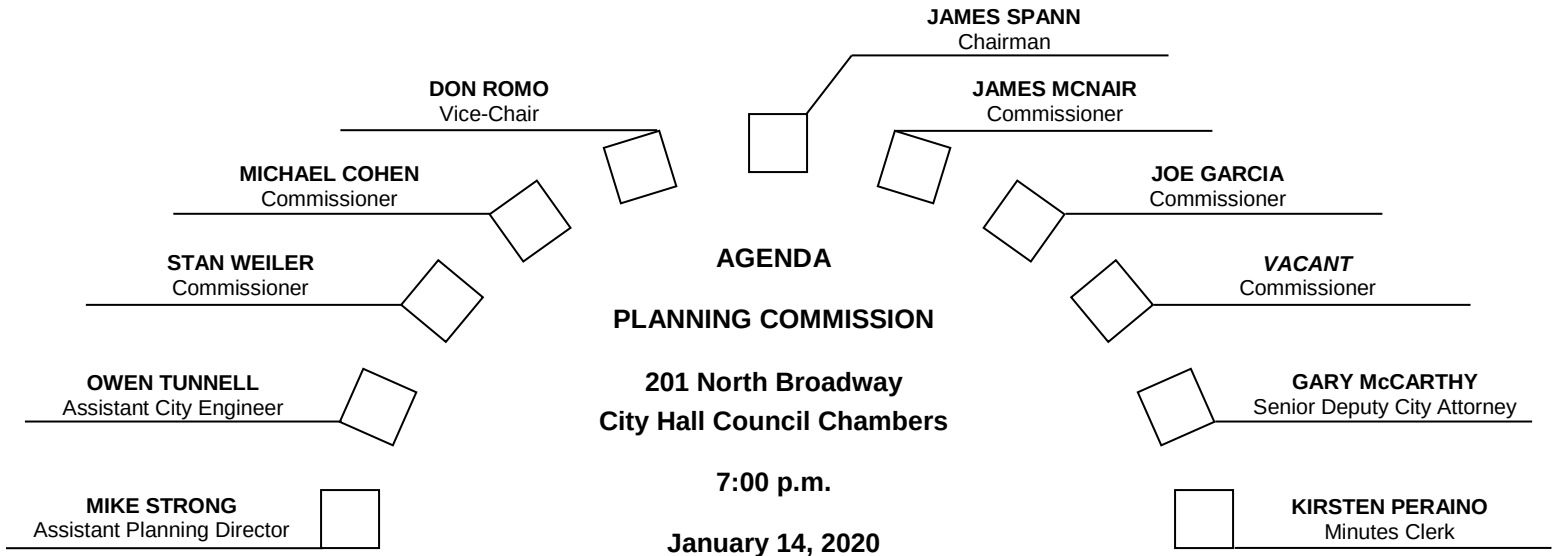


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER: 7:00 p.m.
- B. FLAG SALUTE
- C. ROLL CALL:
- D. MINUTES: [12/10/19](#)

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

Electronic Media: Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

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

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

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

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

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the 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. [CONDITIONAL USE PERMIT AND GRADING EXEMPTION – PHG 19-0015 / ENV 19-0003:](#)

REQUEST: The proposed project is a Conditional Use Permit for an assisted living and memory care facility, containing 78 studio, one-bedroom, and two-bedroom units, and a total of 99 beds. The facility would include one partial ground floor with lobby space, office and conference space, and service rooms, and three upper levels of resident units and recreational and operational amenities. Forty-one (41) off-street parking spaces would be provided, as well as landscaping and stormwater facilities. A Grading Exemption for a cut slope as steep as 1.5:1 and as tall as 26 feet (both of which are in excess of grading ordinance standards) is also proposed. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The project site is approximately 3.31 acres and is located at the southeast corner of East Valley Parkway and Hidden Trails Road. It contains three lots (APNs 240-110-54, 240-110-55, and 240-110-56) and is addressed as 3141 East Valley Parkway.

ENVIRONMENTAL STATUS: A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was issued for a 20-day public review, starting November 14, 2019, and ending December 3, 2019, in conformance with the California Environmental Quality Act (CEQA). No comments were received during the review period. The IS/MND incorporates mitigation measures that will avoid or mitigate impacts to a less than significant level.

APPLICANT: Joseph Holasek, NOAA Group

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

2. [APPEAL OF A ZONING ADMINISTRATOR DECISION – PHG 19-0051:](#)

REQUEST: An Appeal of a Discretionary Decision per Article 61, Section 33-1319 (4) of the Escondido Zoning Code for a Minor Conditional Use Permit to install and operate an AT&T small cell wireless communication facility in the public right-of-way. The proposed facility, application No. PHG19-0029 involves the removal and replacement of an existing concrete street light pole with a new 27-foot-high street light pole with an additional three feet above designed to accommodate one canister-type antenna (24-inches tall x 8-inches in diameter) mounted on top of the pole, and four (4), 7.8-inch wide x 7.8-inch long radio units mounted vertically onto the pole. Additional associated equipment is proposed to be placed in new underground concrete vaults (handhole). The light fixture would be upgraded to an LED fixture. Trenching or boring is required to extend power and telecommunication lines underground to the new facility. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The subject site is located in the public right-of-way on the northeast side of Vintage Place, just northwest of La Honda Drive, near 2094 Vintage Place.

ENVIRONMENTAL STATUS: The project is categorically exempt from the California Environmental Quality Act (CEQA), in conformance with section 15303, "New Construction."

APPLICANT: Timothy J. Groves, Black and Veatch (AT&T)

APPELLANT: Charles Peck

STAFF RECOMMENDATION: Deny the appeal and uphold the decision of the Zoning Administrator to approve the project.

PROJECTED COUNCIL HEARING DATE:

COMMISSION ACTION:

H. CURRENT BUSINESS:

Note: Current Business items are those which 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. [MODIFICATION TO THE PRECISE DEVELOPMENT PLAN- PHG 19-0076:](#)

REQUEST: A modification to the Precise Development Plan for the Gateway Grand project (SUB 16-0001) to amend Planning Division conditions of approval related to allowable signage. The applicant is proposing to install two projecting wall signs in addition to the allowable monument and directional signs.

PROPERTY SIZE AND LOCATION: The project is located on a 2.6-acre site, between W. Grand Avenue and W. Valley Parkway, addressed as 700 – 730 W. Grand Avenue, in the Gateway Transit District of the Downtown Specific Plan.

ENVIRONMENTAL STATUS: The Project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15311/Class 11 "Accessory Structures."

APPLICANT: Carolyn Hillgren, Lyon Living

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

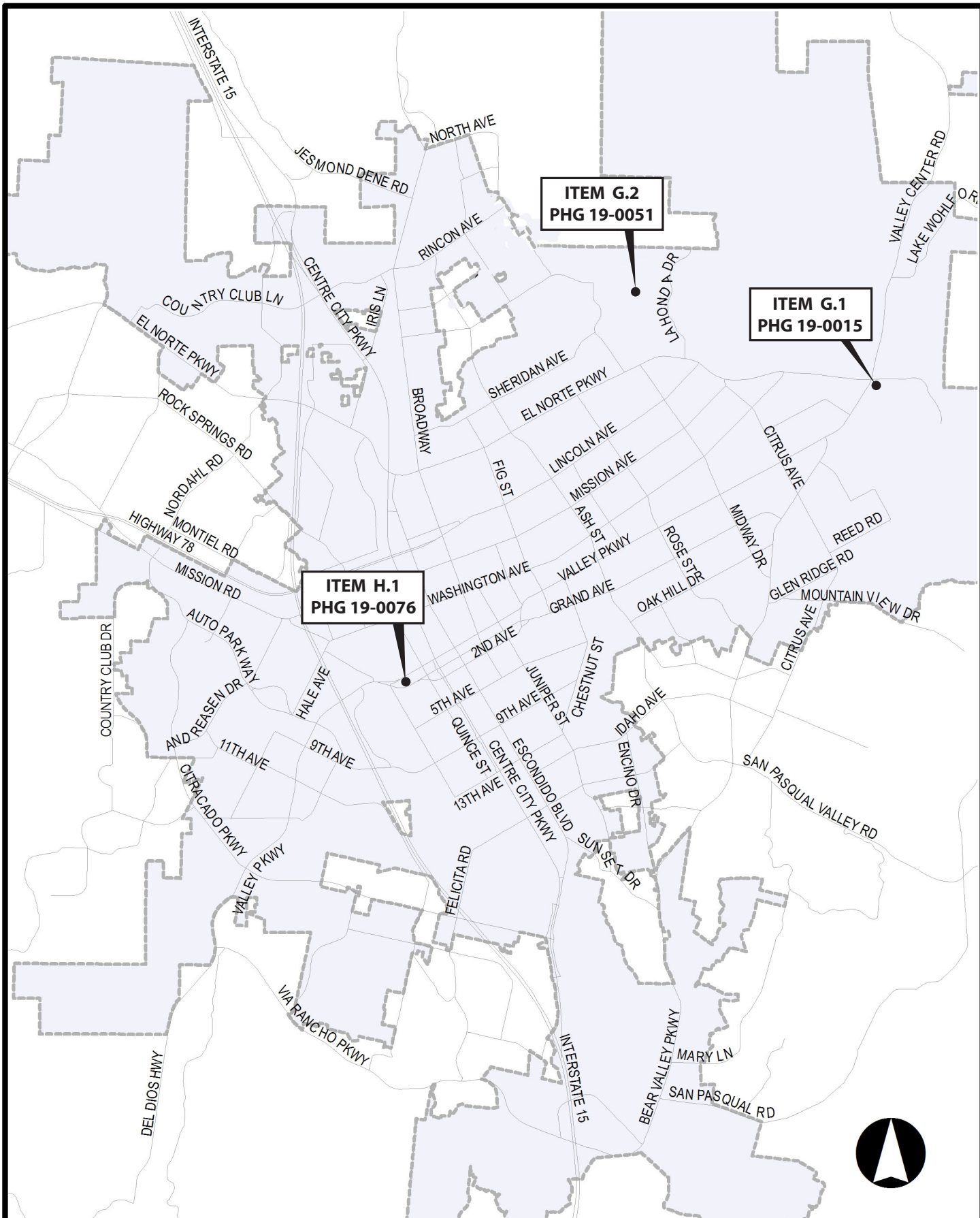
I. ORAL COMMUNICATIONS:

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

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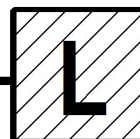
J. PLANNING COMMISSIONERS

K. ADJOURNMENT



PLANNING COMMISSION AGENDA ITEMS

JANUARY 14, 2020



LOCATION/ZONING

CITY OF ESCONDIDO

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

December 10, 2019

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Spann, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: James Spann, Chairman; Don Romo, Vice-Chair; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; James Spann, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: None – 1 vacancy.

Staff present: Mike Strong, Assistant Planning Director; Owen Tunnell, Assistant City Engineer; Adam Phillips, Senior Deputy City Attorney; Adam Finestone, Principal Planner; Jay Paul, Senior Planner; Darren Parker, Associate Planner; Ann Dolmage, Associate Planner; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner Romo to approve the Action Minutes of the October 22, 2019 meeting with the correction noting Commissioner McNair's absence from October 22, 2019 meeting, not Commissioner Watson. Motion carried unanimously. Ayes: Cohen, Garcia, Romo, Spann, and Weiler. Noes: None. 6-0-0 (1 vacancy).

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – Former Planning Commissioner Mark Watson submitted his resignation (relocating outside the City limits) and thanked the Commissioners and staff for the opportunity to serve on the Planning Commission.

PUBLIC HEARINGS:

1. TENTATIVE SUBDIVISION MAP AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION, SUB 17-0030 AND ENV 17-0006:

REQUEST: A Tentative Subdivision Map to divide three (3) parcels totaling 3.39-acres in size into six (6) parcels, ranging in size from 20,087 SF to 21,887 SF. The project also includes off-site extensions of existing sewer and water mains in La Honda Drive and along Via Hondita (approximately 1,200 feet) to provide service to the project site. Grading includes the removal of sensitive habitat on-site to provide a necessary fuel management area for fire safety purposes. Up to 0.33-acres of non-Native Grassland and 0.34-acres of Southern Willow Scrub would be removed from the site. Said project is located in the RE-20 zone (Residential Estates, 20,000 SF minimum lot size) and the Suburban (S) General Plan Land Use designation. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Approximately 3.39-acres, located on the east side of La Honda Drive, approximately 750 feet north of E. El Norte Parkway, (APNs 225-040-26-00, 225-040-27-00 & 225-040-28-00)

ENVIRONMENTAL STATUS: A Draft Initial Study & Mitigated Negative Declaration was issued for a 20-day public review on October 10, 2019. No comments were received. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts related to biological resources and tribal cultural resources.

STAFF RECOMMENDATION: Approval

PUBLIC SPEAKERS:

Frank Klasser, shared concerns about the project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Weiler, seconded by McNair to approve staff recommendation.

Motion carried unanimously. Ayes: Cohen, Garcia, Romo, Spann, and Weiler. Noes: None. 6-0-0 (1 vacancy).

2. SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT – PHG 19-0031 AND PHG 19-0032:

REQUEST: The proposed project is a Specific Plan Amendment to adjust district boundaries within the Downtown Specific Plan, to move the project site from the Historic Downtown District to the Southern Gateway District, which allows “light vehicle repair” as a conditional use. Concurrently, the proposed project requests approval of a Conditional Use Permit to allow the demolition of an existing tire shop (±7,000 SF) and bridal shop (±9,900 SF), to be replaced with a new tire shop (7,721 SF main level with 2,750 SF mezzanine). A parking lot containing 29 spaces, landscaping and bioretention areas, and a new trash enclosure would also be provided. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The project site is approximately 0.8 acre and is located at the southwest corner of South Escondido Boulevard and West 2nd Avenue. It comprises four lots with Assessor’s Parcel Numbers 233-052-04-00, 233-052-06-00, 233-052-13-00, and 233-052-15-00. The tire shop currently is addressed as 209 South Escondido Boulevard, and the bridal shop is addressed as 339 West 2nd Avenue.

ENVIRONMENTAL STATUS: The portion of the project that involves the Specific Plan Amendment is exempt from CEQA review pursuant to CEQA Section 15061(b)(3) (“Common Sense Exemption”) since there would be no possibility of a effect on the environment. The Conditional Use Permit is covered by CEQA Section 15302 (“Replacement or Reconstruction”) for the replacement of the commercial structure with a new structure of substantially the same size, purpose, and capacity.

STAFF RECOMMENDATION: Recommend City Council approval

PUBLIC SPEAKERS:

Reid Kunishige, Applicant, spoke in favor of project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Weiler, seconded by Cohen to approve staff recommendation with the added conditions:

1. Term of CUP will be 24 months instead of 12
2. A lot tie agreement will be required
3. Improvements to the alley will be required

Motion carried unanimously. Ayes: Cohen, Garcia, Romo, Spann, and Weiler.
Noes: None. 6-0-0 (1 vacancy).

3. ZONING CODE AMENDMENT – AZ 19-0001:

REQUEST: A proposed amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to update the requirements for wireless communication facilities within the right-of-way. The amendment includes an update to the entitlement process to streamline deployment wireless networks and simplified language to be consistent with Federal Communications Commission Order. The proposal also includes new guidelines for wireless communications facilities in the right-of-way, as well as the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the Common Sense Exemption, CEQA Section 15061(b)(3).

STAFF RECOMMENDATION: Recommend City Council approval

PUBLIC SPEAKERS:

Adrian Salas, with Crown Castle, shared concerns regarding the ordinance and guidelines.

Michael Farraher, with Verizon, shared concerns regarding the ordinance and guidelines.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Cohen, seconded by Weiler to approve staff's recommendation.

Motion carried unanimously. Ayes: Cohen, Garcia, Romo, Spann, and Weiler.
Noes: None. 6-0-0 (1 vacancy).

CURRENT BUSINESS: – None.

ADJOURNMENT:

Chairman Spann adjourned the meeting at 8:50 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, January 14, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

Mike Strong, Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

PLANNING COMMISSION

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

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

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

LOCATION: 3141 East Valley Parkway

APPLICANT: Joseph Holasek, NOAA Group

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

**PRIMARY
REPRESENTATIVE:** Same

GENERAL PLAN / ZONING: SPA 5 / SP

DISCRETIONARY ACTIONS REQUESTED: Conditional Use Permit and Grading Exemption

PREVIOUS ACTIONS: None

PROJECT PLANNER: Ann Dolmage, Associate Planner
adolmage@escondido.org

CEQA RECOMMENDATION: Initial Study/Mitigated Negative Declaration

STAFF RECOMMENDATION: Approval

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

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:

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

BACKGROUND:

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

PROJECT ANALYSIS:

1. General Plan / Zoning

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

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

2. Site Design

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

A. Grading

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

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

B. Landscaping

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

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

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

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

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

C. Project Access and Traffic

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

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

3. Building Design

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

A. Building Height

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

The building design includes elements that project above the 35-foot height limit, including a parapet element around the roofline perimeter, as well as tower elements. The tallest tower elements on the site would project to an elevation of about 796 feet, and the parapet would project to about 792.5 feet at its highest level. Section 33-1075 of the Zoning Code allows projections of these elements on the condition that the portion above the height limit is not used for sleeping or eating quarters, does not create floor area that could be used as habitable space, and does not create an unnecessary aesthetic impact on surrounding properties (as determined by the decision-making body).

B. Floor Plan

The proposed facility would consist of four (4) levels, totaling approximately 59,397 square feet. The facility would contain 78 units and 99 beds (all studios and one-bedroom units would contain one bed each, while two-bedroom units would contain two beds each).

The ground floor (referred to as a “partial basement” on the plans) would serve as the building’s main entry point, with separate lobbies for the assisted living and memory care functions, offices, a conference room, storage and mechanical rooms, and restrooms. A trash room for storage of refuse containers would be located at the southwest corner of the building, with external access. Deliveries would also enter the building via a door at the southwest corner. Three (3) staircases and three (3) elevators (two standard and one service) would be provided throughout the ground floor for access to the upper floors. As the smallest floor in the building, the ground floor would be approximately 4,927 square feet in size.

The first floor would contain 27 units for assisted living, including 17 studio units and ten (10) one-bedroom units. Since each unit would contain one bed, 27 beds would be located on this floor.

Indoor recreational and social amenities on this floor would include a fitness center, theater, and lounge. A central, open-air courtyard would be accessible from this floor, with seating, fire pit, koi pond, and landscaping. Altogether, the area of the first floor (excluding the courtyard) would be approximately 15,525 square feet.

The second floor would contain 39 units. Fourteen (14) of these units would be designated for assisted living residents, including six (6) studios, six (6) one-bedroom units, and two (2) two-bedroom units. The remaining 25 units would be for memory care residents, including nine (9) studios and sixteen (16) two-bedroom units. A total of 57 beds would be located on this floor. Amenities on this floor would include an assisted living lounge, separate activity rooms for assisted living and memory care functions (with attached balconies for outdoor activities), a memory care dining room with warming kitchen, and a salon. Other services would include a laundry room, medical room, and staff lounge. As the largest floor in the building, the area of the second floor would be approximately 25,797 square feet.

The third floor would contain twelve (12) units for assisted living, including five (5) studios, four (4) one-bedroom units, and three (3) two-bedroom units, for a total of 15 beds. Amenities on this floor would include a dining hall (with adjacent, smaller rooms for private dining, and a balcony for outdoor dining), a lounge/waiting area with additional table seating, and another balcony for an outdoor bar. A kitchen would be located off the dining hall, and a wheelchair storage room would also be provided. The area of the third floor would be approximately 13,149 square feet.

The above description of room distribution within the facility is summarized in the table below.

	Assisted living - studio	Assisted living - one bedroom	Assisted living – two bedroom	Memory care - studio	Memory care – two bedroom	Total units
Ground floor	-	-	-	-	-	-
First floor	17	10	-	-	-	27
Second floor	6	6	2	9	16	39
Third floor	5	4	3	-	-	12
Total units	28	20	5	9	16	78 units in building; 99 beds

C. Exterior Design

The proposed facility would be constructed in a Tuscan style, with a neutral color palette. The primary exterior wall material would be sand-finish stucco, with soft white for the main color and dark sand for the wainscoting, cornice molding, and some trims. Eldorado stone cladding would be used as an accent material, on the staircase tower elements (up to and including the second floor). A porte cochere would be located on the northwest elevation, between the assisted living entrance and the memory care entrance, for passenger drop-offs and pick-ups. All balcony

elements on the top two floors would be protected with metal guard rails, and precast concrete columns would provide additional ornamentation for the third floor balconies. A heavy timber trellis would cover the third-floor balcony proposed for use as an outdoor bar. Additional design features to be used include vinyl clad windows with brown trim, concrete S-tile roofing, and decorative lighting features.

4. Supplemental Details of Request

	Required per Northeast Gateway Specific Plan	Proposed
1. Lot size	1 acre minimum	3 lots in project site (0.97 acre, 1.00 acre, and 1.34 acres) = 3.31 acres total A lot tie agreement would be required as a condition of approval of the project
2. Building size	N/A	± 59,397 square feet
3. Room types	N/A	53 assisted living rooms 25 memory care rooms 78 total rooms with 99 beds (Further description of rooms and amenities is provided later in this report)
4. Staffing	N/A	12-15 employees per shift
5. Setbacks		
Front	15' minimum	101' (to southwest corner of building)
Side (interior)	5' minimum	26.7' (to south face of building)
Side (street)	10' minimum	73.4' (to northwest corner of building)
Rear	20' minimum	153' (to southeast corner of building)
6. Building height	35' maximum, no limit on stories	32.5' and four levels, including one partial "basement" level and three full-size levels (see notes

		below on height measurement technique)
7. Lot coverage	40% maximum	18%
8. Parking	1 space per 3 beds minimum Additional spaces as needed for project operations Designated pick-up and drop-off areas required	41 spaces total (33 for minimum requirement, and 8 additional for staff use or other needs) Drop-off and pick-up area in porte cochere between two main entrances

ENVIRONMENTAL STATUS:

An Initial Study and Mitigated Negative Declaration (IS/MND) (City Log No. ENV 19-0003) was prepared for the project as required by the California Environmental Quality Act (CEQA), and identified potentially significant impacts with respects to biological resources, cultural and tribal cultural resources, geology and soils, and mandatory findings of significance. Mitigation measures were proposed to reduce these impacts to a less than significant level. The IS/MND was circulated for public review from November 14 through December 3, 2019. No comments were received during the review period.

After the review period for the Draft IS/MND closed on December 3, 2019, staff discovered that the noise analysis and air quality/greenhouse gas analysis prepared for the project assumed that the project would generate a lower number of ADTs than stated in the project's traffic memo. The noise study and air quality/greenhouse gas analysis have been updated in the Final IS/MND to reflect the correct trip generation information. Section 15073.5 of the CEQA Guidelines require recirculation of a Negative Declaration when a "substantial revision" has been made to the document after public notice of its availability. A "substantial revision" includes a situation where a new, avoidable significant effect is identified and mitigation measures or project revisions are added to reduce that effect to a less than significant level, or where a proposed mitigation measure is found to be insufficient in reducing effects to a less than significant level and new measures or revisions are necessary. Therefore, recirculation of the Draft IS/MND is not necessary in this case, as the updates to the noise study and air quality/greenhouse gas studies do not reveal any new impacts that require mitigation, nor do they affect any mitigation measures already contained within the Draft IS/MND.

California Assembly Bill 52 (AB 52) requires jurisdictions to invite tribal groups to consult on projects subject to CEQA when those groups have cultural ties to the area in which the project will occur. On May 28, 2019, letters were mailed to four (4) local tribes who previously indicated that they would like to receive consultation invitations for eligible projects. Two (2) of the four (4) tribes requested consultation. One of those tribes (Rincon Band of Luiseño Indians) closed consultation on July 15, 2019, after reviewing the project plans and proposed measures for

treatment of any tribal cultural resources that are found on the site during construction activities. As part of the consultation, Rincon requested that they be offered the opportunity to provide monitoring services for the project and that they receive a copy of any monitoring reports.

The second tribe (San Luis Rey Band of Mission Indians) attended two (2) meetings with staff at which the project was discussed, and has had an opportunity to review the plans and environmental documentation for the project, but as of the date of this staff report, has not indicated whether they would like to continue consultation or close it. AB 52 allows jurisdictions to close consultation with a particular tribe without receiving a formal request from the tribe to do so, when the jurisdiction can document that a good-faith effort was made to fully involve the tribe in consultation activities and reach an agreement. Staff believes that proposed mitigation measures TCR-1 through TCR-10 in the IS/MND provide a comprehensive and appropriate protocol for monitoring ground-disturbing activities and handling any tribal cultural resources that may be found during these activities. The proposed mitigation measures have been utilized on other projects to mitigate impacts. Therefore, staff believes it is acceptable to consider consultation with the San Luis Rey Band closed.

