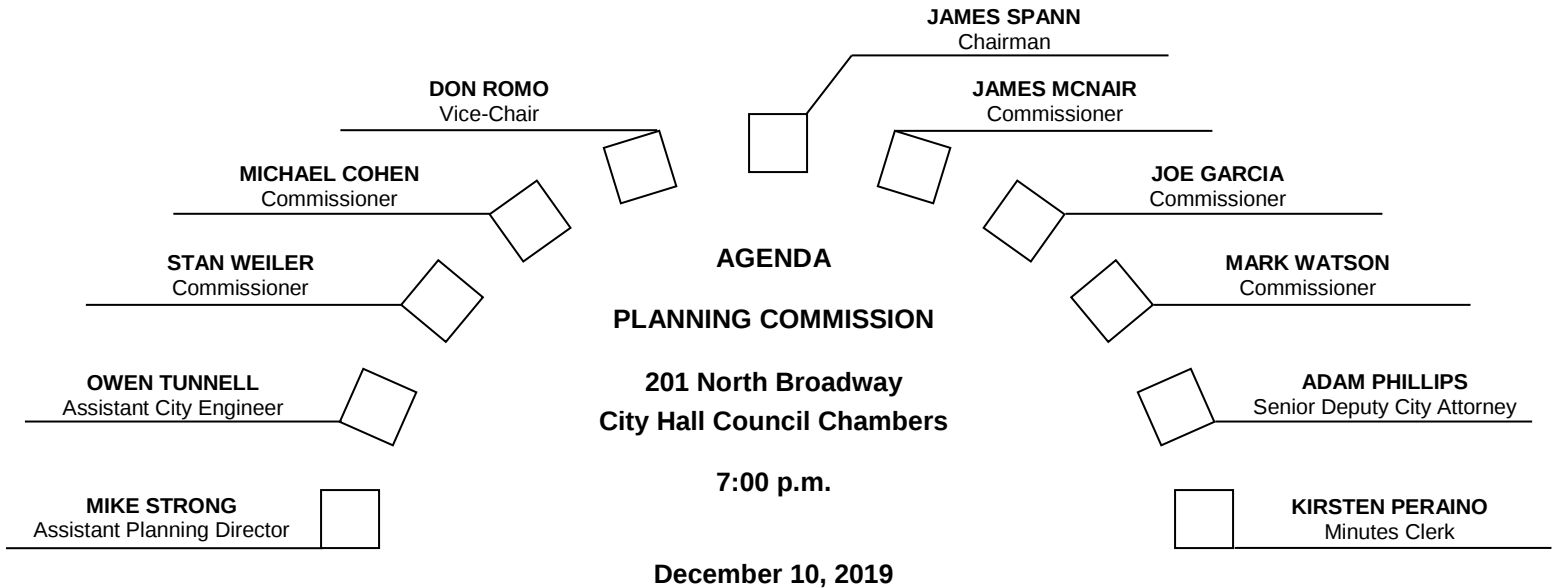


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7:00 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** [10/22/19](#)

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. 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.

APPLICANT: James Price

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

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.

APPLICANT: Discount Tire

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

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).

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

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.

I. ORAL COMMUNICATIONS:

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

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

J. PLANNING COMMISSIONERS

K. ADJOURNMENT

CITY OF ESCONDIDO

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

October 22, 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; James Spann, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Commissioner Garcia and Commissioner Watson.

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

MINUTES:

Moved by Commissioner Cohen, seconded by Commissioner Watson to approve the Action Minutes of the October 8, 2019 meeting. Motion carried unanimously Ayes: Cohen, Romo, Spann, Watson and Weiler; Noes: None. Absent: Garcia and McNair. (5-0-0).