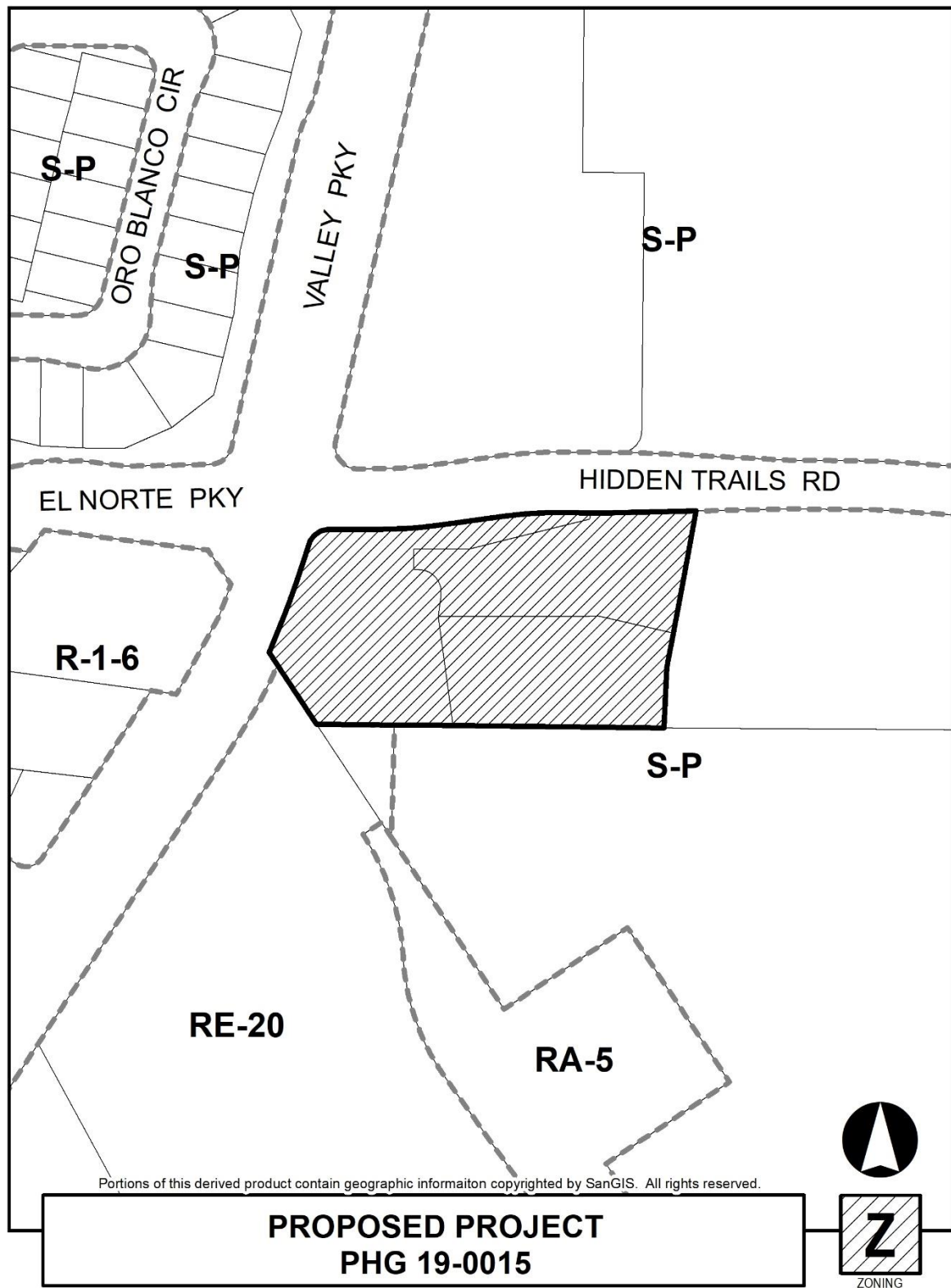
CONCLUSIONS:

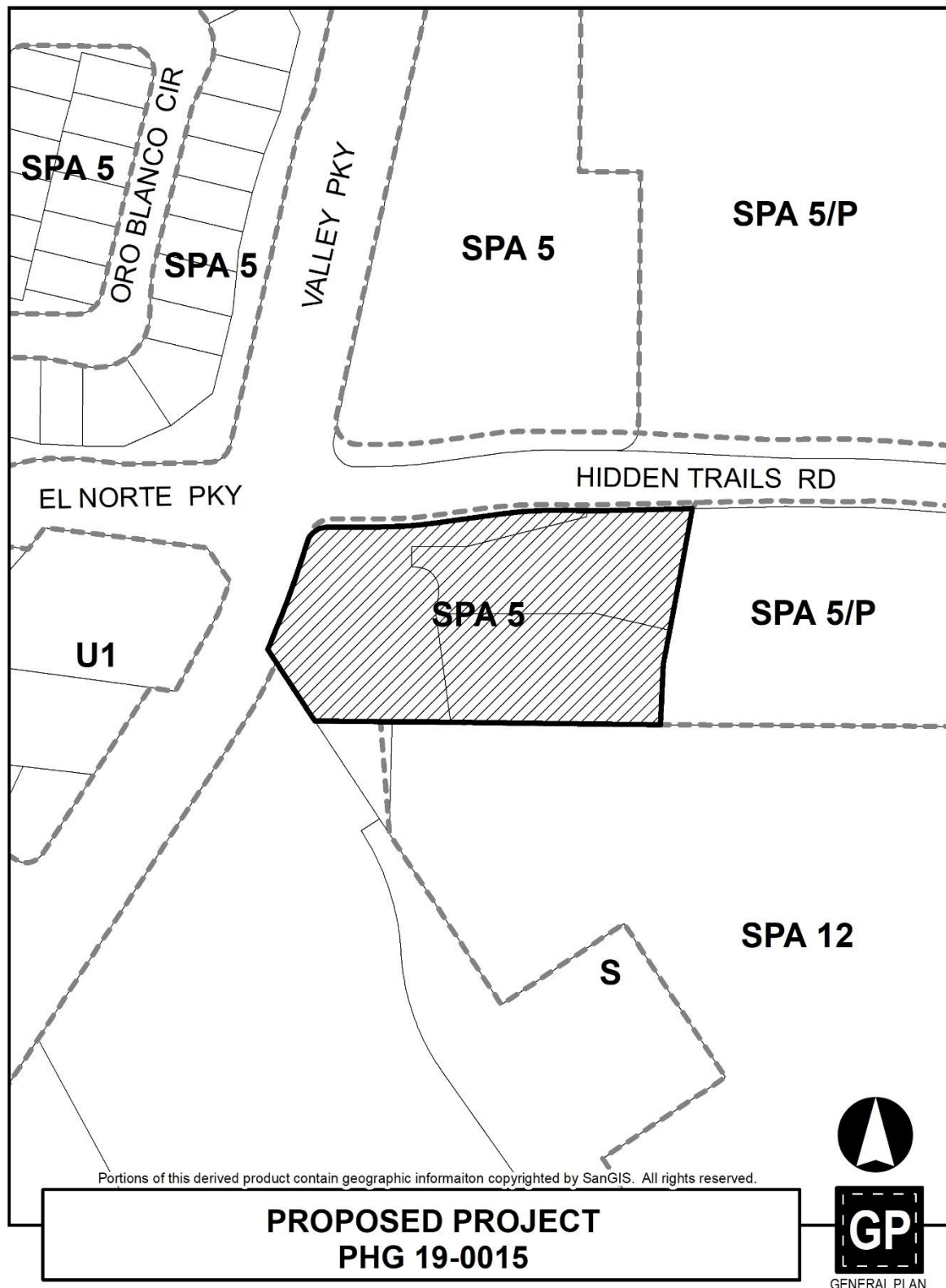
The Planning Commission is the authorized body to review and approve of Major Conditional Use Permits. The Planning Commission's decision is final unless appealed to the City Council. The proposed project is consistent with the General Plan and Northeast Gateway Specific Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. The location, size, design, and operating characteristics of the proposed project will not be incompatible with or will adversely affect or will be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use or development which is proposed. Staff recommends that the Planning Commission approve Planning Case No. PHG 19-0015 and ENV 19-0003, based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2020-01 (Attachment 2).

ATTACHMENTS:

1. Location and General Plan Map
2. Draft Planning Commission Resolution No. 2020-01

ATTACHMENT 1





ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. 2020-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A 59,397-SF ASSISTED LIVING AND MEMORY CARE FACILITY, AND A GRADING EXEMPTION FOR A CUT SLOPE EXCEEDING HEIGHT AND SLOPE LIMITS

APPLICANT: Joseph Holasek, NOAA Group

CASE NOS: PHG 19-0015 and ENV 19-0003

WHEREAS, Joseph Holasek of NOAA Group (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 19-0015 and ENV 19-0003), constituting a request for a Conditional Use Permit to allow a 59,397-SF assisted living and memory care facility, containing 78 units with 99 beds, and a Grading Exemption for a cut slope as steep as 1.5:1 and as tall as 26 feet, on a 3.1 gross acre site located on the southeast corner of East Valley Parkway and Hidden Trails Road (APNs 240-110-54, 240-110-55, and 240-110-56), in the SP (Specific Plan) Zone and the Northeast Gateway Specific Plan; and

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

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the

applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, convalescent homes and similar institutional uses are conditionally permitted uses within the Northeast Gateway Specific Plan, subject to the approval of a Conditional Use Permit; and

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

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

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

WHEREAS, the Planning Commission of the City of Escondido did, on January 14, 2020, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

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

- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated January 14, 2020, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. That the above recitations are true and correct.
2. A Final Initial Study / Mitigated Negative Declaration (IS/MND), attached as Exhibit "C" and incorporated herein by this reference as though fully set forth herein, has been prepared in compliance with all requirements contained in CEQA, CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts to biological resources, cultural and tribal cultural resources, geology and soils, and mandatory findings of significance. The Project Applicant has agreed to implement all mitigation measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program (MMRP) prepared for the Project, attached hereto as Exhibit "D". Mitigation measures incorporated as part of the Project's conditions of

approval reduce impacts to a level less than significant, so a IS/MND Mitigation Negative Declaration (MND) is appropriate for adoption.

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

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

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

6. Said plan is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully

set forth herein. This Project is conditionally approved as set forth on the application and Project drawings, all designated as approved by the Planning Commission, and shall not be altered without the express authorization by the Planning Division. Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

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

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14th day of January, 2020, by the following vote, to wit:

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

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

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

EXHIBIT "A"

LEGAL DESCRIPTION

PHG 19-0015 and ENV 19-0003

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

PARCEL ONE:

REVISED PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. [2009-0442971](#) OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 (NORTHWEST QUARTER OF THE NORTHWEST QUARTER), IN SECTION 7, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. [13367](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 1 OF SAID PARCEL MAP NO. [13367](#), THENCE NORTH 89° 38' 39" WEST (RECORD NORTH 89° 22' 09" WEST) ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 A DISTANCE OF 56.12 FEET; THENCE CONTINUING NORTH 89° 21' 16" WEST (RECORD NORTH 89° 29' 09" WEST) 89.24 FEET (RECORD 89.22 FEET) ALONG SAID SOUTHERLY LINE OF PARCEL 1 AND CONTINUING NORTH 33° 26' 00" WEST (RECORD NORTH 33° 27' 18" WEST) 116.75 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY SIDELINE OF VALLEY PARKWAY, WHICH IS A POINT ON A 1463 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 66° 46' 39" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06° 03' 19" AN ARC LENGTH OF 154.62 FEET TO THE BEGINNING OF A REVERSE TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; TO A POINT IN THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD; THENCE NORTH 89° 54' 05" EAST ALONG SAID SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD 64.81 FEET TO A TANGENT 639.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE EASTERLY ALONG SAID CURVE AND THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD THROUGH A CENTRAL ANGLE OF 07° 41' 47" AN ARC LENGTH OF 85.84 FEET; THENCE NORTH 82° 12' 18" EAST 85.07 FEET TO A TANGENT 559.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08° 21' 39" A DISTANCE OF 81.57 FEET; THENCE SOUTH 89° 26' 19" EAST A DISTANCE OF 37.53 FEET; THENCE LEAVING SAID SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD, SOUTH 14° 43' 00" WEST 8.85 FEET; THENCE SOUTH 76° 07' 23" WEST 168.69 FEET, THENCE SOUTH 90° 00' 00" WEST 73.94 FEET, THENCE SOUTH 00° 00' 00" WEST 28.00 FEET, THENCE NORTH 90° 00' 00" EAST 7.00 FEET, TO A TANGENT 30 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 07° 37' 47" WEST 29.22 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02, WHICH IS THE NORTHWEST CORNER OF ADJUSTED PARCEL 2; THENCE SOUTH 07° 46' 14" EAST ALONG THE COMMON BOUNDARY WITH SAID ADJUSTED PARCEL 2, 148.94 FEET TO THE SOUTHERLY LINE OF SAID PARCEL MAP NO. [13367](#); THENCE NORTH 89° 38' 39" WEST (RECORD NORTH 89° 22' 09" WEST) ALONG SAID SOUTHERLY LINE OF PARCEL MAP NO. [13367](#), 38.84 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT OVER PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS, ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE MOST WESTERLY CORNER OF REVISED PARCEL 2 OF - CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT., THENCE NORTH 90° 00' 00" EAST 73.94 FT., THENCE NORTH 76° 07' 23" EAST 168.69 FT., THENCE NORTH 14° 43' 00" EAST, 8.85 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FT., THENCE NORTH 88° 43' 43" EAST 10.87 FT., THENCE SOUTH 14° 43' 00" WEST 32.90 FT. AND SOUTH 76° 07' 23" WEST 176.62 FT. TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 29' 36" A DISTANCE OF 35.86 FT., THENCE SOUTH 07° 37' 47" WEST 41.03 FT. TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF ADJUSTED PARCEL 3, 28.26 FT. TO THE TRUE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 3 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

PARCEL THREE:

REVISED PARCEL 2 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. [2009-0442972](#) OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. [13367](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 2 OF PARCEL MAP NO. [13367](#) THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 NORTH 89° 38' 39" WEST 285.22 FEET; THENCE LEAVING SAID SOUTHERLY LINE NORTH 07° 46' 14" WEST 148.94 FEET; THENCE NORTH 89° 54' 36" EAST 217.65 FEET; THENCE SOUTH 77° 07' 50" EAST 102.69 FEET TO THE EASTERLY LINE OF SAID PARCEL 2; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF PARCEL 2 SOUTH 10° 38' 10" WEST 46.60 FEET; THENCE SOUTH 02° 41' 52" WEST 81.10 FEET TO THE POINT OF BEGINNING.

PARCEL FOUR:

AN EASEMENT OVER PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS, ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA:

BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2, DESIGNATED AS POINT 'A' OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST 29.22 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT., THENCE NORTH 90° 00' 00" EAST 73.94 FT., THENCE NORTH 76° 07' 23" EAST 168.69 FT., THENCE NORTH 14° 43' 00" EAST, 8.85 FT. TO

THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FT., THENCE NORTH 88° 43' 43" EAST 10.87 FT., THENCE SOUTH 14° 43' 00" WEST 32.90 FT. AND SOUTH 76° 07' 23" WEST 176.62 FT. TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 29' 36" A DISTANCE OF 35.86 FT., THENCE SOUTH 07° 37' 47" WEST 41.03 FT. TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF ADJUSTED PARCEL 3, 28.26 FT. TO THE POINT OF BEGINNING.

SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 1 AND PARCEL 3 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

PARCEL FIVE:

A PRIVATE UTILITY EASEMENT OVER ALL THAT PORTION OF REVISED PARCEL 1 AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FT., THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST 148.94 FT. TO POINT "A" AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FT.; THENCE SOUTH 90° 00' 00" WEST 7.00 FT., THENCE NORTH 00° 00' 00" EAST 28.00 FT. TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 00" EAST 28.76 FT., MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD.

PARCEL SIX:

REVISED PARCEL 3 AS SHOWN ON CERTIFICATE OF COMPLIANCE AP 2007-02, AS EVIDENCED BY DOCUMENT RECORDED AUGUST 07, 2009 AS INSTRUMENT NO. 2009-0442973 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 (NORTHWEST QUARTER OF THE NORTHWEST QUARTER), IN SECTION 7, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. 13367, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 9, 1984 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST 148.94 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02, AND WHICH IS THE TRUE POINT OF BEGINNING;

THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE

SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 0° 00' 00" EAST 28.00 FEET; THENCE NORTH 90° 00' 00" EAST 73.94 FEET; THENCE NORTH 76° 07' 23" EAST 168.69 FEET; THENCE NORTH 14° 43' 00" EAST, 8.85 FEET TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FEET; THENCE NORTH 88° 43' 43" EAST 123.60 FEET, WHICH POINT IS THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID PARCEL MAP NO. 13367; THENCE SOUTH 10° 38' 10" WEST ALONG SAID NORTHERLY PROLONGATION AND SAID EASTERLY LINE OF PARCEL MAP NO. 13367 A DISTANCE OF 167.95 FEET; THENCE NORTH 77° 07' 50" WEST 102.69 FEET, AND SOUTH 89° 54' 36" WEST 217.65 FEET, TO THE TRUE POINT OF BEGINNING.

PARCEL SEVEN:

A PRIVATE UTILITY EASEMENT OVER ALL THAT PORTION OF PARCEL 1 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02 LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 13367, THENCE SOUTH 89° 38' 39" EAST (RECORD SOUTH 89° 48' 00" EAST) ALONG THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 13367 A DISTANCE OF 38.84 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF PARCEL MAP NO. 13367, NORTH 07° 46' 14" WEST, 148.94 FEET TO POINT 'A' AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 00° 00' 00" EAST 28.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 00" EAST 28.76 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY SIDELINE OF HIDDEN TRAILS ROAD.

SUBJECT TO AN EASEMENT IN FAVOR OF PARCELS 1 & 2 FOR PRIVATE AND EMERGENCY VEHICLE ACCESS AND UTILITIES INCLUDING WATER, SEWER, GAS ELECTRICAL AND COMMUNICATIONS FACILITIES OVER THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2 OF CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE NORTH 07° 37' 47" EAST, 29.22 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 72° 44' 05" A DISTANCE OF 38.08 FEET; THENCE SOUTH 90° 00' 00" WEST 7.00 FEET; THENCE NORTH 00° 00' 00" EAST 28.00 FEET; THENCE NORTH 90° 00' 00" EAST 73.94 FEET; THENCE NORTH 76° 07' 23" EAST 168.69 FEET; THENCE NORTH 14° 43' 00" EAST, 8.85 FEET TO THE INTERSECTION WITH THE SOUTHERLY LINE OF HIDDEN TRAILS ROAD; THENCE SOUTH 89° 26' 19" EAST ALONG SAID SOUTHERLY LINE 18.10 FEET; THENCE NORTH 88° 43' 43" EAST 10.87 FEET; THENCE SOUTH 14° 43' 00" WEST 32.90 FEET AND SOUTH 76° 07' 23" WEST 176.62 FEET TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 35.86 FEET; THENCE SOUTH 07° 37' 47" WEST 41.03 FEET, TO THE SOUTHERLY LINE OF ADJUSTED PARCEL 3, AS SHOWN ON CITY OF ESCONDIDO ADJUSTMENT PLAT NO. 2007-02; THENCE SOUTH 89° 54' 36" WEST ALONG SAID SOUTHERLY LINE OF SAID ADJUSTED PARCEL 3, 28.26 FEET TO THE POINT OF BEGINNING.

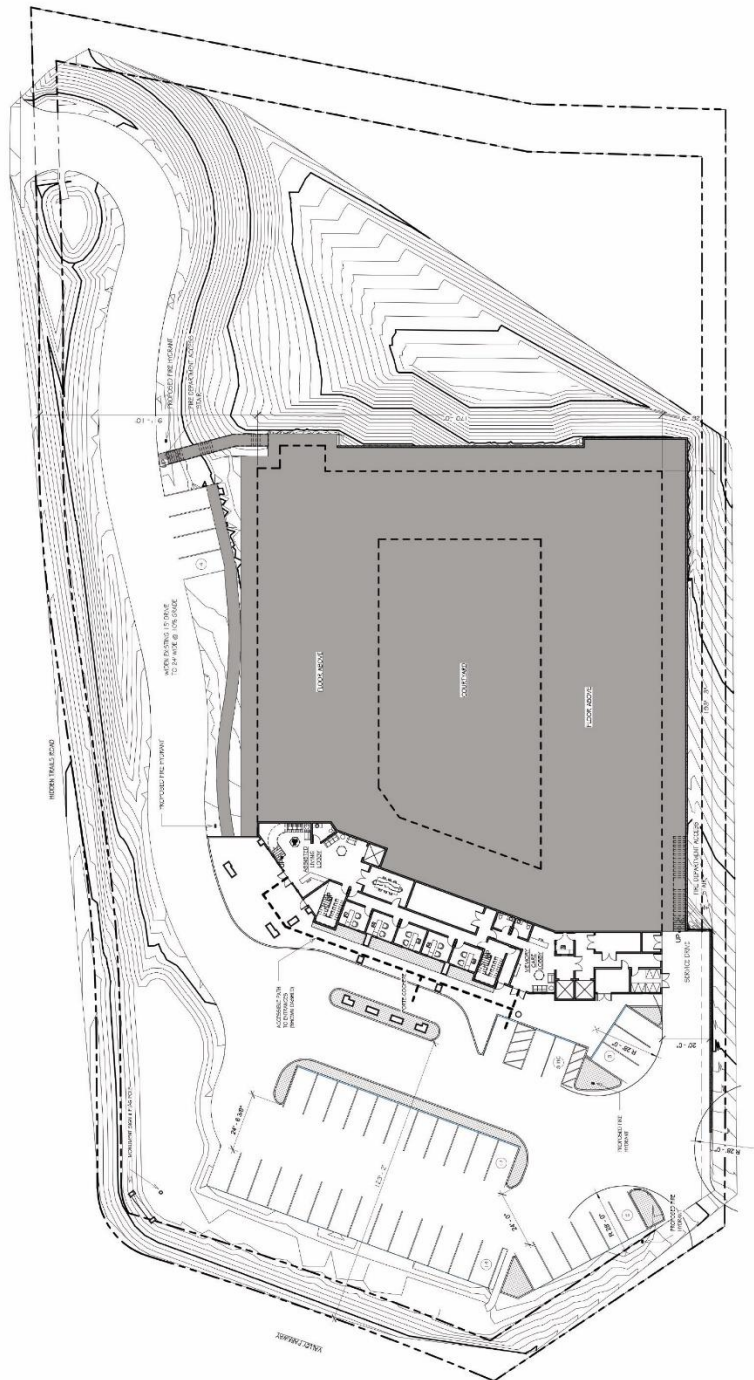
SAID EASEMENT SHALL INCLUDE SLOPE RIGHTS OVER PARCEL 1 AND PARCEL 3 AS NECESSARY TO CONSTRUCT A 28 FOOT WIDE GRADED ROAD.

APN: 240-11-54-00 (Affects: Parcel One)
240-11-55-00 (Affects: Parcel Three)
240-11-56-00 (Affects: Parcel Six)

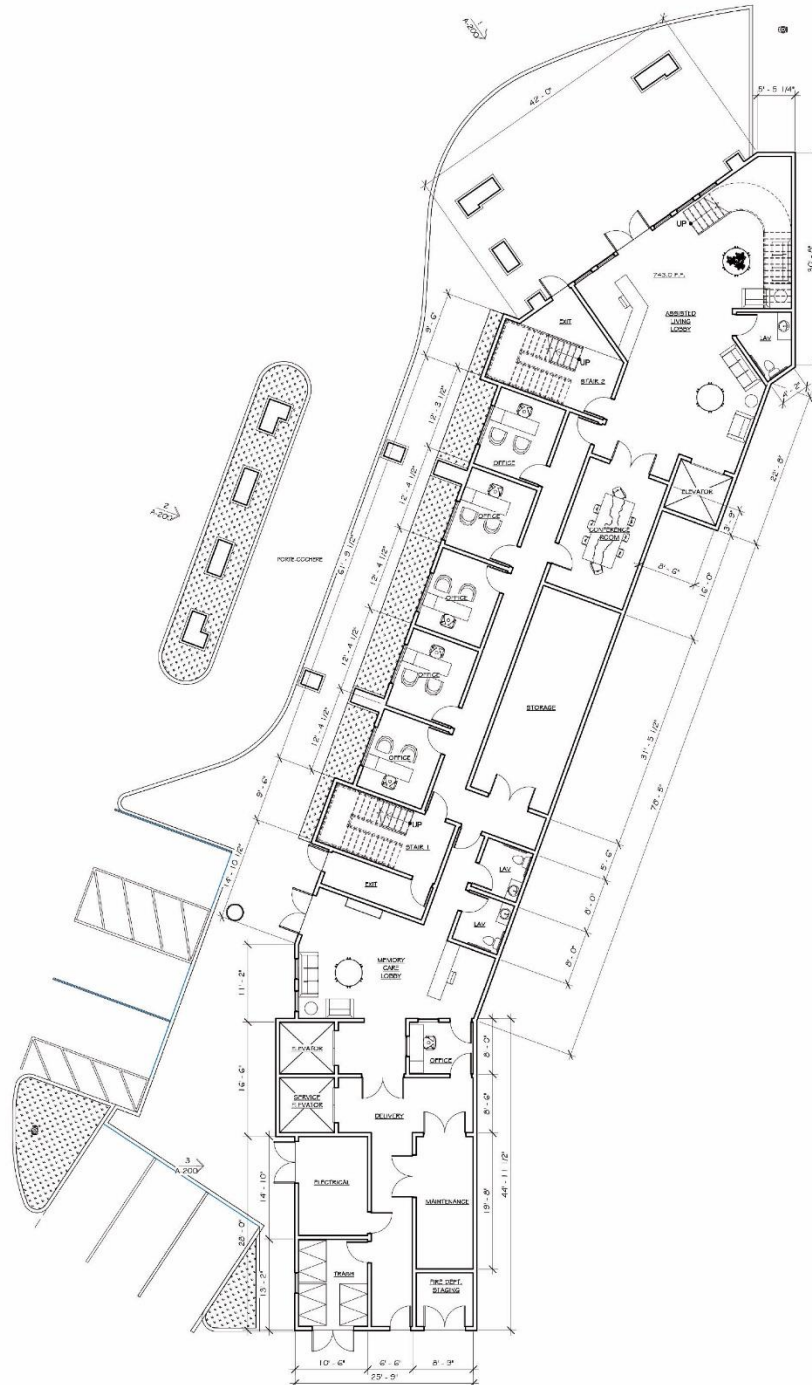
EXHIBIT “B”

PROJECT PLANS

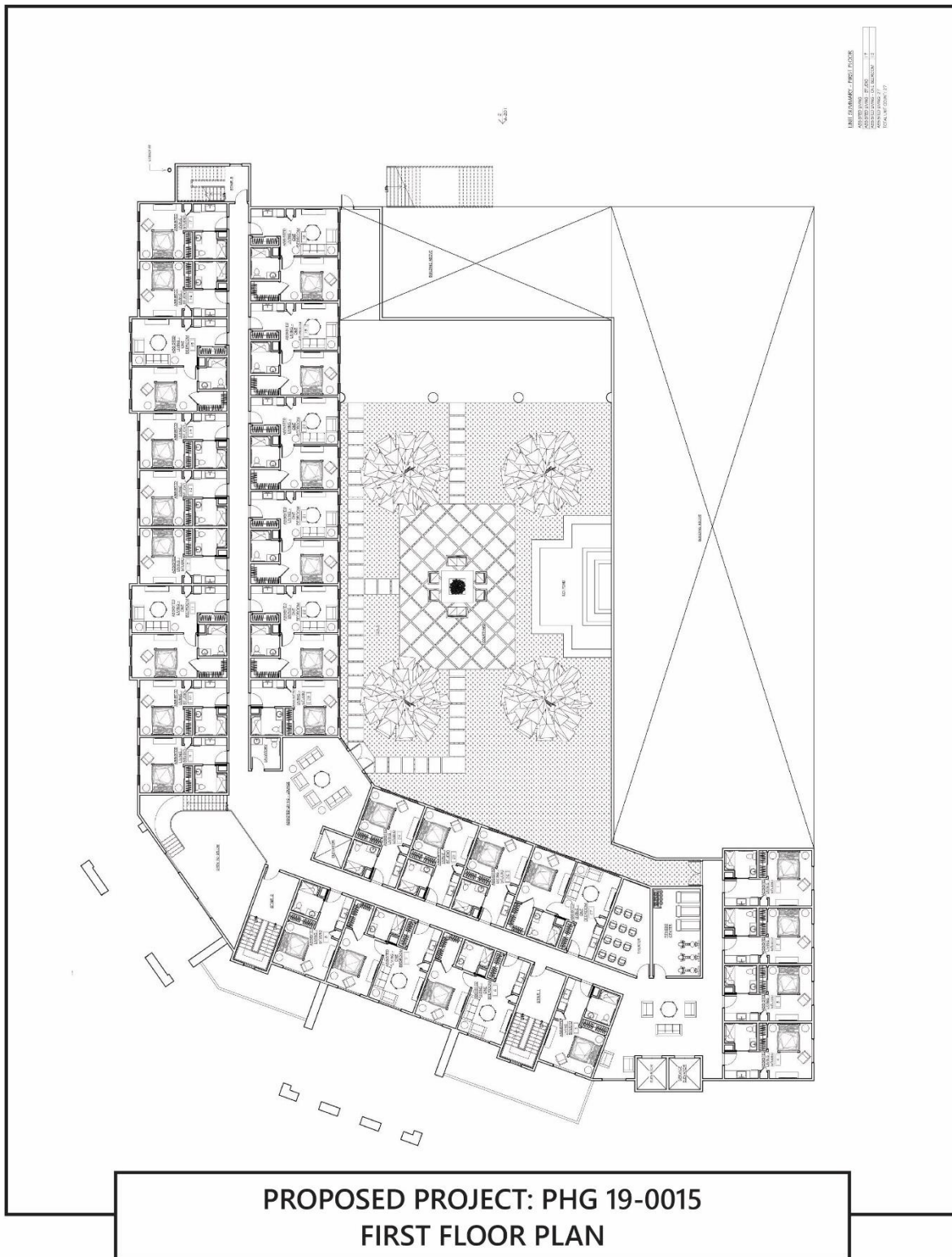
19-0015 and ENV 19-0003

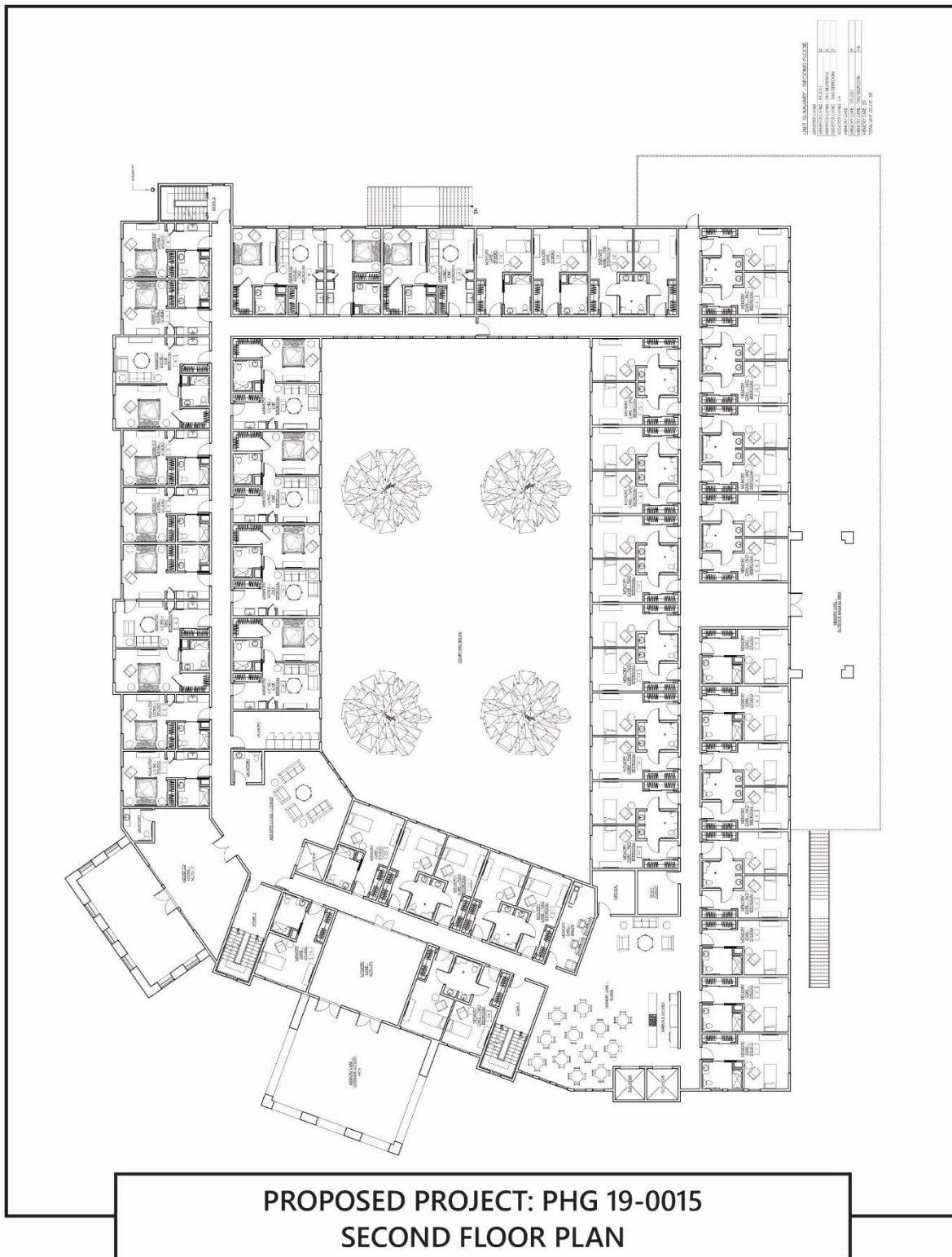


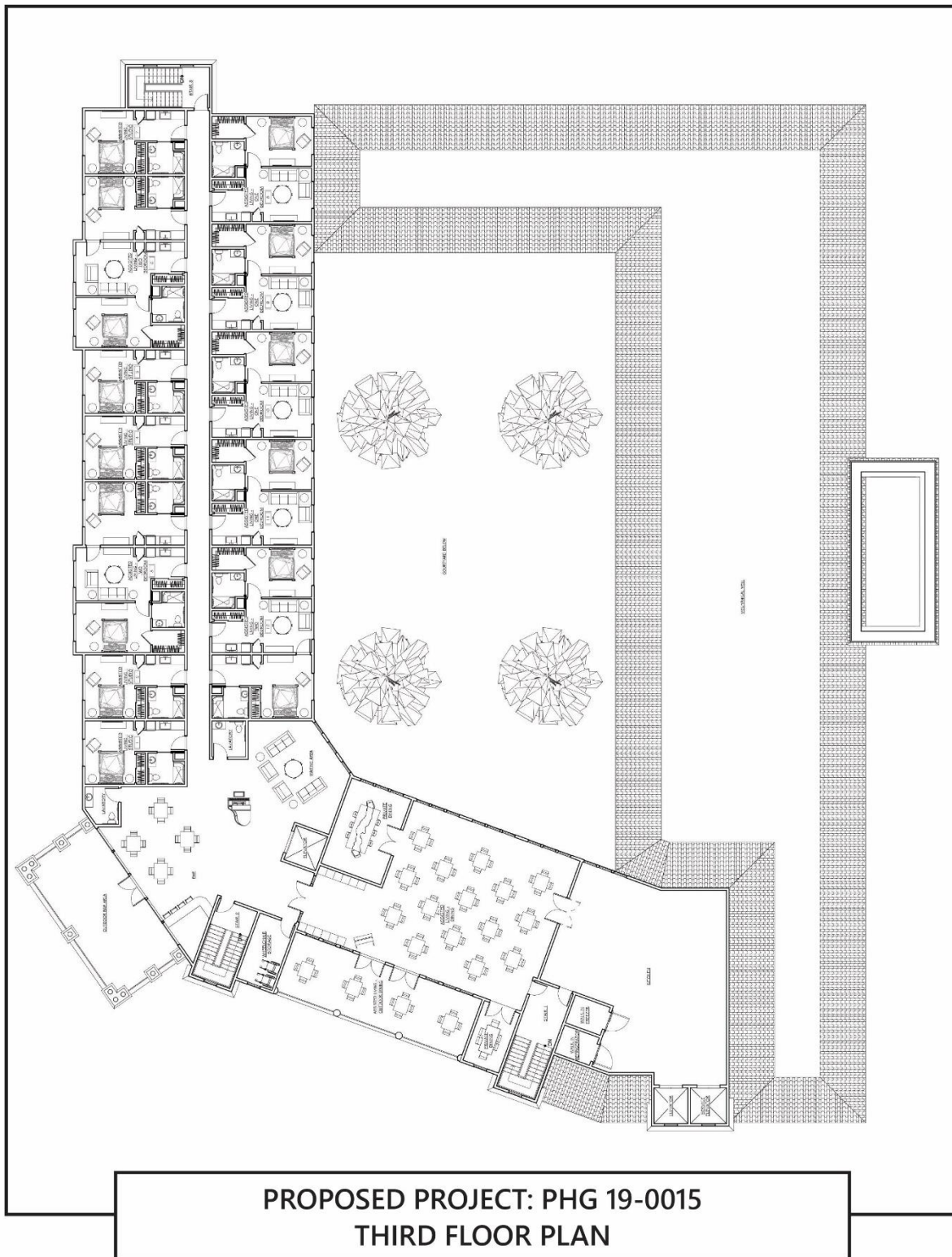
PROPOSED PROJECT: PHG 19-0015
SITE PLAN

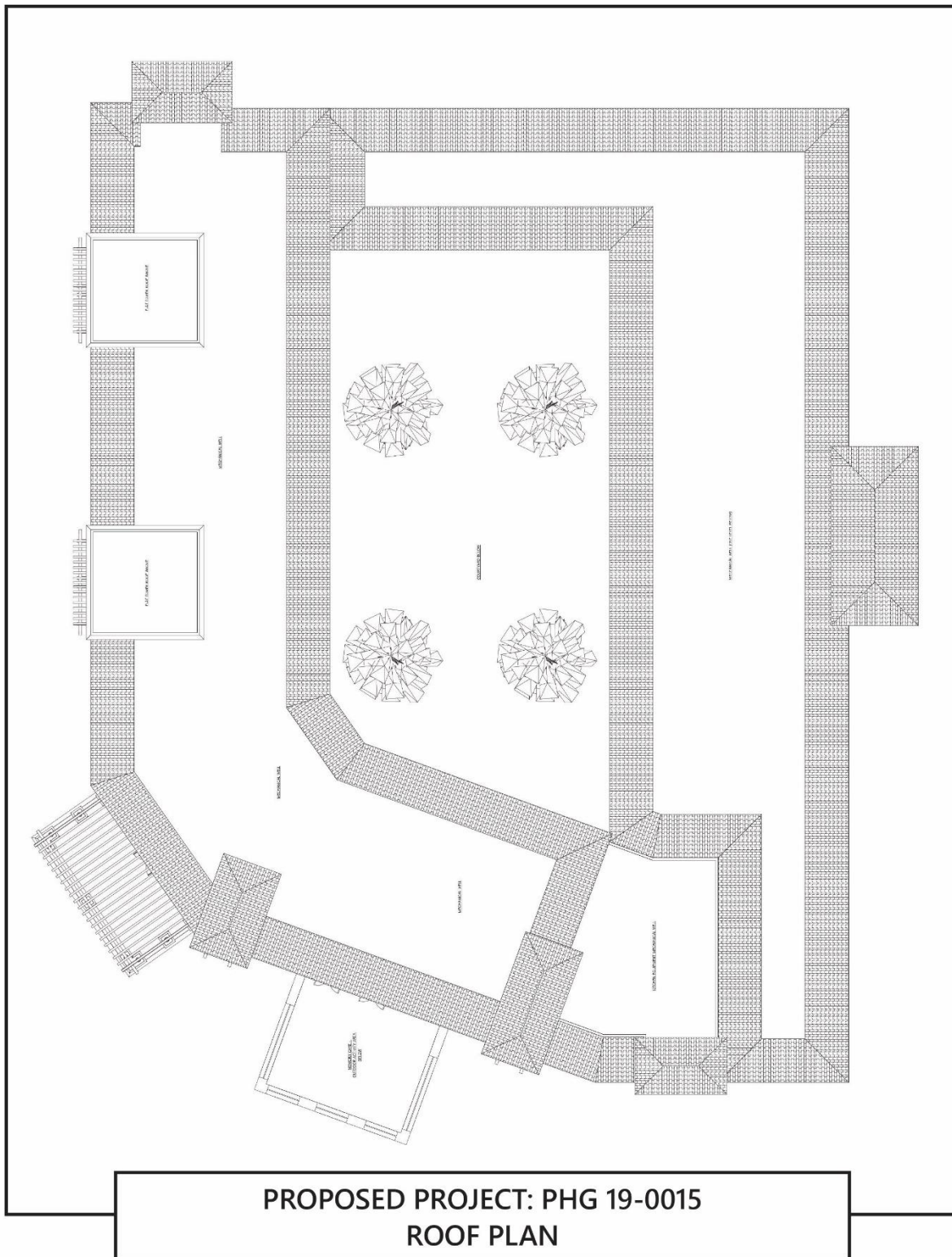


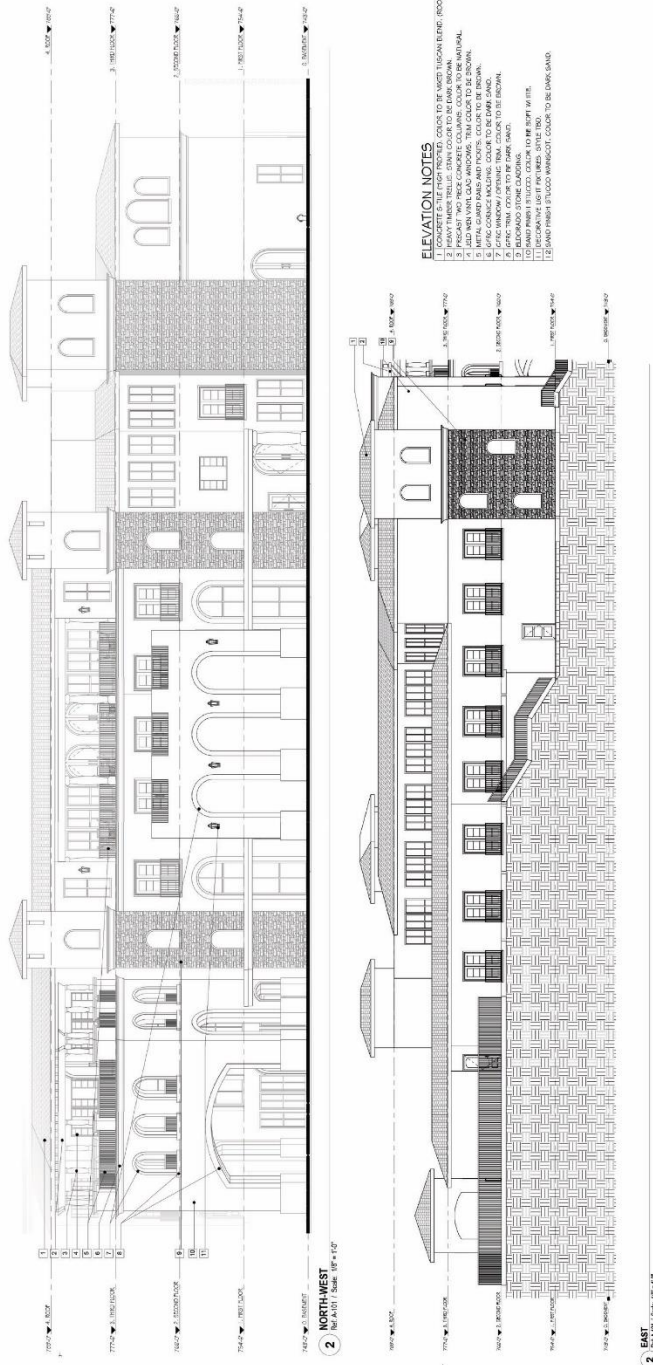
PROPOSED PROJECT: PHG 19-0015
GROUND FLOOR











PROPOSED PROJECT: PHG 19-0015
ELEVATIONS



1 NORTH-WEST (ASSISTED LIVING)
Ref: A-101 / Scale: 1/8" = 1'-0"

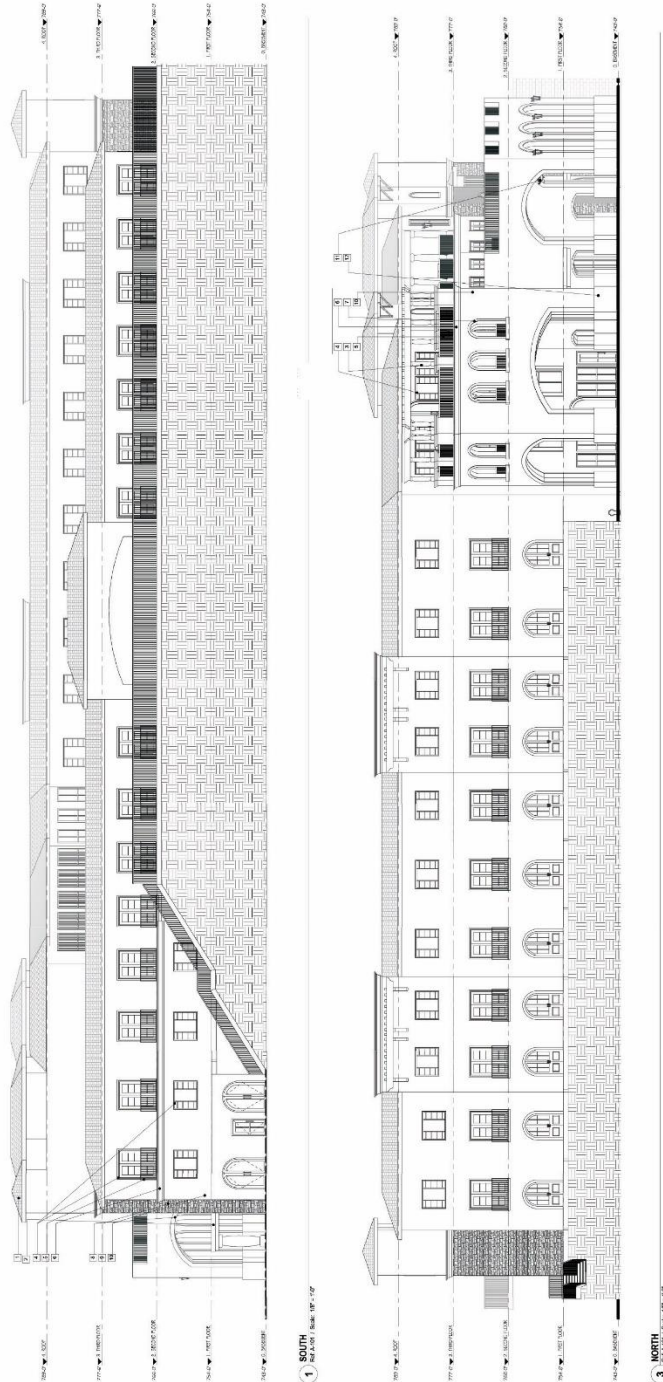


3 WEST
Ref: A-101 / Scale: 1/8" = 1'-0"

ELEVATION NOTES

- | | |
|---|--|
| 1 CONCRETE S-TILE (HIGH PROFILE). COLOR TO BE MIXED TUSCAN BLEND. (ROOF). | 7 GFRC WINDOW / OPENING TRIM. COLOR TO BE BROWN. |
| 2 HEAVY TIMBER TRELLIS. STAIN COLOR TO BE DARK BROWN. | 8 GFRC TRIM. COLOR TO BE DARK SAND. |
| 3 PRECAST TWO PIECE CONCRETE COLUMNS. COLOR TO BE NATURAL. | 9 ELDORADO STONE CLADDING. |
| 4 JELD WEN VINYL CLAD WINDOWS. TRIM COLOR TO BE BROWN. | 10 SAND FINISH STUCCO. COLOR TO BE SOFT WHITE. |
| 5 METAL GUARD RAILS AND PICKETS. COLOR TO BE BROWN. | 11 DECORATIVE LIGHT FIXTURES. STYLE TBD. |
| 6 GFRC CORNICE MOLDING. COLOR TO BE DARK SAND. | 12 SAND FINISH STUCCO WAINSCOT. COLOR TO BE DARK SAND. |

**PROPOSED PROJECT: PHG 19-0015
ELEVATIONS**



PROPOSED PROJECT: PHG 19-0015
ELEVATIONS



1 ASSISTED LIVING ENTRY FROM PARKING LOT



2 MEMORY CARE ENTRY FROM PARKING LOT

PROPOSED PROJECT: PHG 19-0015
3D RENDERINGS

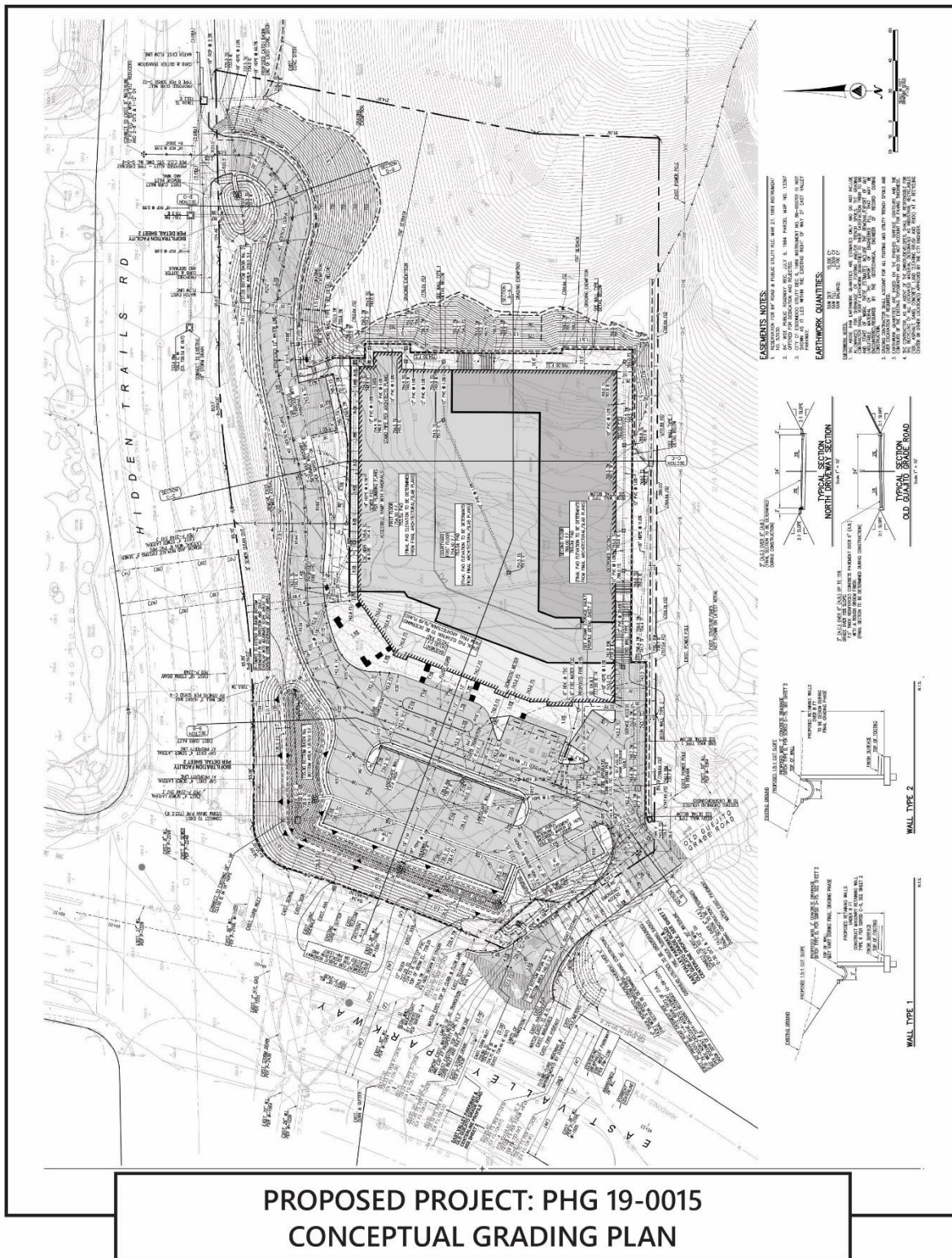


3 PORTE-COCHERE



4 COURTYARD

PROPOSED PROJECT: PHG 19-0015
3D RENDERINGS



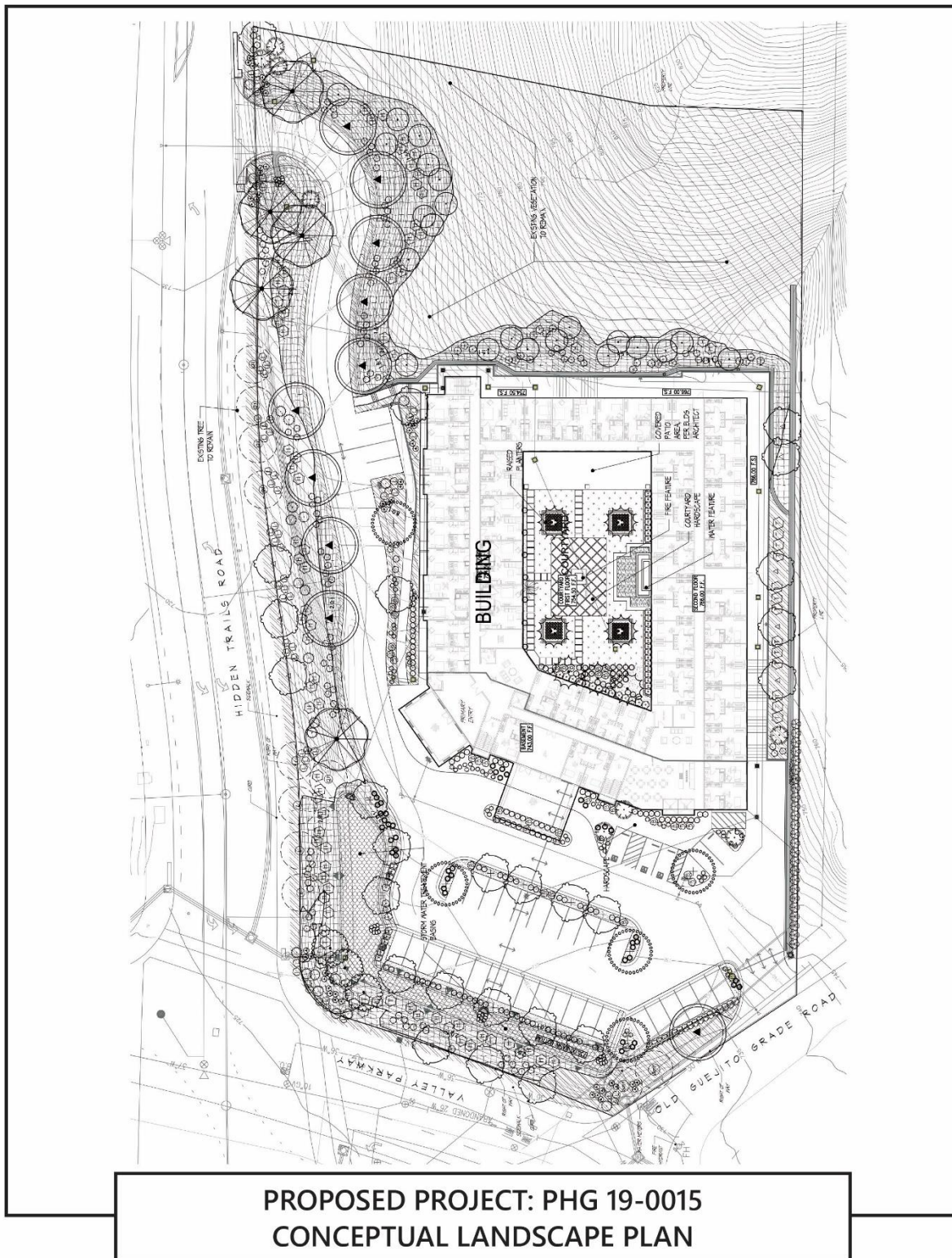


EXHIBIT “C”

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

PHG 19-0015 and ENV 19-0003

A link to the Final Initial Study/Mitigated Negative Declaration and associated technical studies is available here:

<https://www.escondido.org/apollo-assisted-living-facility.aspx>

Mitigation Monitoring and Reporting Program for the Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
Biological Resources					
Bio-1	Per the City’s Subarea Plan, sensitive biological habitat that is removed shall be mitigated either on site or off site by the planting of the same habitat species at a minimum ratio of one to one (1:1) for coastal sage scrub and two to one (2:1) for impacts to coast live oak woodland. If replacement of sensitive biological species and/or habitat is not feasible on or off site, other equivalent mitigation measures may be considered by the director. Prior to issuance of the grading permit, the applicant will mitigate for impacts to sensitive biological habitats (coast live oak woodland and Diegan coastal sage scrub-disturbed) through purchase of credits for 0.05 acre at the City of Escondido Daley Ranch Conservation Bank or another approved habitat mitigation bank.	Prior to issuance of the grading permit	The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance.		
Bio-2	Mitigation for the loss of mature and protected trees shall be conducted per City Municipal Code Sec. 33-1069 (Vegetation Protection and Replacement Standards) in coordination with the City. • If mature trees cannot be preserved on-site, they shall be replaced at a minimum one to one (1:1) ratio. The preferred replacement is a tree(s) of equal size and caliper. • Protected trees shall be replaced at a minimum two to one (2:1) ratio. • The number, size, and species of replacement trees shall be determined on a case-by-case basis by the director, based on the specific circumstances of each request, the characteristics and condition (size, age, and location) of the individual trees involved, and any professional report. • If any required replacement trees cannot be planted	Prior to issuance of the grading permit	The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

	been developed and implemented in consultation with the regulatory agencies.				
	The results of the survey will be provided in a report to the Director, City of Escondido Planning Department, for concurrence with the conclusions and recommendations.				
Paleontological Resources					
Paleo-1	If construction-related excavations, trenching, or other forms of ground disturbance are required 10.0 feet or more below the surface: a paleontological monitor shall be present on the project site during ground-disturbing activities. The paleontological monitor shall be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		
Paleo-2	If unanticipated paleontological resources are encountered during ground-disturbing activities: - All work within 50 feet shall halt, until the discovery can be evaluated by a qualified paleontologist. - The monitor shall determine whether the findings are significant and whether additional work, including recovery and preservation of the find, is warranted.	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
Tribal Cultural Resources					
TCR-1	To provide clear expectations regarding tribal cultural resources and to formalize protocols and procedures: The City of Escondido Planning Division (“City”) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.	The pre-excavation agreement shall be entered before the grading permit is issued.	The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance with input from the jurisdictional agencies.		