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 19-0017:

REQUEST: A modification to a previously approved Conditional Use Permit for New Life Presbyterian Church to convert an existing single-family residence into a family counseling center/multi-purpose building to support church-related activities and become part of the church campus. Access to the site would be provided from Alexander Drive and the northern driveway would be closed. Primary pedestrian and disabled access would be provided from the existing church property on the west. New front yard fencing would be provided along with a gate to restrict access to the southern driveway, which would remain. The upper story of the split-level structure is proposed to be used for meeting/multi-purpose rooms, office space, lounge area, kitchen and bathrooms. The lower floor is proposed to be used for multi-purpose uses. Exterior modifications to the structure and landscape/fencing improvements also are proposed. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 0.42-acre property (18,480 SF) is located on the western side of Alexander Drive, south of Citracado Parkway, addressed as 2117 Alexander Drive (APN 238-110-06).

ENVIRONMENTAL STATUS: Exempt pursuant to a CEQA Section 15303, Class 3 'New Construction or Conversion of Small Structures'.

STAFF RECOMMENDATION: Approval

PUBLIC SPEAKERS:

Mario Escobar, spoke in opposition to the project.

David Escobar, spoke in opposition to the project.

Gabe Winter, spoke in opposition to the project.

Robin Lee, Pastor of New Life Presbyterian Church spoke in favor of project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

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

1. Restrict the use of the property to uses of the church and church members only, social service uses, and to restrict lodging.
2. Commercial deliveries should be directed for drop-off and pick-up through the main campus.

Motion carried unanimously. Ayes: Cohen, Romo, Spann, Watson and Weiler. Noes: None. Absent: Garcia and McNair (5-0-0).

2. TENTATIVE SUBDIVISION MAP, GENERAL PLAN AMENDMENT, REZONE, MASTER AND PRECISE DEVELOPMENT PLAN, SPECIFIC ALIGNMENT PLAN, AND GRADING EXEMPTION - SUB 18-0005 / ENV 18-0005:

REQUEST: The proposed project is a General Plan Amendment and Rezone for a 7.45-acre site straddling North Nutmeg Street, between North Centre City Parkway and Interstate 15. The General Plan Amendment would change the designation of the site from Office (O) to Urban III (U3), and the Rezone would change the zoning classification from Residential Estates (RE-20) to Planned Development-Residential (PD-R-18). The proposed project consists of a proposal to develop the northern portion of this site (i.e., the area north of Nutmeg Street) with 37 townhome units, ranging in size from 1,104 SF to 1,339 SF. To accommodate the development request, the applicant requests approvals of a Tentative Subdivision Map (TSM), a Master and Precise Development Plan (to establish site-specific development standards), a Specific Alignment Plan (SAP) for both Nutmeg Street and Centre City Parkway (for a roadway design that varies from City standards), and a Grading Exemption (for one cut slope exceeding 20 feet-in-height in the northwest corner of the site). Separate approvals would be required to develop the southern portion of the site. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The project site, subject to the General Plan Amendment and Rezone straddles North Nutmeg Street, between North Centre City Parkway and Interstate 15. The northern portion, subject to the TSM, Master and Precise Development Plan, and Grading Exemption permit requests, is currently 2.33 acres in size. The project proposes 0.17 acre in right-of-way reversions and 0.08 acre in right-of-way dedications to bring the final size of the northern portion to 2.42 acres (gross and net). The southern portion is currently 4.37 acres, but proposes 0.81 acre in right-of-way reversions and 0.15 acre in right-of-way dedications to accommodate the SAP and future development potential, to bring the final size of the southern portion to 5.03 acres.

ENVIRONMENTAL STATUS: The Draft Environmental Impact Report (City Log No. ENV 18-0005) was issued for a 45-day public review on May 10, 2019. Responses to comments received on the Draft EIR have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation.

STAFF RECOMMENDATION: Approval to Council

PUBLIC SPEAKERS:

Jason Greminger, Applicant, spoke in favor of project.

Jim Simmons, Applicant, spoke in favor of project.

Cary Moen, spoke in opposition to the project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

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

1. A tenth surface parking space shall be added to the site plan.
2. Development of the southern portion of the property shall provide adequate open space and recreational amenities to create overall project compliance with the open space requirements.