Mitigation Monitoring and Reporting Program for Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
TCR-2	Association to a qualified archaeologist and a Native American monitor: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to and pre-construction meeting, shall approve all persons involved in the monitoring program.	Prior to issuance of the grading permit.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		
TCR-3	Coordination of the requirements of the mitigation program: 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.	Prior to commencing the grading process.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

Mitigation Monitoring and Reporting Program for Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
TCR-4	Presence of the Native American monitor and the qualified archeologist: 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.	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		
TCR-5	Discovery of Tribal Cultural Resources: 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	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring		

Mitigation Monitoring and Reporting Program for Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.		compliance.		
TCR-6	Notification of significant tribal cultural resource discovery: 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.	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		
TCR-7	Management of significant tribal cultural resources: 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	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible		

Mitigation Monitoring and Reporting Program for Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	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.		for ensuring compliance.		
TCR-8	Management of human remains if discovered: 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	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

Mitigation Monitoring and Reporting Program for Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	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.				

Mitigation Monitoring and Reporting Program for Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
TCR-9	Collection of tribal cultural resources: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe’s cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

Mitigation Monitoring and Reporting Program for the Apollo Senior Care Facility Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
TCR-10	Monitoring and/or evaluation report: 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.	Prior to the release of the grading bond.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

EXHIBIT “E”

FACTORS TO BE CONSIDERED/FINDINGS OF FACT

PHG 19-0015 and ENV 19-0003

Environmental Determinations:

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

5. Mitigation measures are recommended to be incorporated as part of the adoption of the Mitigated Negative Declaration. The recommended approval of the Project also includes the adoption of the MMRP, attached hereto this Resolution.
6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Civic Center. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

Public Notice and Outreach:

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the local newspaper on January 2, 2020. In addition, twenty-eight (28) notices were sent to owners and occupants within 500 feet of the project site. A public notice was also provided at the on the project site, on the City's website, and posted at City Hall and City Library.

Conditional Use Permit Findings

1. Granting the Conditional Use Permit for an assisted living and memory care facility would be based upon sound principles of land use and in response to services required by the community. The facility will provide a professional service that will continue to be in demand as the population ages. Institutional uses, including convalescent homes, are a conditionally permitted use for Planning Area 4 of the Northeast Gateway Specific Plan. The project has been reviewed by Planning staff for consistency with the City of Escondido General Plan, Northeast Gateway Specific Plan, and Zoning Code. All proposed development standards meet or exceed the requirements of those documents, and building setbacks in particular will be far greater than the minimums called for in the Northeast Gateway Specific Plan. The project has undergone design review to ensure an attractive product that follows the design guidelines in the Northeast Gateway Specific Plan and is compatible with the appearance of nearby residential neighborhoods. The project has also undergone review from other City departments, including Fire, Engineering, Environmental Programs, and Engineering, to ensure compatibility with their codes and policies, and conditions of approval have been applied where needed.
2. The project will not cause deterioration of bordering land uses or create special problems for the area in which it is located. As proposed, the site plan utilizes a functional layout that

adequately achieves the City's required parking and landscaping provisions. The proposed site is adequate in size and shape to accommodate the parking and loading facilities, landscaping, stormwater facilities, and other development features prescribed by Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area. An IS/MND was prepared for the project that identified potential impacts to biological resources, cultural and tribal cultural resources, geology and soils, and mandatory findings of significance; however, mitigation measures have been proposed to reduce these impacts to a less than significant level. Traffic and noise generated by the project would not exceed the City's thresholds, and the project has been conditioned to require all outdoor lighting to conform to the Outdoor Lighting Ordinance.

3. The project has been considered in relationship to its effect on the community or neighborhood plan for the area in which it will be located. The project has undergone staff design review and has been reviewed for consistency with the City of Escondido General Plan, Northeast Gateway Specific Plan, and Zoning Code. The proposed use at the location requested will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; and will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance.

Grading Exemption Findings

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. The grading activity would affect sensitive biological habitats and mature or protected trees. However, proposed mitigation measures would compensate for these impacts, via the purchase of credits at a habitat mitigation bank for the loss of sensitive biological habitat, and the on-site or off-site replacement of affected mature/protected trees.
 - b. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties and the public right of way because landscaping on the slope would assist in softening the visual effect.
 - c. The proposed slope would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; or preclude the future development of any adjacent parcel.
 - d. The proposed design of the slope would not adversely affect any adjoining septic systems. The proposed project would be provided with sewer service.
 - e. The project's IS/MND indicates that no significant impacts to aesthetics or visual quality would arise as a result of the project.

- f. A manufactured slope with an inclination of 1.5:1 and a maximum height of 26' is necessary to accommodate the location of a building pad and the relocation of an existing driveway at the base of a hill that occupies the eastern portion of the project site. A manufactured 2:1 slope in this area would require cutting into natural slopes in excess of 25 percent (which is not permitted by the Northeast Gateway Specific Plan), while shifting the building pad toward the west (away from the hill) would reduce the area available for parking, landscaping, and stormwater facilities.

All graded areas shall be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Engineering Services Department.

EXHIBIT “F”

CONDITIONS OF APPROVAL

PHG 19-0015 and ENV 19-0003

This Project is conditionally approved as set forth on the application dated received by the City of Escondido on **March 20, 2019**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on **January 14, 2020**, and shall not be altered without express authorization by the Community Development Department.

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

A. General:

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

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

- 3. Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity

with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three (3) copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

- a. The operation and/or use of the subject property shall be consistent with the Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

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

6. Certificate of Occupancy.

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

7. Availability of Permit Conditions.

- a. The applicant shall make a copy of the terms and conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and

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

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

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

10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. Through plan check processing, the applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.
11. **Public Partnership Program.** All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

12. Clerk Recording.

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

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

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

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

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

15. Revocation, Suspension, Modification. At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Community Development for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

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

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

16. Indemnification. The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the applicant or owner's business or from any activity, work or thing done, permitted or suffered by applicant or owner or its sublessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or owner's part to be performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

B. Construction, Maintenance, and Operation Obligations:

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

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

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

3. **Utilities.** All new utilities and utility runs shall be underground.
4. **Signage.** All proposed signage associated with the Project must comply with the City of Escondido Sign Ordinance (Ord. 92-47 and amendments) for the underlying zone, and any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The applicant shall submit with any sign permit application a list or graphic of all signs to be removed and retained, along with any new signage proposed. This shall include the square footage of each sign, and dimensions of each sign.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 2014-20).
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.

- 9. Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.

10. Parking and Loading/Unloading.

- a.** A minimum of 41 parking spaces shall be provided at all times. Said parking spaces provided by the applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
- b.** Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
- c.** No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

- a.** Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
- b.** All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
- c.** If at the time of planning final inspection that it is determined that sufficient screening is not provided, the applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
- d.** The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
- e.** Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.

- 12. Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- 13. Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 14. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 15. Disturbance Coordinator.** The applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

C. Landscaping Plans:

- 1.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
- 2.** A final landscape and irrigation plan shall be submitted if meeting any of the criteria listed under Section 33-1323 of the Zoning Code (except where superseded by the State of California's 2015 Update to the Model Water Efficient Landscape Ordinance). Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required for fencing and walls.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.

3. Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
4. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
5. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Community Development.
6. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

D. CEQA Mitigation Measures:

1. **Bio-1:** Per the City's Subarea Plan, sensitive biological habitat that is removed shall be mitigated either on site or off site by the planting of the same habitat species at a minimum ratio of one to one (1:1) for coastal sage scrub and two to one (2:1) for impacts to coast live oak woodland. If replacement of sensitive biological species and/or habitat is not feasible on or off site, other equivalent mitigation measures may be considered by the director.

Prior to issuance of the grading permit, the applicant will mitigate for impacts to sensitive biological habitats (coast live oak woodland and Diegan coastal sage scrub-disturbed) through purchase of credits for 0.05 acre at the City of Escondido Daley Ranch Conservation Bank or another approved habitat mitigation bank.

2. **Bio-2:** Mitigation for the loss of mature and protected trees shall be conducted per City Municipal Code Sec. 33-1069 (Vegetation Protection and Replacement Standards) in coordination with the City. If mature trees cannot be preserved on-site, they shall be replaced at a minimum one to one (1:1) ratio. The preferred replacement is a tree(s) of equal size and caliper. Protected trees shall be replaced at a minimum two to one (2:1) ratio. The number, size, and species of replacement trees shall be determined on a case-

by-case basis by the director, based on the specific circumstances of each request, the characteristics and condition (size, age, and location) of the individual trees involved, and any professional report.

If any required replacement trees cannot be planted on-site, the applicant or owner shall coordinate with the City of Escondido Public Works Department and Planning Division to arrange for the planting of trees within one or more Landscape Maintenance Districts. The applicant will replace 10 trees onsite. The applicant or owner shall be responsible for the planting of the 20 off-site replacement trees, and shall be responsible for maintaining said trees for an establishment period of at least twenty-four (24) months. If one or more Landscape Maintenance Districts are not available to accommodate the trees, a City-owned park or open space area may substitute, at the discretion of Public Works and Planning. If the Landscape Maintenance District, park, or open space area is not irrigated, the applicant or owner shall be responsible for watering the off-site replacement trees during the 24-month establishment period.

3. **Bio-3:** To ensure that MBTA-regulated species' nesting activities are not impacted, a pre-construction general nesting bird survey will be conducted within all potential nesting habitat (in this case, shrub- and tree-associated vegetation on site) that may be impacted by active construction during the general avian breeding season (February 1 through August 31). The preconstruction survey will be conducted no more than 7 days prior to initiation of construction. If no active avian nests are identified within the development impact footprint area or within a 300-foot buffer of the proposed development project area (as feasible), no further mitigation is necessary. If active nests of avian species regulated by the MBTA are detected within the proposed development footprint or within a 300-foot buffer, construction will be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies. The results of the survey will be provided in a report to the Director, City of Escondido Planning Department, for concurrence with the conclusions and recommendations.
4. **Paleo-1:** If construction-related excavations, trenching, or other forms of ground disturbance are required 10.0 feet or more below the surface, a paleontological monitor shall be present on the project site during ground-disturbing activities. The paleontological monitor shall be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
5. **Paleo-2:** If unanticipated paleontological resources are encountered during ground-disturbing activities:

- All work within 50 feet shall halt, until the discovery can be evaluated by a qualified paleontologist.
 - The monitor shall determine whether the findings are significant and whether additional work, including recovery and preservation of the find, is warranted.
6. **TCR-1:** The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
 7. **TCR-2:** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
 8. **TCR-3:** The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
 9. **TCR-4:** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
 10. **TCR-5:** In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to

temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

11. **TCR-6:** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
12. **TCR-7:** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
13. **TCR-8:** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in situ, or

in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

14. **TCR-9:** If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.
15. **TCR-10:** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

E. Specific Planning Conditions:

1. A lot tie agreement shall be recorded for the three lots affected by this project, prior to issuance of any building permits.
2. The applicant shall sound attenuate all residential units against present and projected noise so that the composite interior standard of 45 dBA for habitable rooms is not exceeded. Prior to the issuance of grading permits, the applicant shall submit an acoustical analysis report to the Planning Division, which demonstrates that this standard shall be satisfied.
3. All residential units shall be provided with heating and air conditioning.
4. An exemption from the Grading Ordinance is approved as part of this project, as shown on the conceptual grading plan provided by the applicant and included within the January 14, 2020 Planning Commission staff report. This exemption includes a cut slope up to 26' feet in height and 1.5:1 in inclination. A substantial conformance allowance of up to one

(1) foot is allowed for the slope covered by the Grading Exemption (i.e., a maximum height of up to 27' may be included on the official grading plan submittal, without additional approvals from the Planning Commission or the Community Development Director).

5. Per the vegetation replacement standards in Section 33-1052 of the City of Escondido Zoning Code, all mature trees removed by the project shall be replaced at a 1:1 ratio, while protected trees shall be replaced at a 2:1 ratio. Non-oaks may be replaced by various ornamental species, but oaks must be replaced with new oaks. All trees to be removed by the project or to remain on site, regardless of species, shall be identified on the formal landscape plan submittal.

Per a tree survey provided by the applicant, the project would remove a total of 57 trees, 26 of which would be mature or protected oaks requiring replacement with 30 new oaks. Per the project's conceptual landscape plan, 86 new trees would be planted on-site, but only ten (10) of these new trees would be oaks. Off-site replacement of the remaining 20 oaks is allowed as described in Mitigation Measure BIO-2 of the Initial Study/Mitigated Negative Declaration. Any off-site replacement must be coordinated with the Planning Division and Public Works Department prior to issuance of any grading permits for the project.

F. Fire Conditions

1. A Fire Protection Plan is a deferred submittal to the Escondido Fire Department, and shall be submitted prior to, or concurrent with, building plan submittal.
2. The underground fire line, fire sprinkler, standpipe, and fire alarm plans are all deferred submittals to the Escondido Fire Department.
3. A wet standpipe system is required on the outside of the building along the rear.

ENGINEERING CONDITIONS OF APPROVAL PHG19-0015 3141 E. VALLEY PARKWAY

GENERAL

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

2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs, these utilities shall be relocated.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to issuance of Building Permits.
4. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
5. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of 24 feet.
2. The Hidden Trails Road driveway shall be aligned with the Valley High School private driveway at 410 Hidden Trails Road.
3. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
4. Old Guejito Grade Road profile shall be designed for E. Valley Parkway's ultimate Prime Arterial street classification per the City's General Plan Circulation Element.
5. The project entrance from Old Guejito Grade Road shall be designed as street intersections with curb returns, cross gutters and spandrels, etc., with a minimum throat width of 24 feet.
6. The developer may be responsible for an overlay of Hidden Trails Road due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
7. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
8. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided as needed for adequate sight distance and subject to approval of the City Engineer.

9. The developer will be required to provide a detailed detour and traffic control plan for all construction within the existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. The traffic control plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
10. The project owner shall remove and replace all damaged sidewalks and curb and gutters along project frontages on E. Valley Parkway and Hidden Trails Road. to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.
11. The project owner shall plant street trees along property frontage on E. Valley Parkway and Hidden Trails Road to the satisfaction of Planning Director, prior to issuance of Certificate of Occupancy.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim sloping planting, gravel bags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 5 1/2" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.

5. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer and Building Official
6. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
7. Trash enclosures shall drain toward the landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
8. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
9. After approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760-839-4664 to arrange for the Encroachment Permit and inspections.
10. All blasting operations performed in connection with the improvements of the project shall comply with the City of Escondido Blasting Operations Ordinance.
11. The developer shall be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
12. The developer shall be responsible for the recycling all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other locations approved by the Director of Engineering Services.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted and approved as part of the grading plan check. The proposed basin shall have a secondary/emergency outlet structure or spillway.

3. A (minimum) three-foot-wide berm shall be provided along the north and west perimeters of the proposed detention basin.
4. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. Storm water detention storage facilities located upstream from biofiltration basins shall contain pre-treatment BMPs (such as catch basin or roof drain inlet filters).
6. Treatment for storm water runoff from the Old Guejito Grade Road improvements may be accomplished in accordance with the City's latest adopted Storm Water Design Manual and USEPA Green Streets guidance.
7. All on-site storm drains, detention basins, and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
8. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts of the building shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
9. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER

1. Required water main improvements for the project include construction of a looped 12-inch public water main through the project from Hidden Trails Road to Old Guejito Grade Road. The 12-inch water main shall be in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.
2. Connection to the existing 30-inch water main in Old Guejito Grade Road will require one 30" x 12" reducer at the tee. Tee shall be designed per City Design Standards.
3. A public utility easement shall be granted to the City of Escondido for any proposed public waterlines on private property. The easement shall include all fire hydrants, water meters and other public water appurtenances. The minimum easement width for public mains shall be 20 feet.

4. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main.
5. A fire suppression sprinkler system shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings and per the Fire Marshal. The public water lines for the sprinkler system shall be shown on the grading and improvement plans.
6. A 1-inch minimum water service, 1-inch water meter, and backflow prevention device shall be required for domestic water supply per the City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or private drive areas.
7. All on-site water lines and backflow prevention devices beyond the City water meter shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
8. No trees or deep rooted bushes shall be planted within 10-feet of any water mains.
9. There shall be no permanent structures located within the City's public utility easements.

SEWER

1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the public utility easement or ROW shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with an Inserta-Tee and not at a manhole.
2. 6-inch sewer laterals must connect to a minimum 8-inch sewer main. In the event that the public main is not 8-inches, sewer main upsizing may be required.
3. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
4. No trees or deep rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
5. All sewer laterals shall be considered a private sewer system. The property owners shall be responsible for all maintenance of their individual sewer laterals to the sewer main.

LANDSCAPE

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

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
2. Necessary public utility easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
3. An emergency access easement shall be granted to the City. The minimum width of the easement shall be 24 feet and to the satisfaction of the City Engineer and Fire Marshal.
4. The developer shall make arrangements to remove from title all existing easements which conflict with the proposed project site improvements.
5. The developer is responsible for making the arrangements to quitclaim all easements of record and vacate the irrevocable offer of dedication (IOD) for Cloverdale Road (as shown on Parcel Map 13367) which conflict with the proposed development prior to approval of the grading plan. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the grading plan. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.
6. The developer will be required to pay the street vacation fee in effect at the time the Cloverdale Road IOD is vacated.

REPAYMENTS AND FEES / CASH SECURITY AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up security shall be released upon final acceptance of the grading and improvements for

this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.

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

MISCELLANEOUS REQUIREMENTS / SURVEYING AND MONUMENTATION

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded. If all record property corners of record are found at the completion of the project, they shall be flagged in the field for inspection and no corner record or record of survey will be required.
2. A current preliminary title report shall be submitted with the grading plans.

UTILITY UNDERGROUNDING AND RELOCATION

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

PLANNING COMMISSION

Agenda Item No.: G-2
Date: January 14, 2020

PROJECT NUMBER / NAME: PHG 19-0051 / Wireless Communication Facility, AT&T

REQUEST: An appeal of a decision by the Zoning Administrator to approve a request for a Minor Conditional Use Permit to install and operate a AT&T small cell wireless communication facility (node) in the public right-of-way. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: Public right-of-way, near 2094 Vintage Place

APPELANT: Charles and Janice Peck

APN / APNS: Adjacent to 225-730-01

APPLICANT: Timothy J. Groves, Black and Veatch (AT&T consultant)

GENERAL PLAN / ZONING: Adjacent to U1 (Urban 1), R-1-10 Zone (Single-family Residential, 10,000 SF minimum lot size.

PRIMARY REPRESENTATIVE: Timothy Groves Black and Veatch

DISCRETIONARY ACTIONS REQUESTED: Appeal of a Discretionary Decision

PREVIOUS ACTIONS: Planning Case No. PHG 19-0051

PROJECT PLANNER: Darren Parker, Associate Planner
dparker@escondido.org

CEQA RECOMMENDATION: Exempt in conformance with CEQA Guidelines Section 15303, "New Construction of Small Structures."

STAFF RECOMMENDATION: Deny the Appeal, and uphold the Zoning Administrator decision to approve the project.

REQUESTED ACTION: Approve Planning Commission Resolution No. 2020-03

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS: ☒ Bill Martin, Community Development Director
☒ Mike Strong, Assistant Planning Director

A. BACKGROUND:

On June 6, 2019, AT&T submitted a Minor Conditional Use Permit ("Minor CUP") application (Planning Case No. PHG19-0029) for a small cell wireless facility mounted onto a city street light located in the public right-of-way on Vintage Place. The proposed node would consist of replacing an existing City light pole with a new 27-foot tall street light and mounting one (1) canister type antenna affixed on top of the light pole with four (4) radio units mounted vertically onto the side of the pole. The street light would still function and operate as a standard City street light, with a new LED fixture. The new street light would be in conformance with the City's Design Standards for ornamental street lighting and visual impacts of the proposed facility would be minimized by incorporating a stealth type design into the street light. Additional associated equipment would be placed in small new underground concrete vault(s) (handhold). SDG&E would bring power to a handhold near the pole and conduit from the handhold to the pole.

A Minor Conditional Use Permit ("CUP") is required to construct the proposed small cell wireless facility in the City's right-of-way, in accordance with Zoning Code Article 34, "Communication Antennas", Section 33-704(k), because the proposed node is located along the front-yard of a single-family residence. The size of the AT&T's pole-mounted equipment (canister antenna and radios) would be in conformance with the City's general design requirements that limit the dimension of attached equipment to maximum of twelve (12) inches in width and twelve (12) in depth and overall height to 35 feet. The side mounted radio units are approximately 7.87" in width x 4.13" in depth x 7.8" in length. The radio units are mounted in a dual configuration (approx. 17.1" in length) with a total of four (4) radio unit or two (2) dual-mounts configured vertically onto each pole. The overall height of the replacement pole and top-mount canister antenna would be approximately 30'-4".

On October 10, 2019, the Zoning Administrator approved the Minor CUP at a noticed public hearing. The basis of the Zoning Administrator's review was under the City Wireless Communication Antennas Ordinance (Article 34) and the administration of findings for CUPs in Article 61. The Zoning Administrator ascertained all pertinent facts in order to reach a decision; and the Zoning Administrator, by resolution of record, set forth its findings and its interpretations that the project was substantially consistent with the intent and purpose and the Zoning Code that regulates the placement of new small cell wireless facilities. An appeal was filed on October 17, 2019, by a residential neighbor of the project site. The appellant, Charles and Janice Peck, requests that the Planning Commission overturn the Zoning Administrator's approval of the Minor CUP. The primary issue for the appeal, as described in the appellant's letter dated October 17, 2019, involves possible risk to public health from radio frequency emissions (EME). The Planning Commission, in its de novo review of this appeal, must determine whether the proposed project meets the findings for a Minor CUP. The Planning Commission may affirm, reverse or modify, in whole or in part, the intended decision of the Zoning Administrator.

In consideration of the full record to date, it is recommended that the Planning Commission deny the appeal and uphold the Zoning Administrator's approval of the small cell wireless facility associated with Planning Case No. PHG19-0029. This report highlights the Zoning Administrator's action, the points of the appeal, and staff's analysis of the appeal.

B. PROJECT ANALYSIS:

The proposed small cell wireless facility would consist of one (1) canister type antenna (approximately 24-inches tall x 10-inches in diameter) on top of the light pole with up to four (4), 7.8-inch wide x 4.13" deep x 7.8-inch long radio units mounted vertically onto the side of the proposed street light, adjacent to several single-family residences along Vintage Place. The proposed street light would be located approximately 30 feet to the nearest residence (2088 Vintage Place and 40 feet from 2094 Vintage Place).

The proposed use for a wireless communication facility within a residential zone is allowed with approval of a Minor CUP in accordance with Article 34 (Communication Antennas) of the Escondido Zoning Code. The subject area is zoned R-1-10 (Single-Family Residential, minimum lot size 10,000 sf feet) and developed with single-family residential homes. The proposed wireless facility would enhance communication services throughout the City in areas where there currently is a need for additional service coverage and/or capacity. Although the replacement street light and top mounted canister antenna, would be approximately 30'4" in height, the proposed facilities would not be out of character with the area because the facilities would still resemble and function as a street light. The proposed wireless equipment has been integrated into the design of the light pole such that the average untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility.

The proposed small cell wireless antenna would provide AT&T wireless enhanced voice and data coverage to the surrounding area where there is currently a need for additional service/capacity. These wireless services include mobile telephone, wireless broadband, emergency 911, data transfers, electronic mail, Internet, web browsing, wireless applications, wireless mapping and video streaming. The proposed small cell wireless node also would provide coverage to areas of Escondido that are otherwise very difficult or impractical to cover using traditional larger macro wireless telecommunications facilities. Conditions of approval have been added to this project to minimize the visual impacts to the public and adjacent residences.

City staff initially reviewed the plans for planning-related issues such as siting, zoning compliance, engineering, safety, and conformance with the City's Wireless Facilities Guidelines (Communication Antennas Ordinance, Article 34, Section 33-703). The Communication Antennas Ordinance is a valid enactment regulating the time, place, and manner upon which facilities are installed in the City's public right-of-way. The project, as proposed, adequately meets the City's design standards and all City requirements have been met.

C. RF (RADIO FREQUENCY) SAFETY COMPLIANCE CERTIFICATION

In 1996, the FCC adopted updated guidelines for evaluating human exposure to RF fields from fixed transmitting antennas such as those used for cellular and PCS cell sites. The limits established in the guidelines are designed to protect the public health and safety with a very large margin of safety. The limits themselves are many times below levels that are generally accepted as having the potential to cause adverse health effects (FCC's OET Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," August 1997). In order to verify compliance with FCC requirements concerning Radio

Frequency (RF) emissions, Planning staff requested the applicant submit an RF compliance report with the Minor CUP application. The applicant submitted a RF Safety Compliance Certification that certifies the proposed small cell antenna conforms to Federal Communications (FCC) RF safety compliance requirements. A copy of this report is included as Attachment 2.

The RF Certification indicated that exposure levels from the facility would be below the FCC's most stringent General Population Maximum Permissible Exposure ("MPE") limits for persons standing in accessible areas on the ground and adjacent roof. The antenna(s) would be mounted onto the top of an approximately 27-foot tall city street light and therefore not accessible by the general public. In all accessible areas exposure levels are shown as being at or below five (5) percent of MPE. Per FCC standards, individuals can safely occupy areas at or below MPE for an indefinite amount of time. Federal law (Telecommunication Act of 1996) preserves state and local government decisions regarding the placement, construction, and modification of personal wireless service facilities (except as preempted by Federal law), but specifically prohibits considering RF emissions as a basis for denying or regulating wireless facilities if (as is the case here) the applicant has demonstrated that the proposed wireless facility complies with the FCC's RF emissions regulations.

D. SUPPLEMENTAL DETAILS OF REQUEST

- | | |
|------------------------|--|
| 1. Location | In the City's right-of-way, adjacent to 2094 Vintage Place |
| 2. Material/Color | Street light and equipment will be painted/textured to resemble a street light |
| 3. Antennas: | One (1) canister-type antenna approximately 24-inches tall x 10-inches in diameter and four (4), 7.8-inch-wide x 4.13" deep x 7.8-inch long radio units. |
| 4. Equipment: | Additional associated equipment would be placed in small new underground concrete vaults (handhold) |
| 5. Hours of Operation: | 24 hours, unmanned |

E. APPEAL

The specific procedures for an appeal of a discretionary permit may be found in Article 61, Section 33-1303 of the Escondido Zoning Code. The purpose of the appeal is to provide persons dissatisfied with the decision a venue for review and possible reversal of that decision. The appeal was analyzed for conformance with Section 33-1303 of the Escondido Zoning Code. The specific procedure for an appeal of a discretionary decision may be found in Section (c), which requires a written basis or reason for the appeal, among other things. An appeal not containing the basis for appeal may be rejected as incomplete. The following is an overview of the appellant's position filed, along with staff's response:

- 1a. Appellant's position- The appellant stated that they oppose the Zoning Administrator's CUP approval due to the uncertain risks of RF emissions.
- 1b. Staff response- A RF (Radio Frequency) Safety Compliance Certification was received on June 17, 2019. Federal law prohibits cities from considering RF emissions as a basis for denying or regulating wireless facilities if (as is the case here) the applicant has demonstrated that the proposed wireless facility complies with the FCC's RF emissions regulations. The Planning Commission therefore is limited to consideration of the proposed design and location of the wireless facility and making the necessary findings based on the requirements in the ordinance and within the constraints of federal and state law governing the regulation of telecommunications facilities. The Planning Commission should therefore focus its consideration of the appeal and the required findings based on the evidence in the record and considering the wireless facilities design and location criteria set forth in Article 34 of the Zoning Code.
- 2a. Appellant's position- The Zoning Administrator's notice period did not allow sufficient time for the public to review and respond to the proposed project.
- 2b. Staff response- Sec. 33-1300 requires all public hearings to be noticed within ten (10) days of the hearing. The Zoning Administrator hearing for this item on October 10, 2019 was properly noticed by: (1) mailing public notices out to property owners within 500' of the subject site on September 25, 2019, (2) publishing a legal notice in the Times –Advocate on September 26, 2019; and (3) posting one (1) public notice sign on the subject street light. All duly noticed mailers and signs were in advance of the Zoning Administrator hearing in accordance with law.

The primary issue for the appeal as described in the appellant's letter, dated October 17, 2019, is not related to the Zoning Administrator's decision. The issues raised by the appellant generally are limited to potential health risks. As noted earlier in this staff report, pursuant to federal law, a local government agency may not regulate the placement and modification of a wireless communication facility on the basis of the environment or health effects of radio frequency emission to the extent that such facility complies with federal law concerning emissions.

The Planning Commission's review of the Zoning Administrator's decision is de novo, that is, the Planning Commission may decide the matter without deference to the decision of the Zoning Administrator. The Planning Commission's review is not limited to the ground of the appeal as submitted by the appellant, but may include all issues surrounding the proposed small cell wireless facility. The Planning Commission can review the prior proceedings, reference

applicable local regulations, the findings of the Zoning Administrator, and any written or oral testimony provided at the Planning Commission public hearing, and may utilize or adopt any, all or none of them. The appellant and applicant are entitled to a fair hearing, and any decision of the Planning Commission should be made through findings based on substantial evidence, in writing to the extent feasible.

F. PUBLIC INPUT:

Four (4) public speakers addressed the Zoning Administrator during the October 10, 2019 public hearing on this item. Although it was expected that radio frequency emissions would be brought up by the surrounding residents, it was not the predominant theme during public testimony. The speakers also raised concerns regarding inadequate wireless service in the area, construction impacts and timing of installation of the site.

- Patti Olds- spoke in favor of the project
- Judy Beckstead- spoke in favor of the project
- Tracey Mendoza- spoke in favor of the project
- Betty Guy- spoke in favor of the project

The appellant, Charles and Janice Peck, were not in attendance at the Zoning Administrator public hearing. Hearing notices were mailed to property owners within a 500-foot radius of the project site 15 days prior to the Zoning Administrator hearing, along with publishing the notice in the local newspaper (Times-Advocate) and posting an approximately 2' x 3' sign on the subject light pole with a photo simulation of the proposed small wireless facility.

G. ENVIRONMENTAL STATUS:

The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15303, "New Construction of Small Structures." The Secretary of the California Resources Agency determined that projects in this class do not have a significant effect on the environment, and therefore are categorically exempt from CEQA.

H. CONCLUSIONS:

The Planning Commission is being asked to consider an appeal of a Minor Conditional Use Permit to install and operate an AT&T small cell wireless communication facility (node) in the public right-of-way. The Planning Commission may affirm, reverse or modify, in whole or in part, the intended decision of the Zoning Administrator. As a component of their project review, the Planning Commission must consider the scope of the project and how it measures against City laws which regulate the proposed installation of wireless communication facilities. No other discretionary permits are requested or required for the proposed scope of work.

Staff recommends the Planning Commission uphold the decision of the Zoning Administrator and deny the appeal of Planning Case No. PHG 19-0029 based upon the findings contained in the attached Planning Commission Resolution 2020-03. The proposed project is consistent with the City's Zoning Ordinance Article 34 and Design Guidelines, as detailed in the sections above. The

location, size, design and operating characteristics of the proposed project will be compatible with and will not adversely affect or will not be materially detrimental to adjacent land uses.

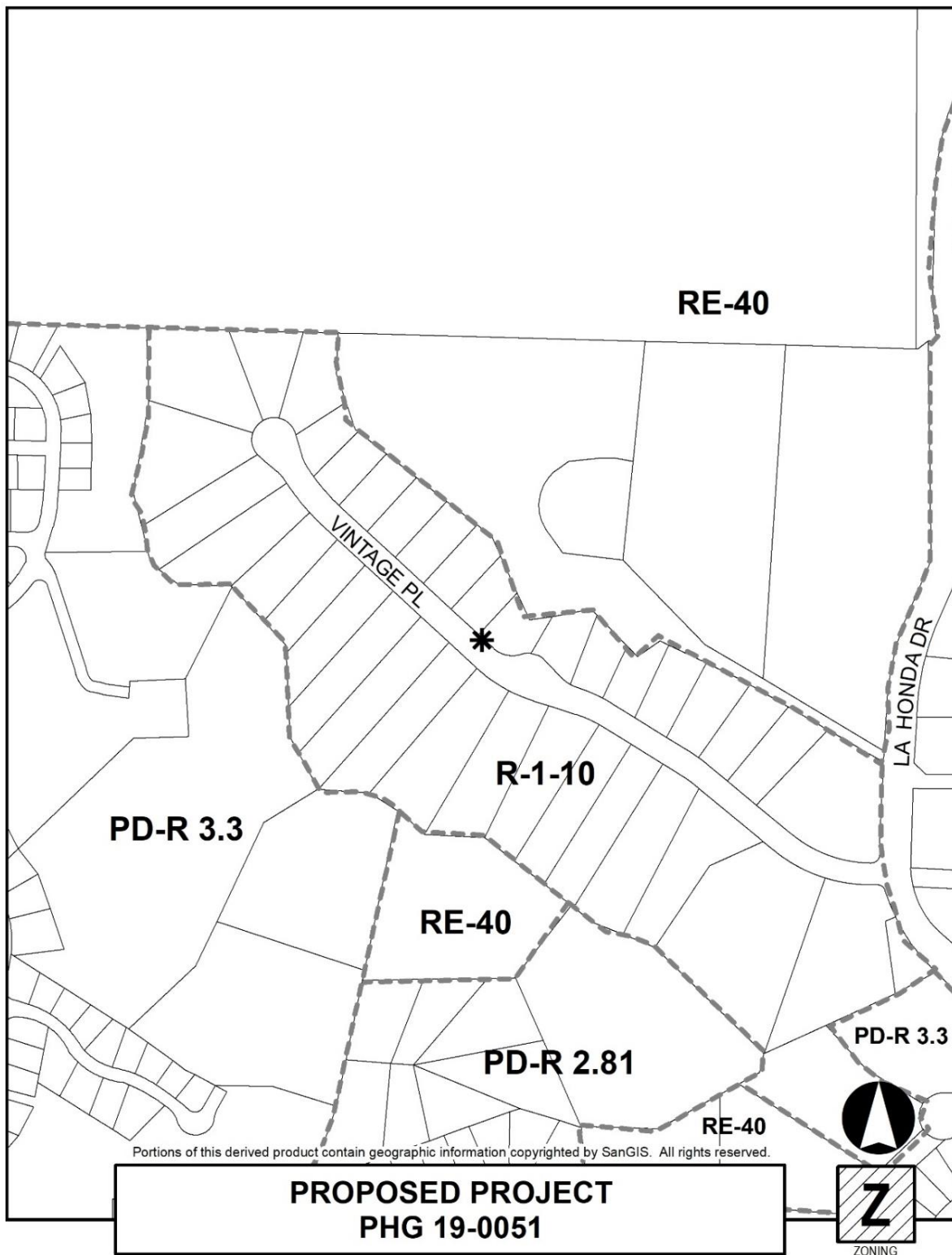
Respectfully Submitted,

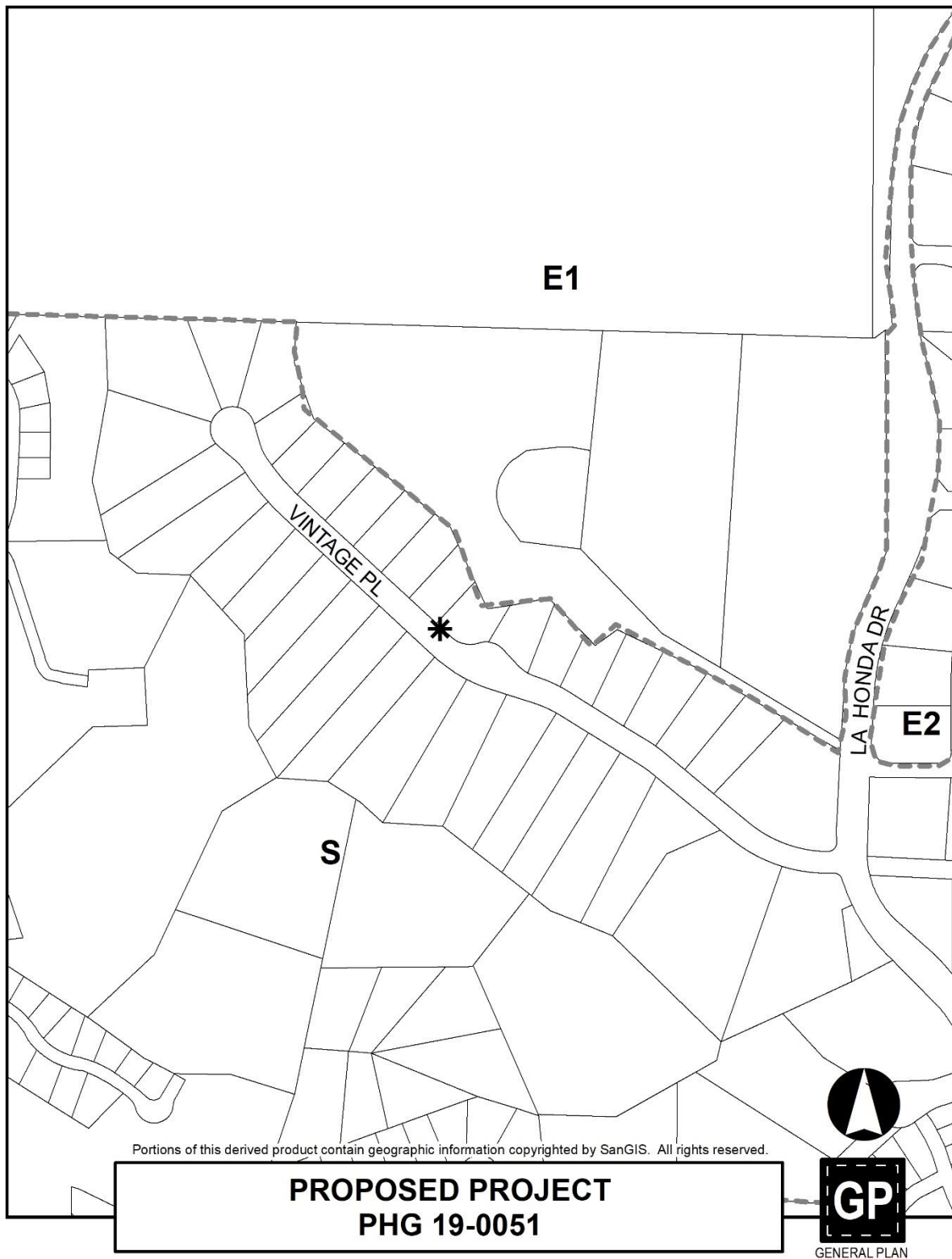
Darren Parker
Associate Planner

Attachments:

1. Location and General Plan Map
2. ZA Staff report 10/14/19
3. Appeal Letter from Charles and Janice Peck dated October 10, 2019
4. RF Safety Compliance Certification, dated June 17, 2018
5. Resolution 2020-03 with Exhibits A, B, and C

ATTACHMENT 1





ATTACHMENT 2

Zoning Administrator Staff Report

PHG19-0051

Due to the number of pages of Attachment “2”, a link has been provided to review the document electronically.

<https://www.escondido.org/Data/Sites/1/media/agendas/ZoningAdmin/10.10.19ZAMeetingAgendaPacket.pdf>

A hardcopy of the Attachment “2” is available for review in the Planning Division during normal business hours. To obtain a copy, please contact the Planning Division at (760) 839-4671.

ATTACHMENT 3

Charles & Janice Peck
2085 Vintage Place
Escondido, CA 92027
(760) 738-8666

October 17, 2019

City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025-4671

RE: Appeal of Administrative Decision to Planning Commission – PHG 19-0029

To Whom This May Concern:

We are appealing the above referenced decision on the following grounds:

Possible Risk to Public Health – Installation of the small wireless facility in our residential neighborhood could represent exposure of harmful RF radiation to residents. Current scientific evidence around which Federal safe exposure guidelines have been established are disputed both nationally and internationally. (Please see the attached articles and the Internet sites listed at the bottom of this correspondence.)

At the lone public hearing, residents were provided verbal assurances that RF radiation would fall well below levels established by the FCC as harmful to humans. Those assurances were offered by AT&T, the permit applicant and the research study documents submitted to the City in support of that contention were prepared by AT&T. From a legal perspective, this represents a clear conflict of interest and would never be accepted as unchallengeable in a court of law. No opposing or contradictory positions were presented to residents regarding any potential risks and as far as we know, the City's Planning Division employs no experts in this field who could have contributed an opinion.

Whether there are or are not any health risks associated with this project, residents should have been given more time to conduct their own research prior to the public hearing. This approval process was clearly rushed through by AT&T and the City. A one (1) page flier, dated September 25, 2019 and announcing an October 10th hearing was mailed by standard U.S. Mail, leaving residents a little more than two weeks to prepare a reasonable, well-researched response.

Lastly, according to Planning Division staff, once installed, ensuring that RF emissions fall within and are maintained within approved limits will be the sole responsibility of AT&T. No City monitoring will take place. I do not wish to appear flippant, but is this not akin to hiring the wolf to guard the hen house.

Conclusion:

We do not know if this project will bring any adverse health eventualities to our neighborhood. We are certainly not the experts. However, considering what is not a scientific absolute in this field, we are suggesting a more cautious and measured approach to installing such devices in residential neighborhoods. We believe that additional public hearings should be scheduled, with adequate notification to involved residents, before any such project is allowed to proceed.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5607572/>

<https://ecfsapi.fcc.gov/file/10308184574435/The%20Kill%20Zones%2C%20USA.pdf>

Respectfully,



Charles J. Peck

ATTACHMENT 4

RF Safety Compliance Certification

PHG19-0051



AT&T MOBILITY - CRAN/ SMALL CELL RADIO FREQUENCY (RF) SAFETY COMPLIANCE CERTIFICATION

RF SAFETY COMPLIANCE CERTIFICATION

Date: 6/17/2019

ANTENNA: Gamma Nu OYZ9X360F10

Band	700	850	PCS	AWS	WCS	5Ghz	mm
Antenna Input Power (w)	0	0	20	20	0	0	0

PURPOSE OF THIS DOCUMENT

This document certifies that the AT&T Mobility Centralized Radio Access Network (CRAN) or Small Cell outdoor cell defined below meets Federal Communications Commission (FCC) RF safety compliance requirements specified in 47 CFR §1.1310, provided that the actions specified in the "Compliance Actions" and "Completing this Certification Document" sections of this document are completed before the CRAN or Small Cell is placed into service.

DEFINITION OF SMALL CELLS INCLUDED IN THIS CERTIFICATION

The small cell antenna and its operating parameters covered by this certification are:

- a) Antenna: Gamma Nu OYZ9X360F10
- b) Antenna centerline height: 28 feet above ground level (AGL) or higher
- c) Transmission Frequencies: PCS band, AWS band
- d) Maximum Total Power into Antenna: 20 W at PCS band 20 W at AWS band
- e) Antenna positioning: The antennas are mounted on tops or sides of poles/posts
- f) Co-locators: No other emitters are on pole/post/mounting locations
- g) No accessible locations (e.g., other poles, apartment balconies) within 4 feet of the antenna at or near antenna level

INVALIDATION OF THIS CERTIFICATION

This certification becomes invalid when:

- a) Antenna models other than the Gamma Nu OYZ9X360F10 are deployed
- b) Antenna centerline is lower than 28 feet AGL
- c) Transmission frequencies other than: PCS, band AWS band
- d) Total input power to antenna exceeds: 20W at PCS band, 20 W at AWS band
- e) The antenna positioning is changed;
- f) Other emitters become co-located on the pole/post
- g) There are accessible locations (e.g., other poles, apartment balconies) within 4 feet of the antenna at or near antenna level.



The CRAN or Small Cell team managing the cell(s) to which this certification applies must inform HQ RAN when any of the listed changes occur and request a new certification study.

RF SAFETY COMPLIANCE ANALYSIS

RF safety compliance was computationally evaluated using computational modeling contained in the FCC's OET Bulletin 65. A worst-case analysis in which peak power was transmitted 100% of the time was assumed. The results are based on the FCC's maximum permissible exposure limits for the general population.

Exposure predictions based on the antenna and RF data stated above indicate that a separation distance of 1 (one) foot must be kept from the nearest point of the Gamma Nu OYZ9X360F10 antenna that is deployed alone on the pole/post.

COMPLIANCE ACTIONS

Leasing Agreements

In anticipation of inquiries and concerns of employees, contract workers, and others that may gain proximity to the antennas (collectively, "Covered Persons"), leasing agreements will include language that obligates site owners to:

- 1) Show the antennas to all Covered Persons, as necessary;
- 2) Instruct all Covered Persons to remain at least 4 (four) feet from the antennas;
- 3) Instruct all Covered Persons to inform the pole/post owner if there is a need to get closer than 4 (four) feet from the antennas;
- 4) Instruct all Covered Persons to coordinate work near the antennas with the pole/post owner;
- 5) Contact AT&T at the number provided in the lease to arrange for the appropriate antenna(s) to be de-energized when needed if Covered Persons must work near the antennas, to provide confirmation to the Covered Persons when the antenna(s) have been de-energized, and to inform AT&T when it's safe to restore energy to the antennas.

Upon any RF modifications to a site, AT&T must also reassess the technical parameters of the small cells identified above to confirm continued compliance with the FCC exposure limits.

Signage Actions

- 1) Two AT&T 6" x 6" Notice signs must be placed opposite each other 3 (three) feet beneath the antenna radome. The Notice decal text must specify that a distance of 4 (four) feet must be kept from the antenna. The drawing in Appendix D of this document illustrates signage placement. Other options for deployment of signage may be discussed with HQ if the pole/post owner refuses to allow signage to be posted on the pole or if other obstacles arise. The sign will inform the person of the potential for high exposure levels and provide a phone number to call and arrange for power to be removed from the antennas for the duration of work.



AT&T MOBILITY - CRAN/ SMALL CELL RADIO FREQUENCY (RF) SAFETY COMPLIANCE CERTIFICATION

- 2) The pole/post owner should advise all employees that AT&T antennas are located on some poles/posts and that the guidance provided by the signs should be followed.
- 3) The CRAN or Small Cell team managing the cell(s) must upload this letter into FileNet for each pole/post site as confirmation that RF safety signage has been properly installed.

Completing this Certification Document

Review the CRAN and Small Cell RF Safety Compliance Job Aid for assistance with completing this certification letter. The job aid may be retrieved from the RAN HQ RF Safety SharePoint using the link in Appendix C.

Actions to be taken by the HQ RF Safety Compliance Team

The HQ RF Safety Compliance Team will collaborate with the small cells team to address new issues with signage formatting, deployments, etc., as those issues arise during small cell deployment.

Actions to be taken by the AT&T Market Site Acquisition PM (AMSAP)

The AMSAP shall complete the section below for each site. However, the AMSAP may account for multiple sites/nodes by entering USIDs, FA#s, and addresses for each in the spaces below.

CRAN or Small Cell USID:

CRAN or Small Cell FA#:

Site Address:

Name of CRAN or Small Cell POC:

Title:

Phone:

Signature:

Date of certification:

Upon completing the information above and signing, the AMSAP will upload the completed CL as instructed in Appendix B below.

Actions to be taken by the Mobility C&E National PMO

The Mobility C&E National PMO shall upload a copy of the uncompleted CL into a SharePoint location managed by the Mobility C&E National PMO.



APPENDIX A: Accessing the CRAN and Small Cell Certification Library

A library of previously-issued CLs may be consulted to determine whether one of them is applicable to a new deployment.

Use this link to access previously issue certification letters: [CRAN/Small Cells Certification Letters](#). Contact Jan Wise (hw8938) to request access for the CL s/p link above.

1. If all the conditions in a CL are congruent with the conditions for a prospective new deployment, the CL may be applied according to guidance given in the main body of this document.
2. If changes, e.g., increase in power, to an existing CL would appear to make it applicable to a new deployment, a request for modification may be made to HQ.
3. If no usable CLS are found in the library, a request for a new CL must be made through HQ

APPENDIX B: Naming Conventions for Uploading Completed CLs into FileNet.

CLs completed by the field must be uploaded into FileNet using the following naming convention:

1. Certification letters will be uploaded into FileNet with Doc ID "RS102"
2. If the multiple site/node option is used, the completed CL must be uploaded into all applicable locations.
3. Following file naming convention will be used for CLs when uploading into FileNet
 - a. RFS Cert_SC_FA_USID_MMDDYY (Applies to Small Cells)
 - b. RFS Cert_CRAN_FA_USID_MMDDYY (Applies to CRAN)
4. Certification letters shall be uploaded into FileNet by C&E or its vendor.

APPENDIX C: RAN HQ RF Safety SharePoint Link

The RAN HQ RF Safety SharePoint link may be consulted to access:

1. CRAN and Small Cell compliance certification process PowerPoint presentation
2. CRAN and Small Cell RF Safety Compliance job aid

[Small Cells CRAN Compliance Documents](#)

See Appendix D (below)

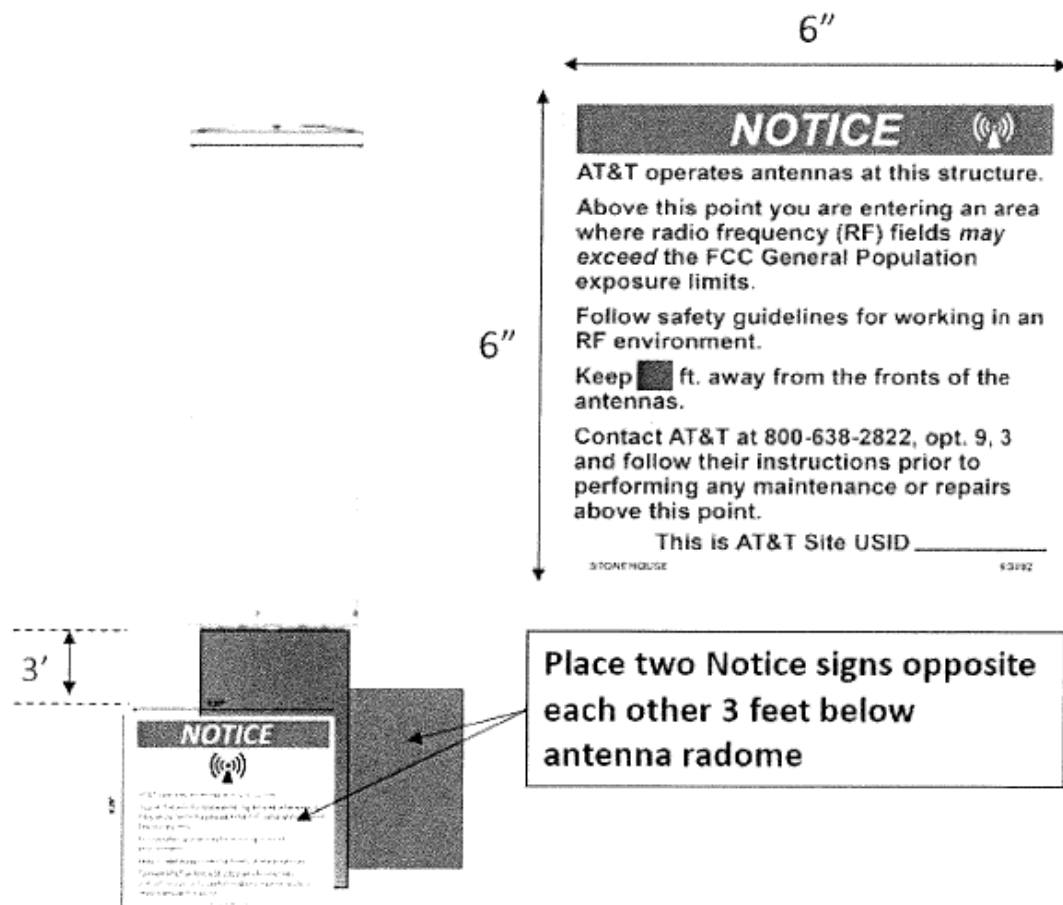


APPENDIX D: Placement of RF Safety Signage.