Motion carried unanimously. Ayes: Cohen, Romo, Spann, Watson and Weiler. Noes: None. Absent: Garcia and McNair (5-0-0).

CURRENT BUSINESS: – None.

ADJOURNMENT:

Chairman Spann adjourned the meeting at 8:38 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, November 12, 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: December 10, 2019

PROJECT NUMBER / NAME: SUB 17-0030 & ENV 17-0006 / Via Hondita

REQUEST: A Tentative Subdivision Map for six (6) single-family residential lots on approximately 3.39-acres in the RE-20 Zone (Residential Estate, 20,000 SF minimum lot size). Proposed lot sizes range from approximately 20,087 SF to 21,887 SF. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: 3.39-acres located towards the eastern terminus of Via Hondita, north of El Norte Parkway, east of La Honda Drive

APN / APNS: 225-040-26, -27 & -28

APPLICANT: James W. Price

PRIMARY

REPRESENTATIVE: Mr. Jim Turpin

GENERAL PLAN / ZONING: Suburban (up to 3.3 du/ac), RE-20 (Residential Estate; 20,000 SF min lot size)

DISCRETIONARY ACTIONS REQUESTED: Tentative Subdivision Map

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

CEQA RECOMMENDATION: Adopt the Final Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-26

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:

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

A. BACKGROUND:

The subject property is approximately 3.39-acres in size, consisting of three (3) vacant parcels (APNs 225-040-26, 27, & 28) that were created by a previously approved four (4) lot County Parcel Map with a proposed internal private cul-de-sac street. The property subsequently annexed into the City of Escondido. The proposed Tentative Subdivision Map would subdivide the three (3) existing lots into six (6) new residential estate lots, ranging in size from 20,087 SF to 21,887 SF. Access to the proposed lots would be from a new private cul-de-sac street that intersects with a private street (Via Hondita) on the south and La Honda Drive (Local Collector Road) to the west. 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 on-site vegetation to provide a necessary fuel management area for fire safety purposes. Up to approximately 0.33-acres of Non-Native Grassland and 0.34-acres of Southern Willow Scrub would be removed from the site. The removal of sensitive habitat would be mitigated through the purchase of mitigation credits at an approved mitigation bank.

B. PROJECT ANALYSIS:

The proposed subdivision of three (3) parcels into six (6), minimum 20,000 SF residential lots, would be compatible with the range of existing and proposed single-family lot sizes throughout the area. The proposed lots would meet all the requirements of the RE-20 Zone and the Zoning Code. The proposed lots range in size from 20,879 SF to 21,887 SF, which meets the minimum requirement of 20,000 SF. The required average lot width in the RE-20 zone is 100 feet, and the minimum proposed width of the lots would be approximately 101 feet.

The relatively flat topography throughout the majority of the site eliminates the need for extensive grading and taller manufactured slopes, and no grading exemptions are requested for the project. However, the lots will need to be raised in order to drain to the street and on-site storm water basins will be provided. Cut slopes ranging from approximately 10 feet to 20 feet in height are proposed along the western and northern portion for the site generally along the rear and side yards of Lots 1, 2 and 3. The applicant proposes to install a six (6) foot-high wooden fence along the perimeter of the project. The applicant will need to coordinate with the adjacent property owners regarding whether their existing fencing will remain in place or be removed and replaced with the proposed new fencing. The project has been designed to current storm water requirements, which includes bio filtration basin features on each lot that would be maintained by the individual home owners.

A new private cul-de-sac street intersecting Via Hondita on the south would provide access to the project and would be maintained by the project homeowner's association. Via Hondita would be improved along one side to include a minimum of 24 feet of pavement within the 56-foot-wide easement. The design also includes a bio-filtration feature on the south side of Via Hondita that would be maintained by the project homeowners' association. The new cul-de-sac street is

designed in accordance with the Modified Rural Residential standards with 28 feet curb-to-curb width with a total easement width of 40 feet. Sidewalk and parking would be provided on one side of the street. Because the Rural standard only provides for parking on one side of the street, parking for a minimum of six cars on each lot is required (typically a three car garage and three space in the driveway). The project applicant has demonstrated the lot sizes and design could accommodate a reasonably sized home and parking for six (6) cars on each lot. The design of the subdivision has also provided guest parking along the street, with a minimum of eleven (11) parking spaces provided along the new cul-de-sac and Via Hondita street frontages.