Signage **must be ordered from Stonehouse Signs Inc.**, according to the guidance in Section 6.2 "Stonehouse signs ordering process (CRAN) in ATT-790-202-062 DAS (Distributed Antenna System) and CRAN (Centralized Radio Access Network) Signage Standard."

<http://apex.web.att.com/bookview/bookview.jsp?bookname=ATT-790-202-062&fulltext=>

1. Stonehouse ordering part number for this sign is **R892RPE**
2. Sign Dimensions are: 6" x 6" Peel & Stick
3. Use the supplied number pad to enter the number **4** into the blank space as shown in the sign diagram



Planning Commission
Hearing Date: January 14, 2020
Effective Date: January 25, 2020

RESOLUTION NO. 2020-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE ZONING ADMINISTRATOR TO APPROVE A MINOR CONDITIONAL USE PERMIT TO INSTALL A SMALL CELL WIRELESS FACILITY IN THE PUBLIC RIGHT-OF-WAY

APPLICANT: Tim Groves, Black & Veatch (AT&T)

CASE NO: PHG 19-0029

WHEREAS, Black and Veatch, on behalf of AT&T (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 19-0029) constituting a request for a Minor Conditional Use Permit (CUP) to install a small cell wireless facility in the public right-of-way on a replacement city street light pole consisting of one top-mount antenna and four radio units, and associated equipment, as as depicted on the development plan sets and graphic representations set forth in Exhibit "A" attached hereto. The project site is located within the public right-of-way, generally on the northern side of Vintage Place, west of La Honda Drive, near 2094 Vintage Place (APN 225-730-01); and

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

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable

procedures and time limits specified by the Permit Streaming Act (Government Code Section 65920 et seq.) and California Environmental Quality Act ("CEQA") (Public Resource Code Section 21000 et seq.); and

WHEREAS, wireless communication facilities are conditionally permitted uses within the public right-of-way, subject to the approval of a Conditional Use Permit in accordance with Article 34 (Communication Antennas) of the Escondido Zoning Code; and

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

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project; and

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

WHEREAS, the Zoning Administrator of the City of Escondido did, on October 10, 2019, hold a duly noticed public hearing and approved the Project; and

WHEREAS, the City received an appeal of the Zoning Administrator's decision to approve the project in accordance with the provisions for of Article 61, Division 6 of the Zoning Code; and

WHEREAS, the Planning Commission of the City of Escondido did, on January 14, 2020, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and the Zoning Administrator approval on October 10, 2019 and gave all persons' full opportunity to be heard and to present evidence and testimony respecting said

matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Documentation from the appellant stating the reason(s) for the appeal.
- c. Oral Testimony from City Staff, interested parties, and the public;
- d. The staff report, dated January 14, 2020 with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- e. Additional information submitted during the public hearing; and

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

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

1. That the above recitations are true and correct.
2. The proposed project is exempt from environmental review in conformance with California Environmental Quality Act (CEQA) Section 15303, "New Construction of Small Structures."
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "B," relating to the information that has been considered. In accordance with the Findings of Fact

and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The appeal is denied and the application to use the subject site for said purposes specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "C" is hereby approved by the Planning Commission. This Planning Commission expressly declares that it would not have approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant.

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

6. Said Plan is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated here by this reference, the same as if it were fully set forth herein. This project is conditionally approved as set forth on the application and project drawings, all designated as approved by the Planning Division. Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

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

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 cost 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 costs associated with undertaking the Project.

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14th day of January 14, 2020 by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

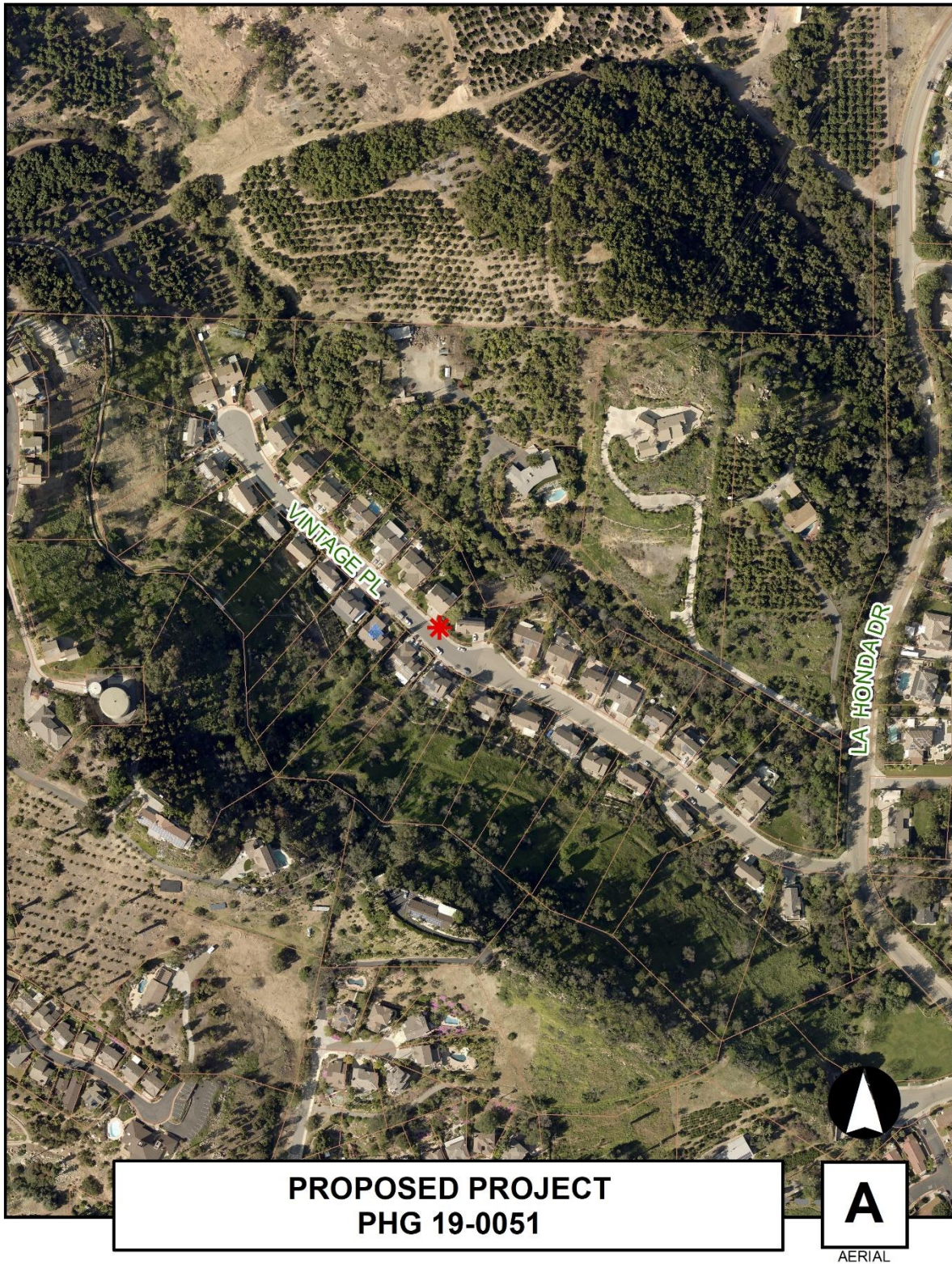
MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

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

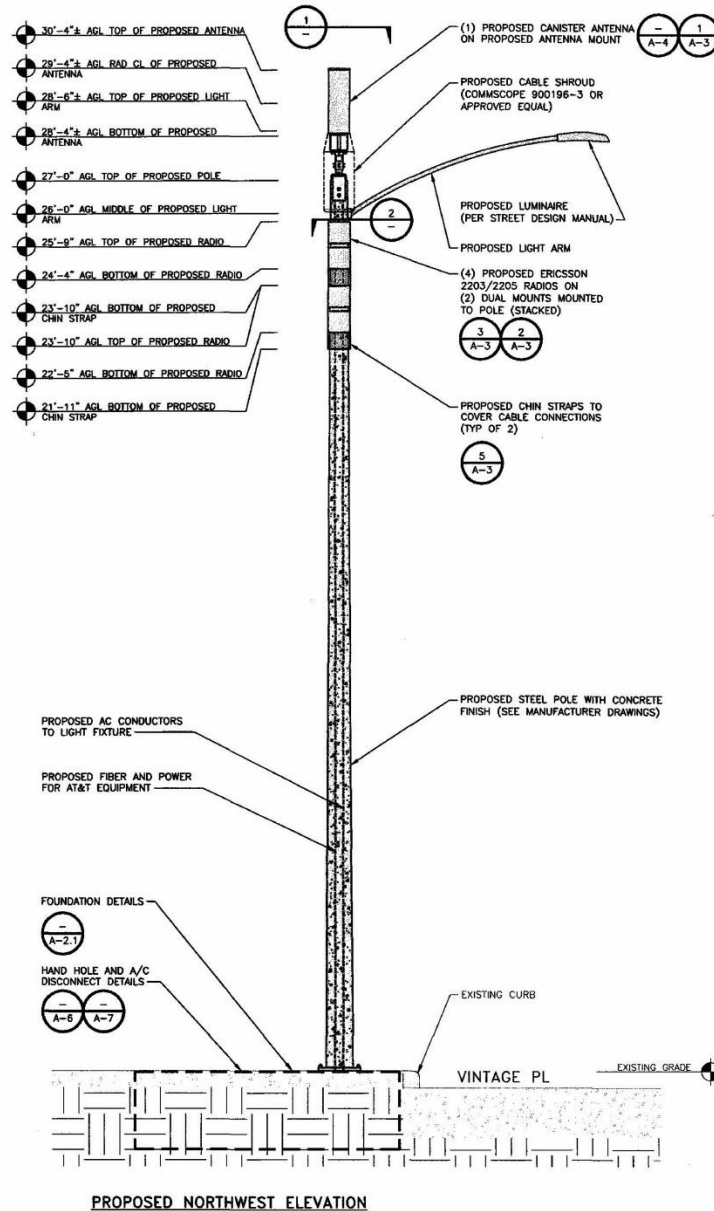
EXHIBIT "A"





NOTES

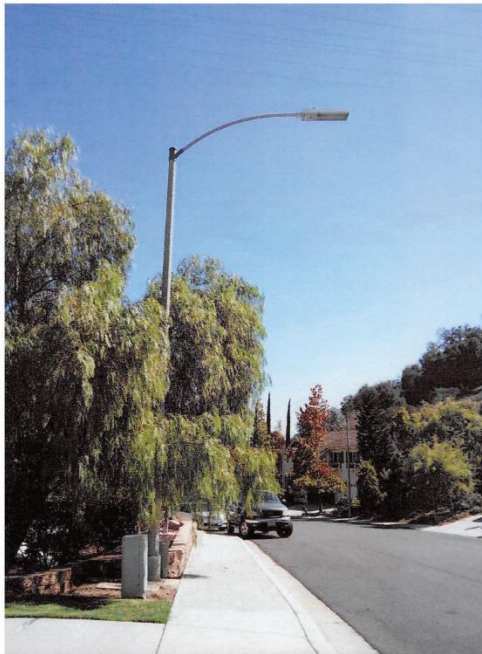
1. ALL PROPOSED EQUIPMENT TO BE PAINTED TO MATCH PROPOSED POLE.
2. BELOW GRADE INSTALLATION DETAILS ON SHEET A-2.1, A-6 AND A-7.
3. LUMINAIRE MAST ARM TO BE DETERMINED.



PROPOSED NORTHWEST ELEVATION

PROPOSED PROJECT: PHG 19-0051
PROPOSED NORTHWEST ELEVATION



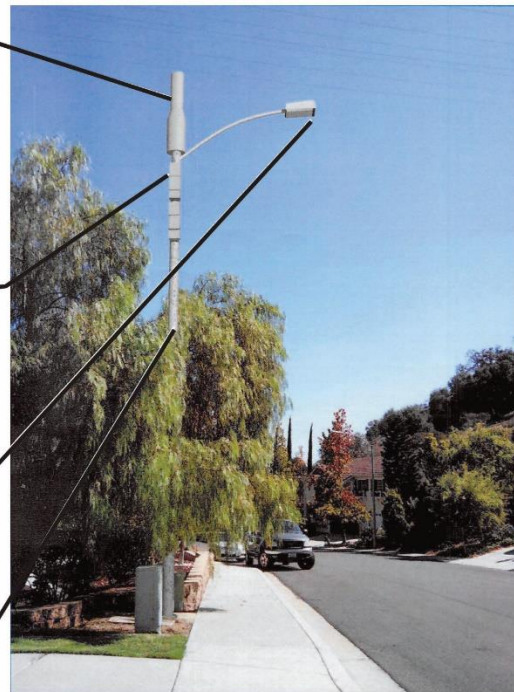


(1) PROPOSED
CANISTER ANTENNA
TOTAL HEIGHT OF 30'-4"

(4) PROPOSED RADIOS
ON DUAL MOUNTS
MOUNTED TO POLE
(STACKED)

(1) PROPOSED
LUMINAIRE

PROPOSED LIGHT POLE
WITH CONCRETE FINISH



**PROPOSED PROJECT: PHG 19-0051
PHOTO SIMULATION**

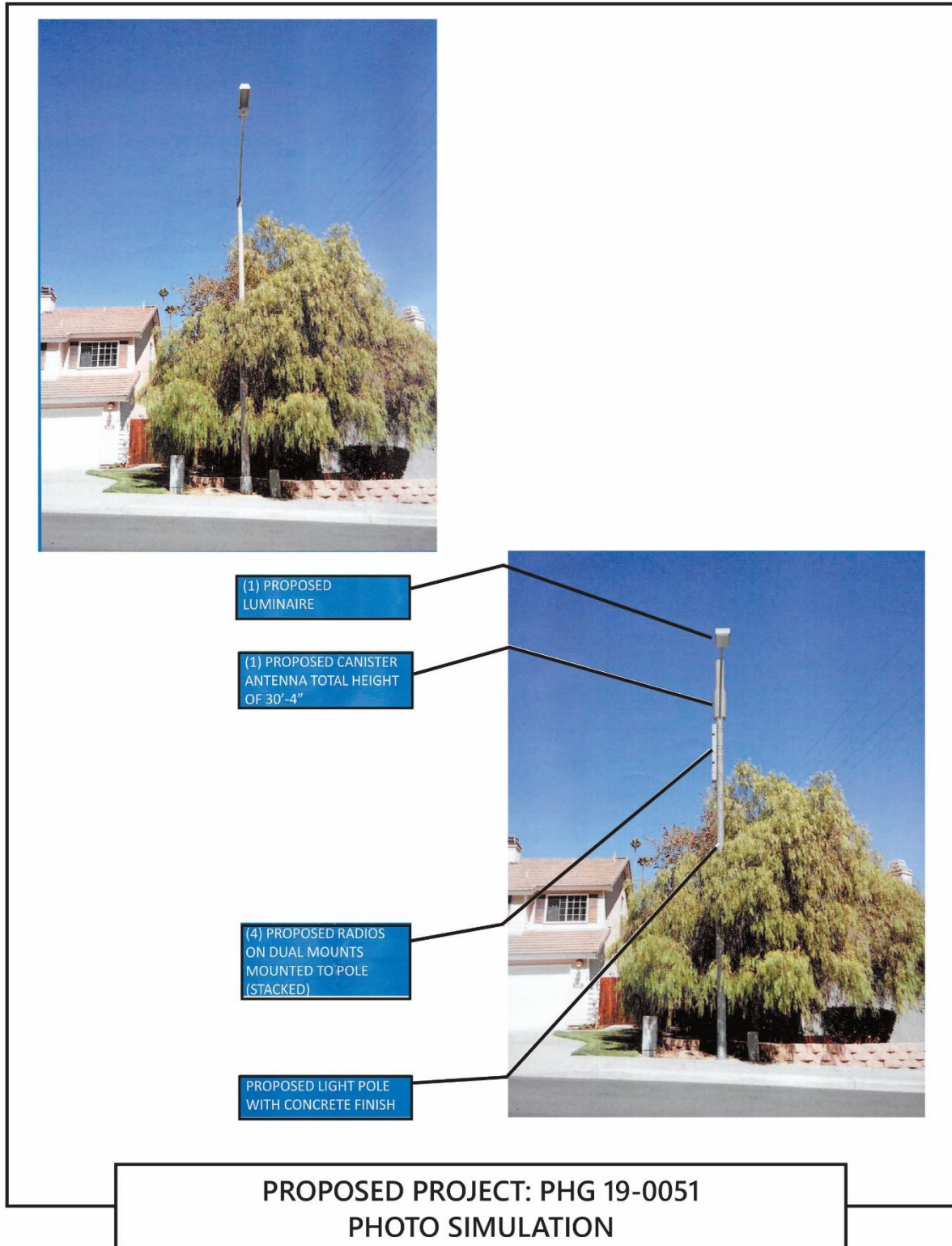


EXHIBIT “B”
FINDINGS OF FACT
PHG 19-0029

1. The specific procedures for appeal of a discretionary decision may be found in Section 33-1303(c) of Article 61 (Administration and Enforcement), which requires a written basis or reason for the appeal, among other things. An appeal not containing the basis for appeal may be rejected as incomplete.
2. The scope of the public hearing and the Planning Commission’s decision only includes the procedure and findings for obtaining a Minor Conditional Use Permit.
3. There are no procedural violations that justifies further proceedings. City staff has conducted necessary investigations to assure the discretionary decision complies with all local procedures for obtaining a Minor Conditional Use permit. The decision made by the Planning Commission to deny the appeal, and support the discretionary decision that the small cell wireless facility is in compliance with the City Wireless Ordinance, and is based on and includes findings of fact supported in the record of the proceedings, sufficient to provide a reasonable basis for understanding the reasons for the decision. The findings and conclusions of said assessment, which are attached to the January 14, 2020 Planning Commission staff report, are hereby adopted and incorporated herein by this reference as though fully set forth herein.
4. Granting the proposed Minor Conditional Use Permit to allow the construction of one (1) small cell wireless communication facility would be based upon sound principles of land use and in response to services required by the community because the placement of one wireless small cell antenna structure (node) would enhance wireless service where there currently is a need for additional services coverage or capacity. In addition, the facility is relatively small and would not result in a substantial alteration of the present land use. Conditions of Approval have been incorporated to minimize any potential land-use compatibility.

5. Granting the proposed Minor Conditional Use Permit for the construction of one (1) small cell wireless communication site would not cause deterioration of bordering land uses or create special problems for the area in which it is located because the facilities would be appropriately integrated into a replacement pole that would continue to function as a city street light or a utility pole. Additionally, RF emission generated from each site would be below the FCC accepted guidelines/standards. Pursuant to federal law a local government agency may not regulate the placement and modification of a wireless communication facility on the basis of the environmental or health effects of radio frequency emission to the extent that such facilities comply with federal law concerning emissions.
6. The proposed Minor Conditional Use Permit for one (1) small cell wireless communication facility would be compatible with the surrounding neighborhood because the facility would have been designed to be appropriately incorporated into/mounted onto a street light, and would be located in an area where existing street lights, or similar type infrastructure currently exist. Associated support equipment would be placed in small new underground concrete vaults (handhole). Conditions have been applied to reduce potential impacts to the immediate areas.
7. The applicant, AT&T has analyzed and demonstrated that the site is necessary to close a significant gap in service to the community. Although the signal propagated from a small cell wireless node antenna spans over a shorter range than a conventional macro tower system, small cell nodes can be an effective way too to close service coverage gaps and/or address capacity issues.
8. The proposed location for one (1) small cell wireless communication facility conforms to the requirements of Article 34, "Communication Antennas", Section 33-704 (k), because a minor Conditional Use Permit is required if a small cell wireless facility is either exceeds design standards, is located along a non-circulation element street and/or along the front yard of a single-family residences. The proposed site is located along the front of a single-family residence.

9. That the design of the small cell wireless communication facility conforms to the requirements of Article 34, "Communication Antennas", Section 33-704 (k), and any adopted guidelines to the maximum extent possible.
10. The applicant, AT&T, has demonstrated in good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible, practical or potentially available. AT&T considered sites on other poles in the area but none of these sites is a desirable from construction, coverage or aesthetics perspectives. The proposed location was chosen based on design criteria for locating on city-owned light poles and the coverage and capacity needs for the area.
11. All of the requirements of the California Environmental Quality Act (CEQA) have been met and a Notice of Exemption will be issued for the proposed project. The findings of the analysis identified no impacts that might potentially be significant. Under the provisions of Section 15303, "New Construction of Small Structures" of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be categorically exempt. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

EXHIBIT “C”

CONDITIONS OF APPROVAL

PHG 19-0029

Planning Division Conditions of Approval

1. All construction and operations shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the City. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City requirements in effect at the time of Building Permit issuance unless specifically waived herein.
2. Operator shall be required to pay all development fees of the City then in affect at the time and in such amounts as may prevail when (if) building permits are issued, including any applicable City Wide Facilities.
3. All uses and design of the project shall strictly conform to the exhibits and references in the staff report as of the date of approval, to the satisfaction of the Planning Division.
4. Any proposed construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Building Division, Fire Department and Engineering Division.
5. 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.
6. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting and in accordance with the City of Escondido Design Standards and Standard Drawing E-1-E.
7. All new utility service shall be underground or kept within the structure.
8. AT&T small cell wireless communication facilities shall be subject to the terms of the Telecommunication Network License and Encroachment Agreement with the City of Escondido.
9. The existing light fixtures will be upgraded to LED and noted on the building plans.
10. Colors, materials and design of the project shall conform to the exhibits and references in the staff report to the satisfaction of the Planning Division.
11. The radio units shall be flush mounted to the street light and noted on the building plans, to the extent feasible, unless otherwise shown on the plans.

12. The radio units, antennas, shrouds and extension poles/equipment shall be painted/textured to match the street light pole or utility pole and noted on the plans to the satisfaction of the Planning Division.
13. Any GPS antenna units shall be painted to match the support structures which shall be noted on the building plans to the satisfaction of the Planning Division.
14. Any support poles, brackets, cable runs and other support equipment shall be painted to match/blend with the varying colors and textures of the support structure. This shall be clearly noted on the building plans to the satisfaction of the Planning Division.
15. This project shall conform to the Public Art Partnership Program, Article 37 of the Escondido Zoning Code.
16. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering, and Building Divisions have been completed.
17. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
18. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4553 to arrange a final inspection.
19. AT&T, or any subsequent operator/leaseholder, hereby agrees to investigate complaints related to possible interference with electronic equipment in the surrounding area, to determine the cause of the interference. If the AT&T facility is determined to be the cause of the electronic interference, AT&T shall solve the problem in a timely manner to the satisfaction of the complainant and the Director of Community Development. Any interference with Fire Department or public safety communications shall be corrected immediately by AT&T to the satisfaction of the City of Escondido.
20. AT&T shall coordinate with the City of Escondido to select a qualified, independent, third party to conduct actual power density measurements of the facility within ninety (90) days of installation and full operation. The results of the study shall be submitted to the Director of Community Development so that the theoretical power density study can be compared to the actual output and ensure compliance with FCC requirements.
21. AT&T, or a future leaseholder, shall be responsible for all ongoing maintenance of the facility, including the antennas, associated equipment and live trees/landscaping (if landscaping is a requirement of the project design), to ensure that the condition of the facility does not appear weathered.

22. AT&T, or any subsequent operator/lease holder of the facilities shall not oppose co-location of the facility by other wireless carriers (subject to City of Escondido approval) if it can be proven that the additional carrier would not adversely affect the operation and function of AT&T antennas.
23. All proposed signage associated with the project shall comply with the City of Escondido Sign Ordinance (Ord 92-47) and to the satisfaction of the Planning Division. Appropriate signs providing notice, caution or warning, and other necessary markings shall be placed at the main access point(s) and other locations, as may be required, in order to alert the general public, maintenance or other workers approaching the antennas to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits. The requirement for the appropriate signage/notice shall be indicated on the building plans.
24. No additional antennas or expansion of this facility shall be permitted without a modification of the Conditional Use Permit and a public hearing before the Zoning Administrator, or as allowed by the relevant State or Federal law. Minor changes within the approved size and design parameters may be permitted by the Director of Community Development and the Building Division.
25. CUP shall become null and void unless utilized within twelve (12) months of the effective date of approval.
26. This item may be referred to the Zoning Administrator for review and possible revocation or modification of the Conditional Use Permit at a noticed public hearing upon receipt of nuisance complaints and/or non-compliance with the conditions of approval.
27. The applicant shall submit the necessary application, fees and plans to obtain an Encroachment Permit at least ten (10) days before the relevant shot clock timeline for these applicants ends, or the Minor Conditional Use Permit is void, unless the Applicant agrees to and signs a tolling agreement.
28. The applicant, permittee, and any successor-in-interest thereof, shall defend, indemnify and hold harmless the City of Escondido, and its agent's officers or employees, from any claim, action or proceeding against the City, its agents, officers or employees to attack, set aside, void or annul an approval of the City, arising out of or concerning (PHG19-0029). The City will promptly notify the applicant or permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense of that claim or action.
29. The City of Escondido hereby notifies the applicant that the San Diego County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). The applicant shall remit to the City of Escondido Planning Division a check payable to the "San Diego County Clerk" in the amount of \$50.00 within two working days of the date of this letter. Per California Environmental Quality Act (CEQA) section 15062, the filing of a Notice of Exemption and the posting with the San Diego County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's determination that the project is exempt from CEQA. Failure to submit the required fee within the

specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

ENGINEERING CONDITIONS OF APPROVAL

SMALL CELL WIRELESS FACILITY

1. Note on plans: All trenching/conduit installations greater than fifty-feet shall be by separate permit and approval.
2. The applicant engineer shall prepare a small cell wireless facility plan. The facility plan shall include details for all facilities mounted to wood, street light poles and other public infrastructure, front and side elevations sections and attachment details, and detailed site plan showing all existing and proposed facilities.
3. The site plans shall also include the pole foundation and anchor base details. Size and depth of foundation, rebar and P.C.C. structural specifications, other notes and specification per the structural design report.
4. All existing and new street light poles shall be retrofitted or include a new LED lamp fixture in accordance with the City of Escondido Design Standards and Standard Drawing E-1-E.
5. All existing City street light poles to be removed shall be carefully salvaged to the Public Works Yard. The pole foundation shall be removed to a minimum depth of two (2) feet below finish grade.
6. All street light conduit and wiring splicing shall be reconnected in accordance with the City's Standard Drawings and to the satisfaction of the Public Works Director.
7. Company installed street light poles shall have a separate SDG&E power source directly connecting to the small cell facilities, unless prior agreements have been made otherwise. Wireless company shall be responsible for all maintenance and repair cost of the poles, and light fixtures as per the executed agreement.
8. Sidewalk, driveway, and pavement replacement shall be per G-6-E standards (for long sidewalk segment - call out G-6-E & G-7 standards.
9. Show and identify all Utilities, include public improvement plan numbers. Solve all conflicts crossings.
10. The correct right-of-way distance (curb face to ROW) shall be per record drawings.

11. Where applicable, the applicant shall obtain Caltrans clearance prior to next submittal or City approval.
12. An encroachment permit shall be obtained for all work within the public right-of-way, City utility easement, and/or City property.
13. The applicant will be required to provide a detailed detour and traffic control plan, for all construction within the right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

An engineered improvement plan is required for all small cell facilities. All wet and dry utilities shall be shown on an improvement Plan, and any utility crossing conflicts shall be pot-hole prior to the plan submittal acceptance. Per the agreement, the applicant shall pay all fees and post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of an encroachment permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

DIRECTIONAL BORE AND CONDUIT TRENCHING

1. Engineering improvement plans shall be prepared for all bore and trenching/conduit installations. Conduit improvement plans shall be prepared by a licensed Engineer in the State of California and submitted for Engineering review and approval.
2. All bore pit and trench conduit installations and related work shall be constructed in accordance with the design standards and standard drawings, and the requirements of the City Engineer.
3. Where applicable, an encroachment permit shall be obtained from CALTRANS and from San Diego County Water Authority for work within their right-of-way and/or easement. Clearance from Rincon, Vallecitos, and/or Valley Center Water District shall be obtained for any conduit work within their service area and waterline facilities. It will be the applicant's responsibility to notify and/or make all arrangements with other agencies or Water Districts as may be necessary for approval.
4. All trench conduit installations shall conform with City of Escondido Standard Drawing M-3-E Fiber Optics Conduit Zone, and backfilled per G-2-E.
5. All jack and directional bore conduit installations shall be three (3) feet below any existing and/or future utility and storm drain conduits in accordance with Standard Drawing No. M-3-E.
6. Any work performed in a public street moratorium area, including trench and bore pits, shall be required to resurface the roadway in accordance with the City's Municipal Code. A note to this requirement shall be included on all plan sets. All other surface treatment shall be per Standard Drawing G-2-E.

7. All new connector pull boxes shall be installed at the ultimate right-of-way and typically behind back of sidewalk, and to the satisfaction of the City Engineer.
8. The applicant shall be responsible to repair or replace any driveway approach, curb and gutter, sidewalk, or other damages as a result of construction activities for this subject project. All curb, gutter, sidewalk and driveway repairs and replacements shall be in accordance with Standard Drawing G-6-E.
9. The applicant and/or contractor will be responsible to implement Best Management Practices (BMPs) to prevent storm water pollution in accordance with the approved Erosion Control Plan, CASQA guidelines and City of Escondido Municipal Code during all phases of project construction to the satisfaction of the City Engineer.
10. Erosion and sediment controls, or other storm water pollution control measures, shall be provided to control sediment and silt from construction work areas. The applicant and contractor shall be responsible for maintaining all erosion and sediment controls throughout the construction work.
11. The applicant will be required to provide a detailed detour and traffic control plan, for all construction within the right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

An engineered improvement plan is required for all directional bore and trench conduit improvements in the public right-of-way. The applicant shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to approval of any encroachment permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

PLANNING COMMISSION

Agenda Item No.: H.1
DATE: January 14, 2020

PROJECT NUMBER / NAME: PHG 19-0076 / Rowan (formerly Gateway Grand)

REQUEST: A modification to the Precise Development Plan for the Gateway Grand project (SUB 16-0001) to amend Planning Division conditions of approval related to allowable signage. The applicant is proposing to install two projecting wall signs in addition to the allowable monument and directional signs. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: 700 – 730 W. Grand Avenue

APPLICANT: Lyon Living

APN / APNS: 232-100-16-00

PRIMARY REPRESENTATIVE:
Carolyn Hillgren

GENERAL PLAN / ZONING: SPA 9 / SP

DISCRETIONARY ACTIONS REQUESTED: Modification to Precise Development Plan

PREVIOUS ACTIONS: On October 12, 2016, the Escondido City Council approved a Tentative Subdivision Map, Specific Plan Amendment, Master and Precise Development Plan, and Development Agreement for a 126-unit multi-family development at the subject property. (City Council Ordinance No. 2016-16 and Resolution No. 2016-144)

PROJECT PLANNER: Jasmin Perunovich, Assistant Planner I, jperunovich@escondido.org

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Section 15311/Class 11)

STAFF RECOMMENDATION: Approval, as conditioned

REQUESTED ACTION: Approve Planning Commission Resolution No. 2020-02

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:

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

BACKGROUND:

A Master and Precise Development Plan for the Gateway Grand multi-family residential project was approved by the City Council on October 12, 2016 (Planning Case Nos. SUB 16-0001, PHG 16-0005, and ENV 16-0001) and is currently under construction. The development, located at 700 – 730 W. Grand Avenue (former Police Station), consists of 126 residential units within three, 4-5 story buildings with indoor and outdoor recreational space, a 1,000 square foot commercial/flex space, parking, landscaping and associated site improvements on a 2.6-acre parcel in the Gateway Transit District of the Downtown Specific Plan.

Subsequent to approval of the project, minor modifications to the building architecture have been approved through an administrative design review process. The project is currently under construction, and exhibits and photographs included with this staff report reflect the architecture of the project as currently approved.

At time of approval, conditions were placed on the project which limited signage for the property to monument and directional signs, and require approval of a separate sign permit for any proposed signage. At this time, the applicant has submitted a request for a sign permit for freestanding, building and directional/informational signage throughout the project site. Proposed building signs include two projecting wall signs mounted perpendicular to the buildings as project identification signage; one along W. Valley Parkway and the other along W. Grand Avenue. Pursuant to Chapter 6 of the Downtown Specific Plan, projecting signs are permitted in the Gateway Transit District, subject to approval of the Planning Commission.

A. PROJECT ANALYSIS:

1. General Plan / Zoning

The General Plan land-use designation for the subject property is Specific Planning Area (SPA 9), which implements the Downtown Specific Plan. The property is zoned SP (Specific Plan) and located within the Gateway Transit District of the Downtown Specific Planning. Said specific plan establishes development standards and guidelines for properties in the specific plan area. The proposed Precise Plan modification is consistent with the goals and policies of the General Plan and Downtown Specific Plan, and with the Master and Precise Development Plan approved for the project.

2. Project Description

Requests for projecting wall signs require Planning Commission approval per the Downtown Specific Plan. The sign plans for the project include two projecting wall signs mounted perpendicular to two of the buildings (one each along W. Valley Parkway and W. Grand Avenue), in addition to the proposed monument signs, building wall signs and directional/informational signs. The projecting wall signs will identify the project, now called Rowan. The sign plans,

including a site plan and color elevations, are included as Exhibit “B” to draft Planning Commission Resolution No. 2020-02.

The projecting are 48 square feet each, with dimensions of 4’ wide x 12’ height (including mounting brackets). The signs will be illuminated and double-faced, and will be mounted perpendicular to the street frontages so that they are visible to vehicles and pedestrians. The signs will be made of aluminum with a dark grey finish (Sherwin Williams – SW Caviar) and acrylic push-through letters and border with a white vinyl overlay. They will be internally illuminated with white L.E.D. bulbs, such that only the letters and rectangular border strip will be appear lit.

One sign will be mounted to the north side of the building addressed as 730 W. Grand Avenue (Building A) facing W. Valley Parkway, at the main project entry. The other sign will be mounted to the south side of the building addressed as 720 W. Grand Avenue (Building C), facing W. Grand Avenue. The signs would be mounted approximately 20’ above the ground level. The overall size and design of the signs is proportional to, and in scale with, the buildings on site and with the surrounding properties. The colors of the signs complement the approved building colors and materials, shown in the photographs attached to this staff report.

Other signage proposed in the sign plans includes two 12-square foot illuminated “Leasing Office” monument signs, identification signage on the leasing office building, directional signs, and address and other informational signs flush-mounted to the building walls. Staff believes the signs are well designed and complement the colors and materials approved for the project.

In order to accommodate the proposed request, the condition of approval related to signage that was applied to the previously-approved Master and Precise Development Plan would need to be modified to allow the projecting signs described in this staff report and to allow said signs to be larger than those otherwise permitted by the Downtown Specific Plan. All other signage described herein is allowed by the Downtown Specific Plan and the Escondido Zoning Code, subject to issuance of a sign permit.

3. Supplemental Details of Request

1. Property Size: 2.6 acres
2. Sign Standards:

	<u>Allowed per Downtown Specific Plan</u>	<u>Proposed</u>
Wall Sign:	One per building wall	Three (total for site)
	Per sign: 30 square feet	Two at 48 square feet
	Per project: 60 square feet	One at 24 square feet
		120 square feet

Projecting Sign: (Each projecting sign counts as a wall sign for the side of the building on which it is placed.)	One per building (three for site)	Two (total for site)
Monument Sign:	One per major street entrance (3 total for site); 32 square feet per sign	Two at 12 square feet
Directional Sign:	Per Escondido Zoning Code	Miscellaneous wall and ground-mounted informational signs (entry/exit, leasing, address numbers, parking spaces, etc.)

C. ENVIRONMENTAL STATUS:

The Project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15311/Class 11 "Accessory Structures." In staff's opinion, the project would not have any adverse impacts to the environment.

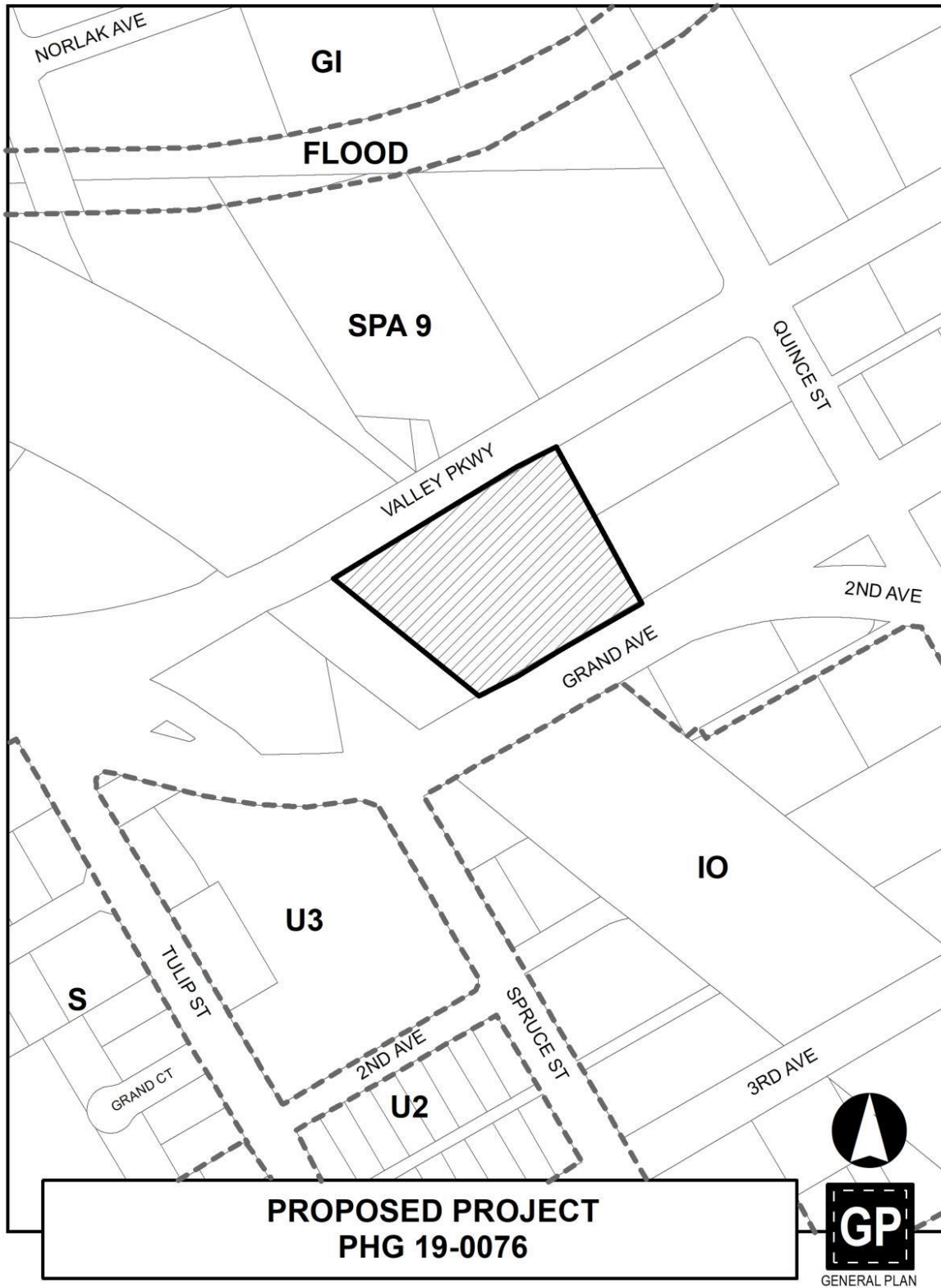
D. CONCLUSIONS:

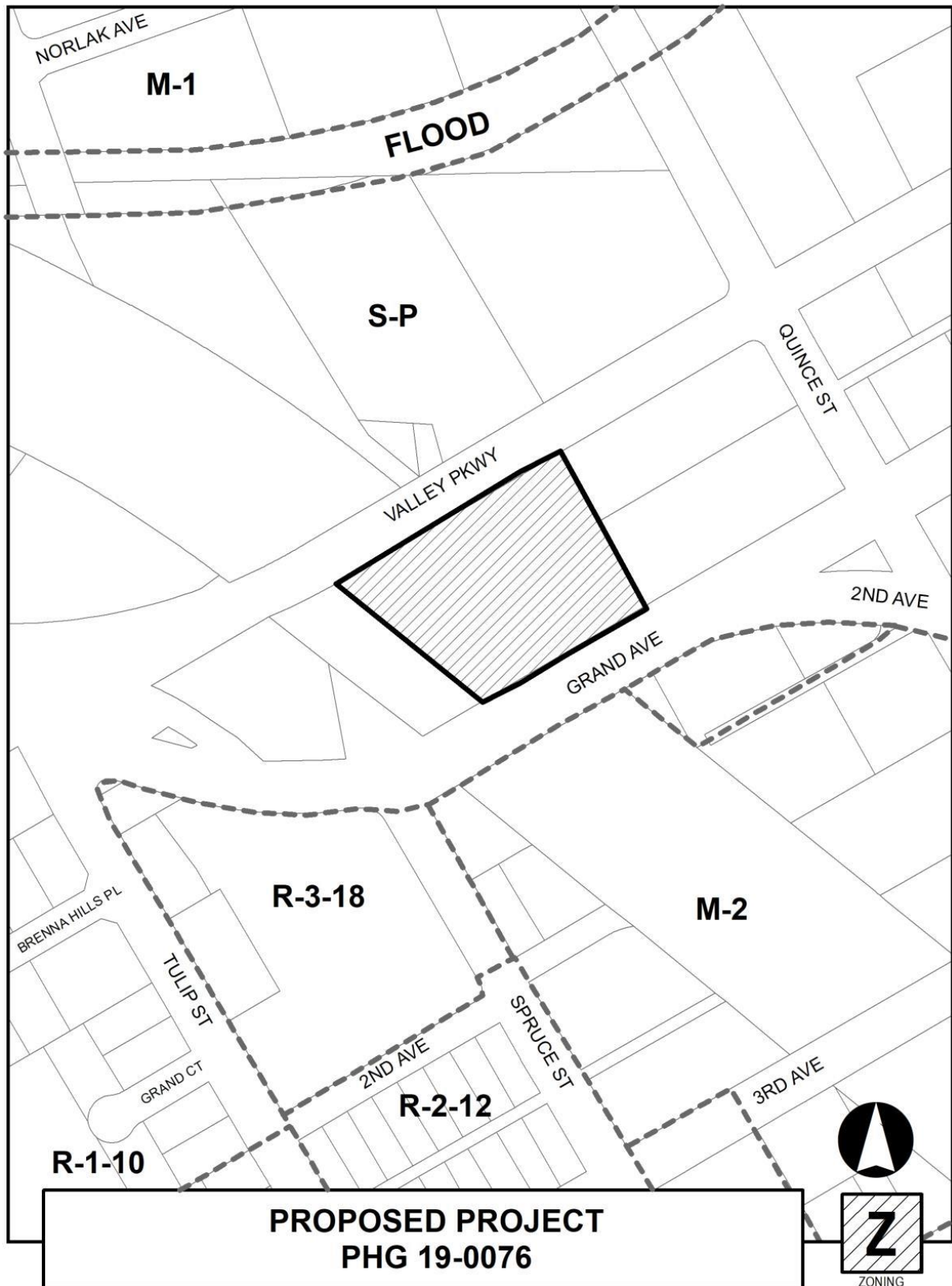
The Planning Commission is authorized to take discretionary action on the proposed Precise Plan Modification to allow two projecting signs at a previously-approved multi-family residential development. No other discretionary permits are requested or required for the proposed scope of work. City staff recommends that the Planning Commission adopt draft Planning Commission Resolution No. 2020-02, approving Planning Case No. PHG 19-0076, based upon the findings of fact and conditions of approval attached to the draft resolution as Exhibits "C" and "D," respectively, and as depicted in Exhibit "B."

ATTACHMENTS:

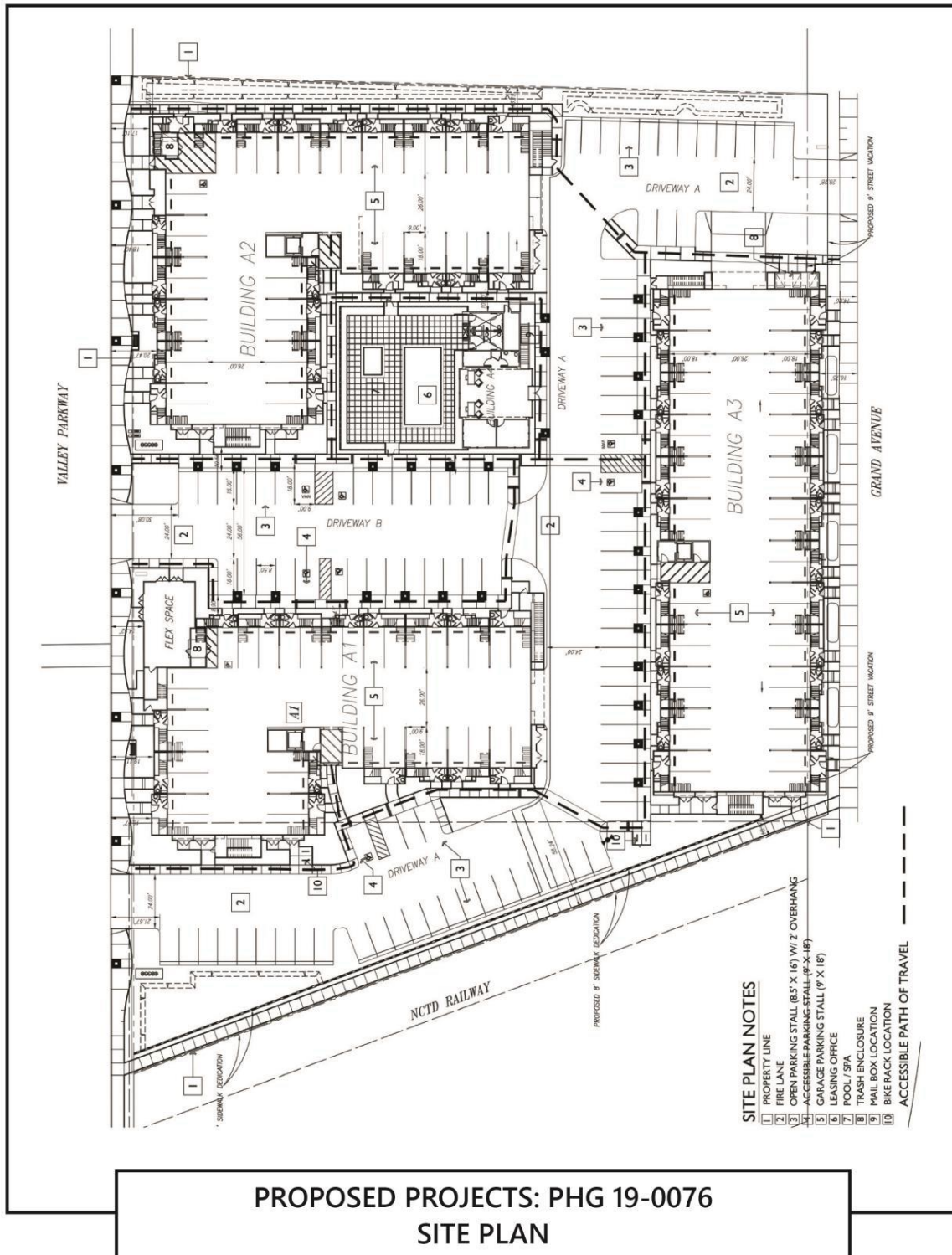
1. Location and General Plan Map
2. Site Plan
3. Site Renderings, Photographs and Approved Elevations
4. Draft Planning Commission Resolution No. 2020-02

ATTACHMENT 1





ATTACHMENT 2



ATTACHMENT 3



PROPOSED PROJECT: PHG 19-0076
SITE RENDERINGS



**PROPOSED PROJECT: PHG 19-0076
SITE RENDERINGS**



Existing Building A North Elevation Facing Valley Parkway

PROPOSED PROJECT: PHG 19-0076
SITE PHOTOGRAPHS



Existing Building C South Elevation Facing Grand Avenue

PROPOSED PROJECT: PHG 19-0076
SITE PHOTOGRAPHS

West Grand
Exterior Color and Materials Palette

APPLICATION	COLOR
ENTRY DOORS	SW 6246 Basque Green
	SW 6698 Determined Orange
	SW 67010 Moonraker
	SW 7377 Blackberry
	SW 6698 Kingdom Gold
STUCCO ACCENT #1	SW 7605 Pure White
STUCCO ACCENT #2	SW 2849 Westchester Gray
STUCCO ACCENT #3	SW 6390 Cavalier
STUCCO ACCENT #4	SW 1023 Ermine
STUCCO ACCENT #5	SW 7673 Pewter Cast
MASONRY- BRICK	BANGLAD CREAM WAREHOUSE BRICK



BUILDING A - NORTH EXTERIOR ELEVATION (VALLEY PARKWAY)

2



BUILDING A - EAST ELEVATION

1

**PROPOSED PROJECT: PHG 19-0076
ELEVATIONS**

West Grand
Exterior Color and Materials Palette

APPLICATION	COLOR
ENTRY DOORS	SW 6246 Bateau Green
	SW 6698 Determined Orange
	SW E7010 Moroccan
	SW 7677 Blackberry
	SW 6698 Kingdom Gold
STUCCO ACCENT #1	SW 7005 Pure White
STUCCO ACCENT #2	SW 2349 Westchester Gray
STUCCO ACCENT #3	SW 6990 Cedar
STUCCO ACCENT #4	SW 1023 Ermine
STUCCO ACCENT #5	SW 7673 Peffer Cast
MASONRY- BRICK	RANGLAND CRAFT WAREHOUSE BRICK



BUILDING A - SOUTH EXTERIOR ELEVATION



BUILDING A - WEST EXTERIOR ELEVATION

PROPOSED PROJECT: PHG 19-0076
ELEVATIONS

West Grand
Exterior Color and Materials Palette

APPLICATION	COLOR
ENTRY DOORS	SW 6245 Empire Green
	SW 6698 Determined Orange
	SW 67010 Moonraker
	SW 7377 Blackberry
	SW 6698 Kingdom Gold
STUCCO ACCENT #1	SW 7005 Pure White
STUCCO ACCENT #2	SW 2849 Westchester Gray
STUCCO ACCENT #3	SW 6990 Cavalier
STUCCO ACCENT #4	SW 1023 Ermine
STUCCO ACCENT #5	SW 7673 Pewter Cast
MASONRY - BRICK	BANGLA OLD CRAFT WAREHOUSE BRICK



BUILDING B - NORTH EXTERIOR ELEVATION (VALLEY PARKWAY)



BUILDING B - EAST ELEVATION

**PROPOSED PROJECT: PHG 19-0076
ELEVATIONS**

West Grand
Exterior Color and Materials Palette

APPLICATION	COLOR
ENTRY DOORS	SW 6249 Emerald Green
	SW 6698 Determined Orange
	SW 67019 Masonraker
	SW 7927 Breakaway
STUCCO ACCENT #1	SW 6698 Kingdom Gold
	SW 7925 Pure White
	SW 2949 Westchester Gray
	SW 6990 Cedar
STUCCO ACCENT #2	SW 1023 Enclave
STUCCO ACCENT #3	SW 7673 Pewter Cast
STUCCO ACCENT #4	RAINCLOUD CRAFT WAREHOUSE BRICK
STUCCO ACCENT #5	
MASONRY - BRICK	



BUILDING B - SOUTH EXTERIOR ELEVATION



BUILDING B - WEST EXTERIOR ELEVATION

**PROPOSED PROJECT: PHG 19-0076
ELEVATIONS**

West Grand
Exterior Color and Materials Palette

APPLICATION	COLOR
ENTRY DOORS	SW 6245 Jasper Green
	SW 6698 Determined Orange
	SW 67010 Moonraker
	SW 7372 Raspberry
	SW 6698 Kingdom Gold
STUCCO ACCENT #1	SW 7065 Pure White
STUCCO ACCENT #2	SW 7049 Watchster Gray
STUCCO ACCENT #3	SW 6939 Caviar
STUCCO ACCENT #4	SW 1033 Ermine
STUCCO ACCENT #5	SW 7029 Pewter Cast
MASONRY- BRICK	MANCLOUD CRAFT WAREHOUSE BRICK



BUILDING C - EAST EXTERIOR ELEVATION



BUILDING C - SOUTH ELEVATION (GRAND AVENUE)

PROPOSED PROJECT: PHG 19-0076
ELEVATIONS

ATTACHMENT 4

Planning Commission
Hearing Date: January 14, 2020
Effective Date: January 25, 2020

PLANNING COMMISSION RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A PRECISE PLAN MODIFICATION FOR
THE GATEWAY GRAND PROJECT (SUB 16-0001).

APPLICANT: Carolyn Hillgren, Lyon Living

CASE NO: PHG19-0076

WHEREAS, Lyon Living (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG19-0076) constituting a request for a Precise Plan modification to allow two projecting wall signs in addition to the allowable monument, building and directional signage, on a 2.6-acre site located at 700 – 730 W. Grand Avenue (APN 232-100-16-00), in the SP (Specific Planning) zone; and

WHEREAS, the subject property is located in the Gateway Transit District of the Downtown Specific Plan, and is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in

accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, projecting signs are permitted on buildings four stories or greater in the Gateway Transit District of the Downtown Specific Plan, subject to approval of the Planning Commission; and

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

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

WHEREAS, the Planning Commission of the City of Escondido did, on January 14, 2020, received and considered the reports and a recommendation of the Planning Division, and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;

c. The staff report, dated January 14, 2020, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and

d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.

2. The proposed project is exempt from CEQA pursuant to Section 15311 of the CEQA Guidelines.

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

4. The application to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "D" is hereby **approved** by the Planning Commission. This Planning Commission expressly declares that it would not have approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent

owners of the subject property, and all persons who use the subject property for the use permitted hereby.

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

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

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

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

capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14th day of January, 2020, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

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

EXHIBIT “A”

LEGAL DESCRIPTION

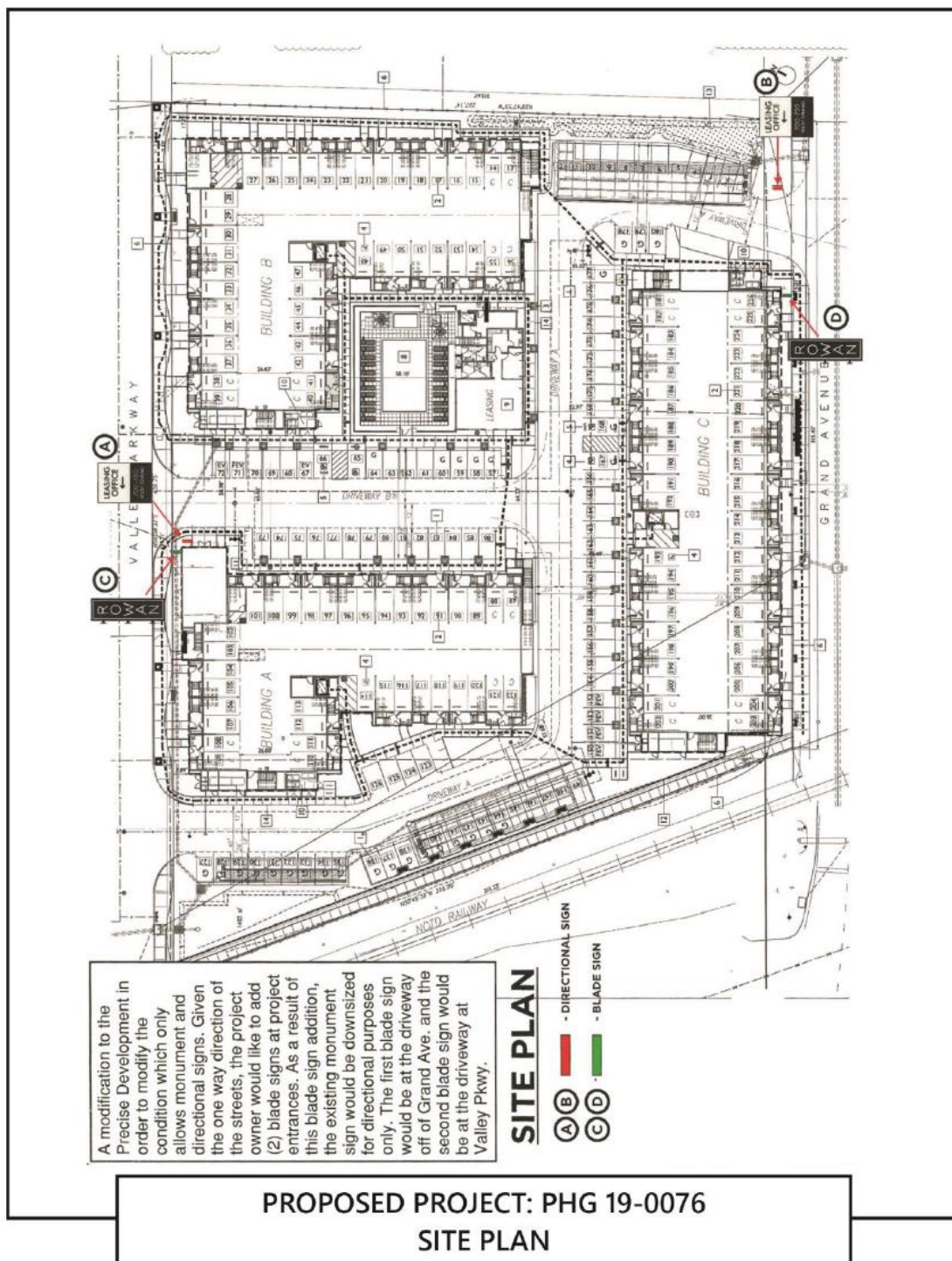
PHG 19-0076

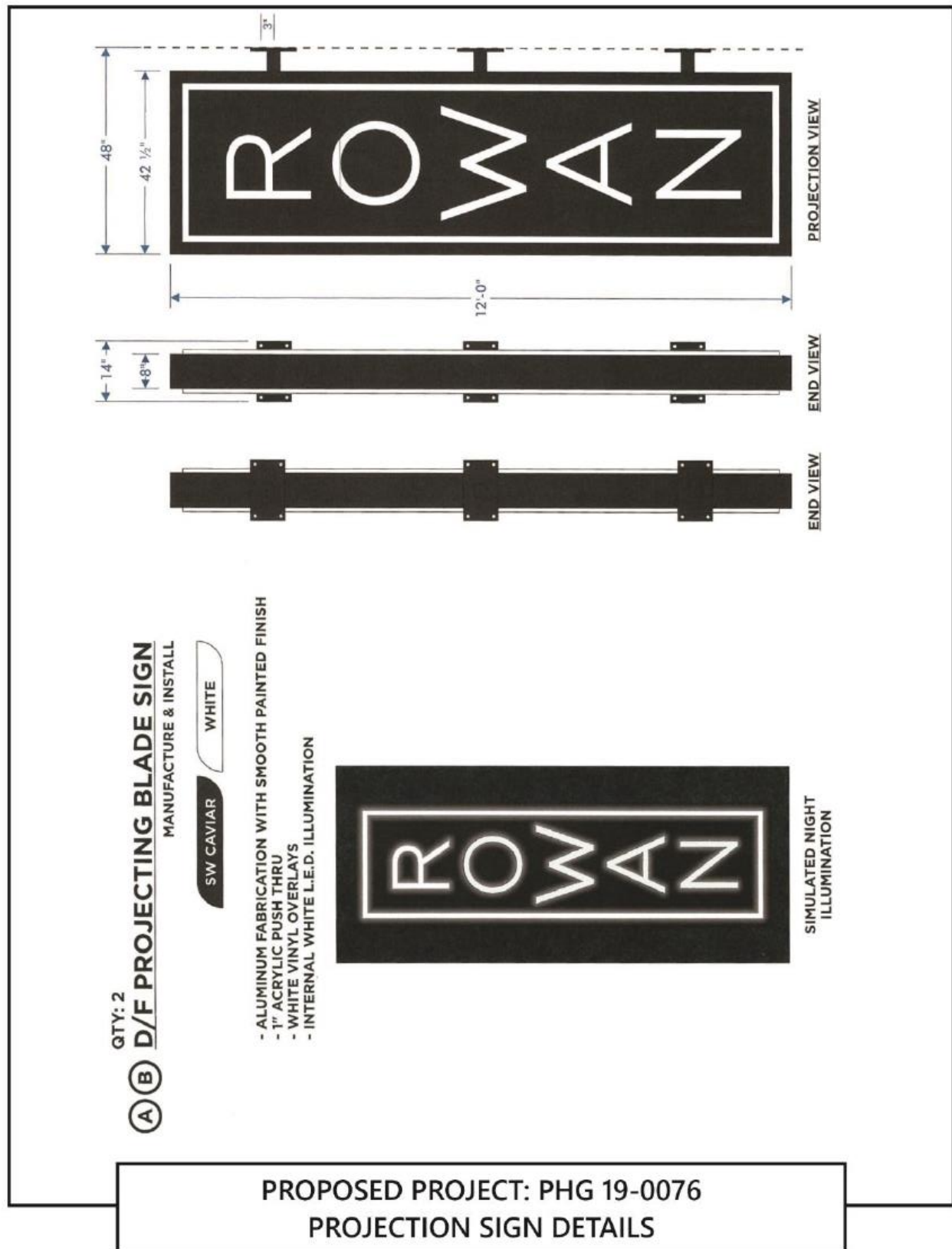
LOT 1 OF ESCONDIDO TM NO. SUB16-0001, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON MAP NO. 16318, FILED ON DECEMBER 6, 2018, IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER.

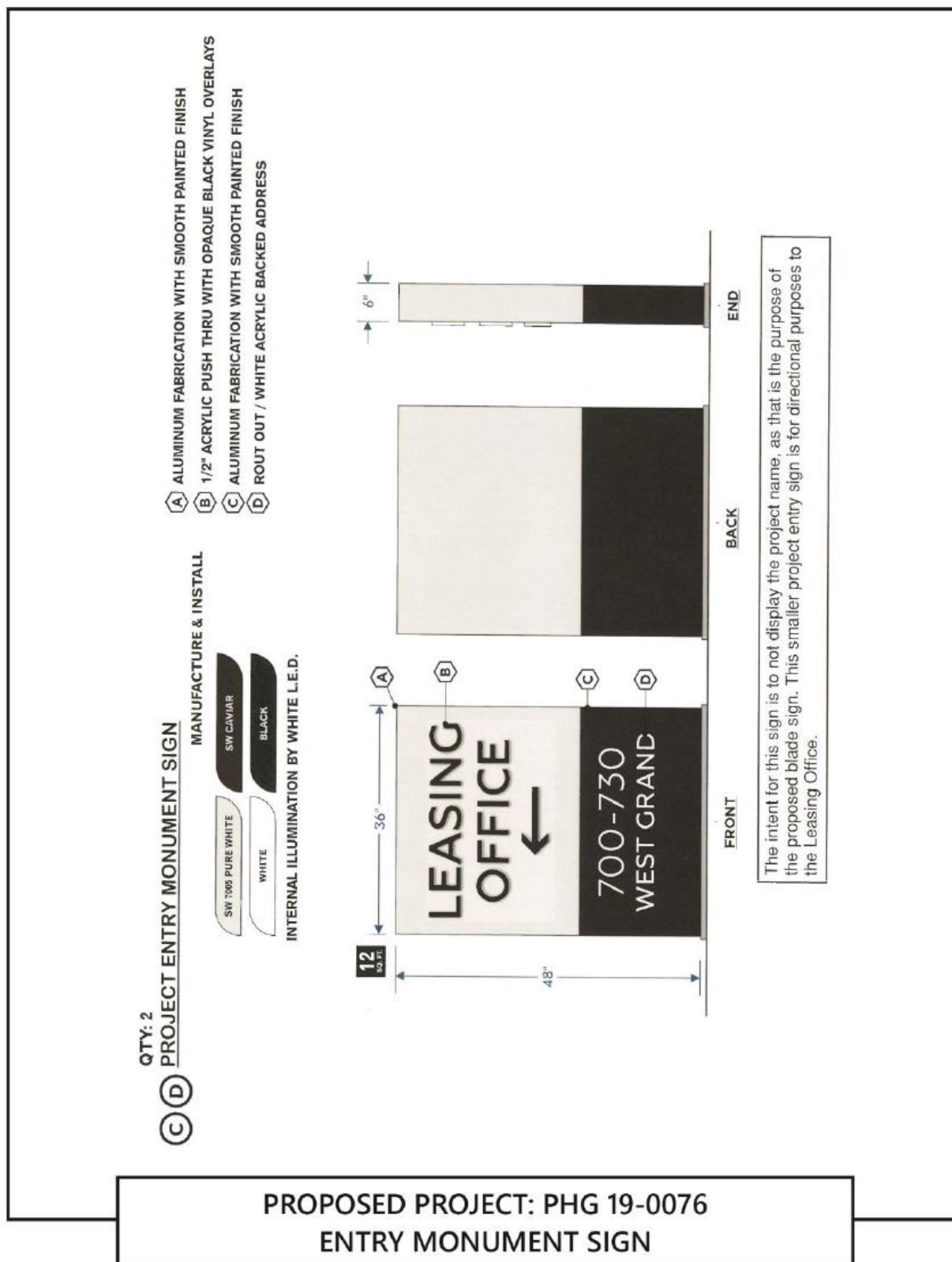
EXHIBIT "B"

SIGN PLANS

PHG 19-0076





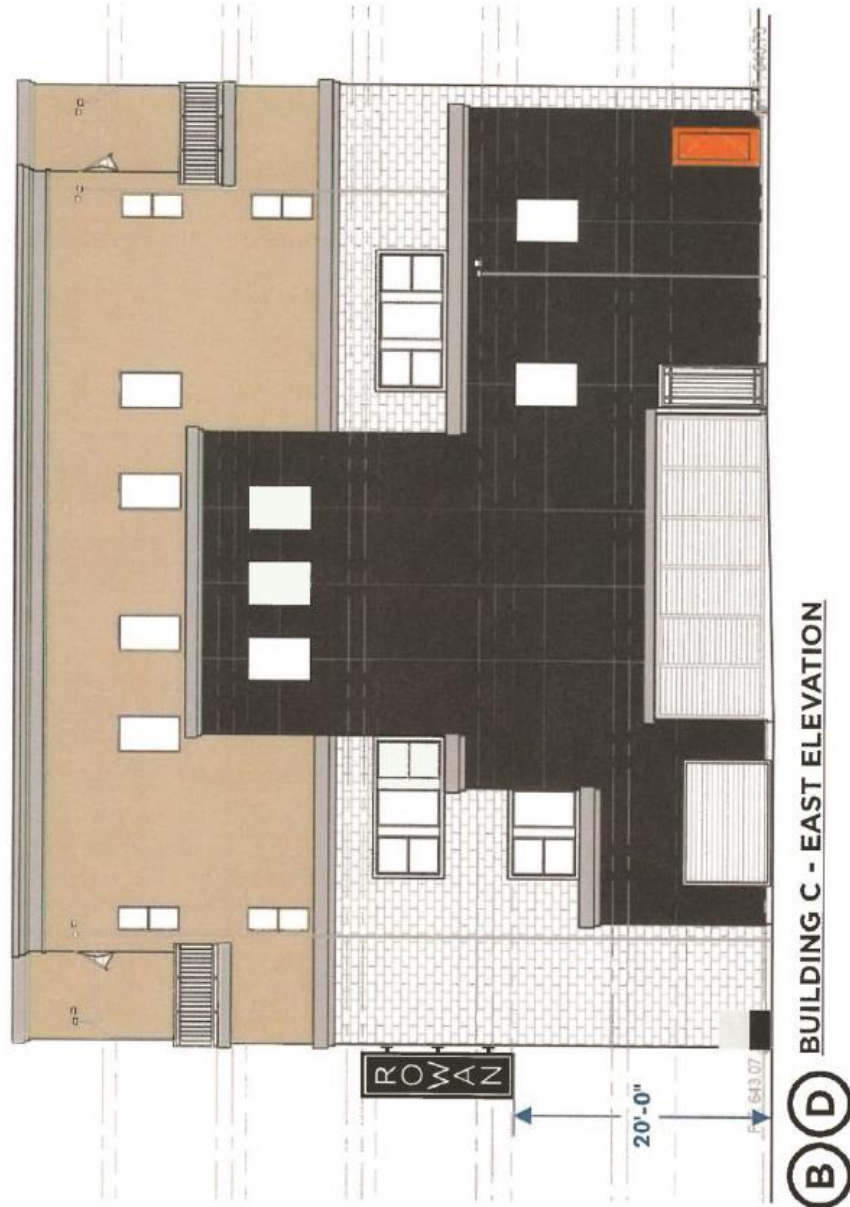




PROPOSED PROJECT: PHG 19-0076
BUILDING A - EAST ELEVATION



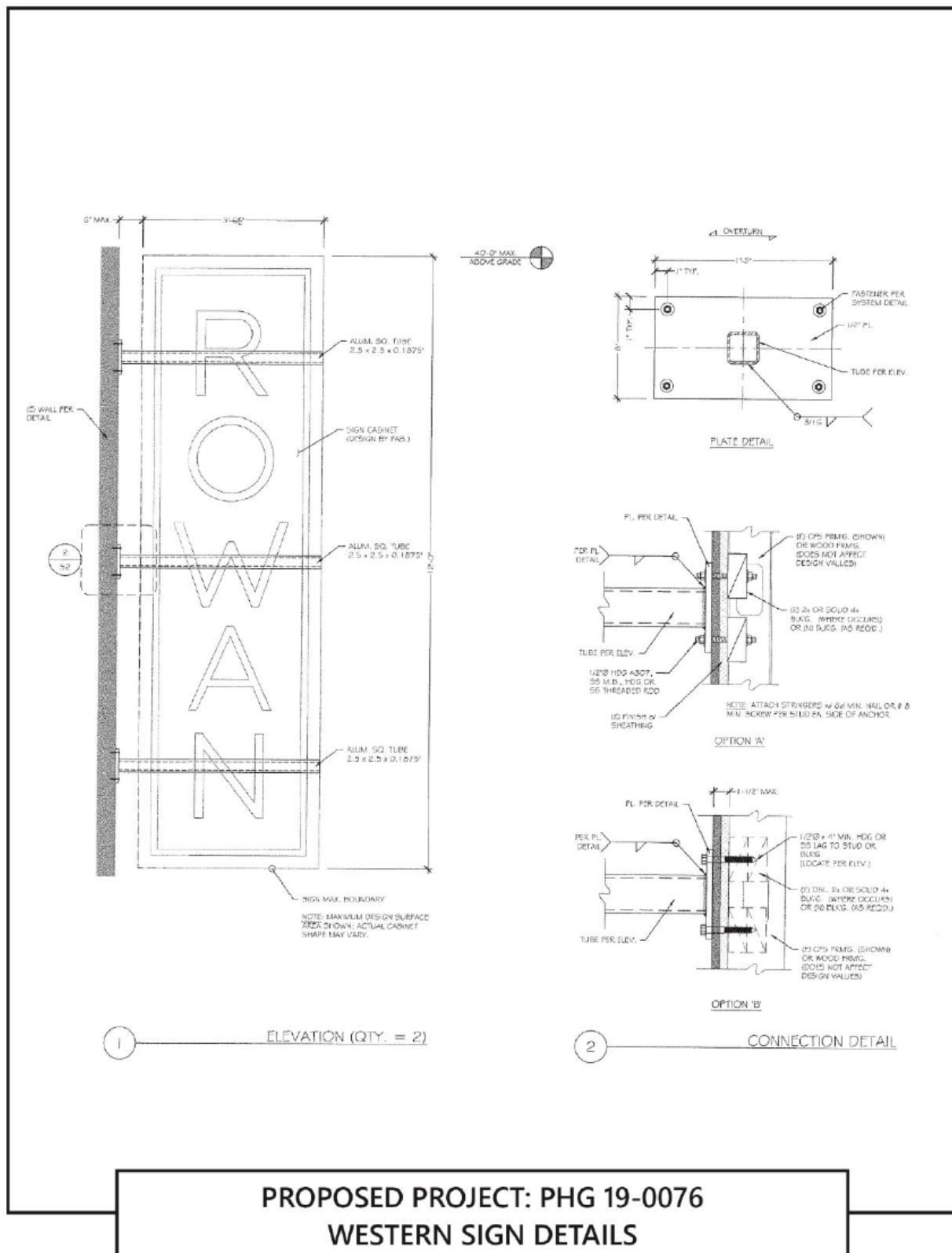
PROPOSED PROJECT: PHG 19-0076
BUILDING A - NORTH ELEVATION



PROPOSED PROJECT: PHG 19-0076
BUILDING C - EAST ELEVATION



PROPOSED PROJECT: PHG 19-0076
BUILDING C - SOUTH ELEVATION



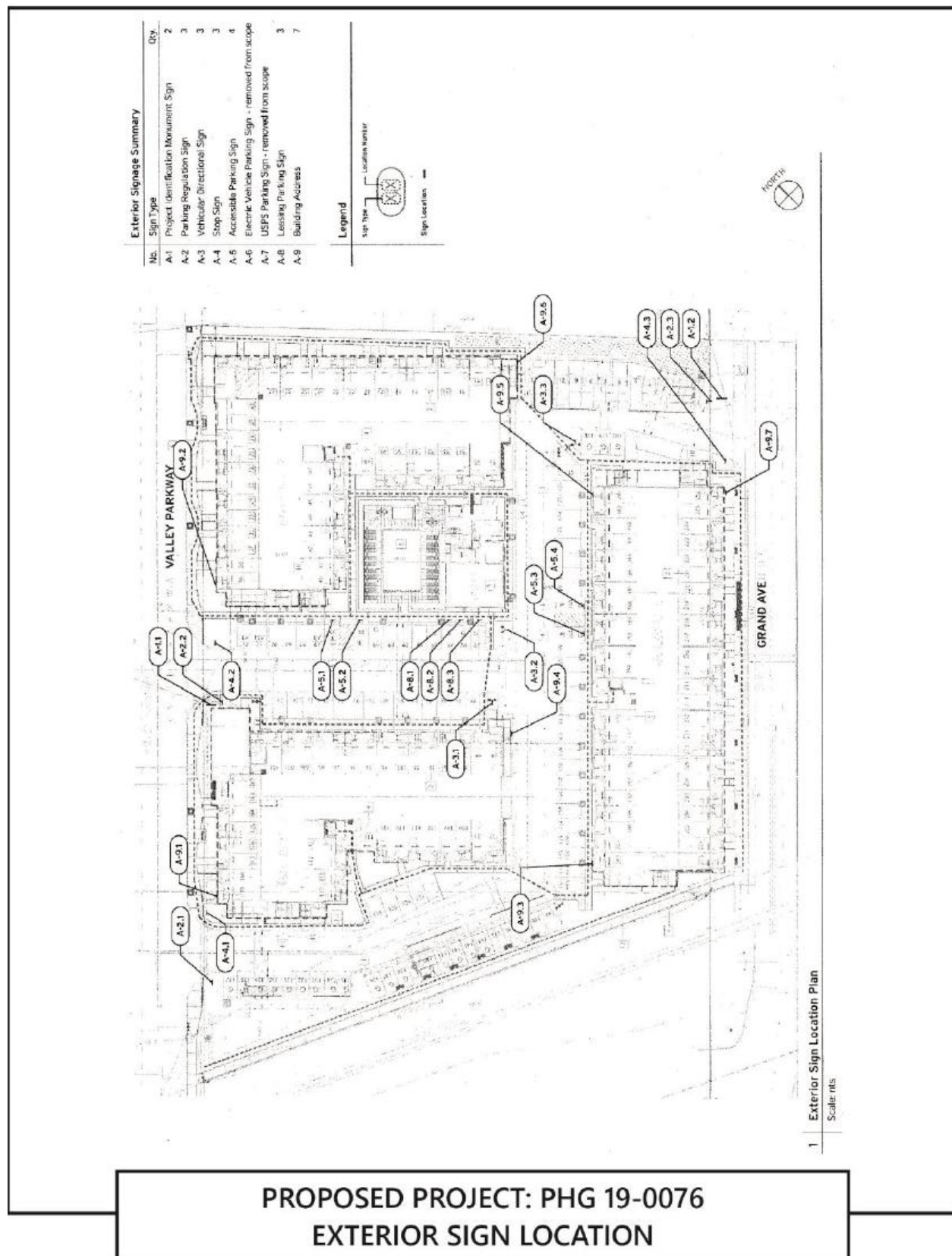


EXHIBIT “C”
FINDINGS OF FACT

PHG 19-0076

Precise Development Plan Modification

1. Except as modified herein, the Escondido Planning Commission hereby reaffirms the Findings of Fact made by the Escondido City Council at the time of approval of the Planned Development Permit for the project, attached as Exhibit “A” to City Council Ordinance No. 2016-16.
2. The Planned Development process allows for flexibility in design to achieve master planned projects that achieve superior visual and functional quality. The Gateway Grand project is a multi-family residential development with architectural features and landscaping materials designed to provide and ensure a high quality, economically successful image at the City’s entrance while projecting an inviting transition to other areas of Downtown.
3. The approval of the proposed modification to the Gateway Grand Precise Development Plan would be based on sound principles of land use because the proposed modification would not result in signage that is out of scale with the structures on-site and in the project vicinity, nor would the proposed signage be incompatible with the overall exterior design of the project, including other signage throughout the project site.
4. The proposed modification to the Gateway Grand Precise Development Plan would not cause a deterioration of bordering land uses for the area in which it is located because the proposed projecting wall signs would be compatible with and not be in conflict with surrounding properties. The 2.6-acre site is sandwiched between two, one-way Collector Streets (W. Grand Avenue and W. Valley Parkway) with 35 mph speed limits. The projecting wall signs provide additional visibility for the project while at the same time provide advance notice to drivers of the location of driveways for the project.

Environmental Determination

1. Public Resources Code Section 21084 requires the CEQA Guidelines to include a list of classes of projects which have been determined *not* to have a significant effect on the environment and which shall be exempt from the provisions of CEQA. The Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review in conformance with Section 15311(a) of the CEQA guidelines because the project proposes only the addition of on-site signage for a project for which a mitigated negative declaration was previously approved.

EXHIBIT “D”

CONDITIONS OF APPROVAL

PHG 19-0076

This Project is conditionally approved as set forth on the application for a Precise Development Plan modification, received by the City of Escondido on December 3, 2019, and the Project drawings consisting of the site plans, colored architectural elevations, sign plans, and other exhibits; all designated as approved on January 14, 2020, and shall not be altered without express authorization by the Community Development Department.

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

A. Prior Approvals:

1. All conditions of approval previously applied to this Precise Development Plan (Planning Case No. SUB 16-0001) by City Council Ordinance 2016-16 and City Council Resolution 2016-144, including all mitigation measures, shall remain in effect unless specifically modified herein.

B. General:

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

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

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

the Project. This includes amending the Project drawings as necessary to incorporate revisions approved by the Planning Commission and/or reflecting any modifications identified in these conditions of approval. If revisions are deemed to be necessary, three (3) copies of final approved plan set shall be submitted to the Planning Division for certification.

4. Conformance to Approved Plans.

- a. The operation and/or use of the subject property shall be consistent with the Details of Request, designated with the Approved Plan set.
- b. Nothing in this Permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

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

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

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

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

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

10. County Clerk Recording Filing Fees.

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

11. **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.

12. **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.

13. **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 presently conducted creates a nuisance.

14. **Indemnification.** The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sub lessees, 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 sub lessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or owner's part to be performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

C. Construction, Maintenance, and Operation Obligations:

1. **Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, Building Code; and the requirements of the Planning Department, Director of Community Development, Building Official, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be

construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation. This review may result in conditions determined by the reviewing agency.

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

3. **Utilities.** All new utilities and utility runs shall be underground.
4. **Signage.** All proposed signage shall be as described in Condition D below, and as identified on the plans attached to this Planning Commission Resolution as Exhibit "B," and is subject to issuance of a separate sign permit and building permit.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** Sign lighting (external or internal) shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
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. **Landscaping.** The property owner or management company assumes all responsibility for maintaining all on-site landscaping; any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.
 - a. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
 - b. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.

- c. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
 - d. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
 - e. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
11. **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. Rain gutters shall be painted to match the walls on which they are mounted.
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.

D. Sign Allowances:

- 1. Two projecting wall signs are allowed; one facing Grand Avenue and the other facing W. Valley Parkway, as shown in Exhibit "B."
- 2. The projecting signs shall not project over the public right-of-way.
- 3. All signage, including the projecting signs identified above, shall be as shown in Exhibit "B."
- 4. Monument signs shall maintain a minimum setback of five feet from public streets and shall not create sight-distance issues.
- 5. No temporary signs may be attached to the projecting wall signs.
- 6. All lighting components associated with the blade signs shall not cause trespass, disabling glare, or nuisance on surrounding residential units.
- 7. Lighting components associated with all signs shall be on a timer control, equipped with automatic timing devices so that such lighting is turned off between the hours of 10:00 p.m. and sunrise.
- 8. In the event the director of community development determines that a blade sign lighting fixture results in light trespass into a surrounding residential unit, the responsible party shall shield, filter, redirect or replace the light with a less intense light source, or remove the light to eliminate the light trespass. Corrective action shall be taken within 15 days after the community development director's determination.