Water and sewer service is available from existing mains in the adjoining streets. An existing 8" sewer main currently exists in La Honda Drive, but will have to be extended approximately 1,200 feet north along La Honda Drive to the intersection Via Hondita and then east along Via Hondita to the project site. Water service would be provided from an existing eight (8) inch main in La Honda Drive that will extend east along Via Hondita Drive to the project site. The project also will be conditioned to provide a seven (7) foot wide private sewer easement between Lots 2 and 3, and Lots 3 and 4 to provide for future sewer service to the adjacent parcels to the north.

C. SUPPLEMENTAL DETAILS OF REQUEST

	<u>Proposed</u>	<u>RE-20 Requirement</u>
1. Property Size:	3.39-acres (3 parcels)	N/A
2. No. Proposed Lots:	6-single-family lots	Up to 10 based on yield calcs
3. Residential Density:	1.76 dwelling unit/acre (6 lots /3.39)	Up to 3.3 du/ac
4. Lot Size:	20,087 SF - 21,887 SF net lot area	Min 20,000 SF
5. Lot Width:	100' average lot width	100' average
6. Landscaping:	Street trees and slope landscaping proposed, along with appropriate landscaping for storm water basins.	
7. Walls/Fencing:	Six (6) foot-high wooden fencing is proposed around the perimeter of the site	
8. Grading:	Approximately 6,500 cubic yards of cut, 5,600 cubic yards of fill and 900 cubic yards of import. No grading exemptions are proposed.	
9. Street Design:	Private street with Rural Design Standards of 28 feet curb-to curb width within 42 feet of ultimate private access and public utility	

easement width to accommodate parkway, sidewalk, utilities, etc. On-street parking limited to one (1) side only. The street would be maintained by the homeowners' association and include a bio-filtration/detention basin on each lot.

10. Parking: In accordance with the rural street standards, parking for six (6) cars would be provided on each lot would be provided. The project includes a standard detail for a home design that could accommodate six cars (6) on each site. A minimum of eleven (11) on-street spaces would be provided.

C. ENVIRONMENTAL STATUS:

A Draft Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project and identified potentially significant impacts related to Biological and Tribal Cultural Resources. The Draft IS/MND was circulated for 20-day public review (October 10 – October 29, 2019). No comments were received. Mitigation measures have been identified that would reduce all potential impacts to a less-than-significant level. Therefore, preparation of an Environmental Impact Report is not required. A copy of the Final IS/MND can be found at the following link.

<https://www.escondido.org/via-hondita.aspx>

As part of the environmental review process, Planning staff issued consultation invitations to a list of tribal groups maintained by the California Native American Heritage Commission, as required by state law (AB52) for all projects subject to California Environmental Quality Act (CEQA). A total of one (1) tribal group (San Luis Rey Band of Mission Indians) requested to formally consult pursuant to AB52. Staff believes the concerns expressed by the San Luis Rey Band have been adequately addressed through the implementation of Mitigation Measures CR-1 through CR-10, because they established a process for Native American monitoring of ground-disturbing activities, as well as the treatment of any potential tribal cultural resources, artifacts, or remains that may be found on the site during these activities.

D. CONCLUSIONS:

The Planning Commission is the authorized agency for reviewing and granting discretionary approval of a Tentative Subdivision Map. The Planning Commission is being asked to consider the Tentative Subdivision Map to create six (6) residential lots in the RE-20 zone and the adoption of the Final Initial Study/Mitigated Negative Declaration. No other discretionary permits are requested or required for the proposed scope of work.

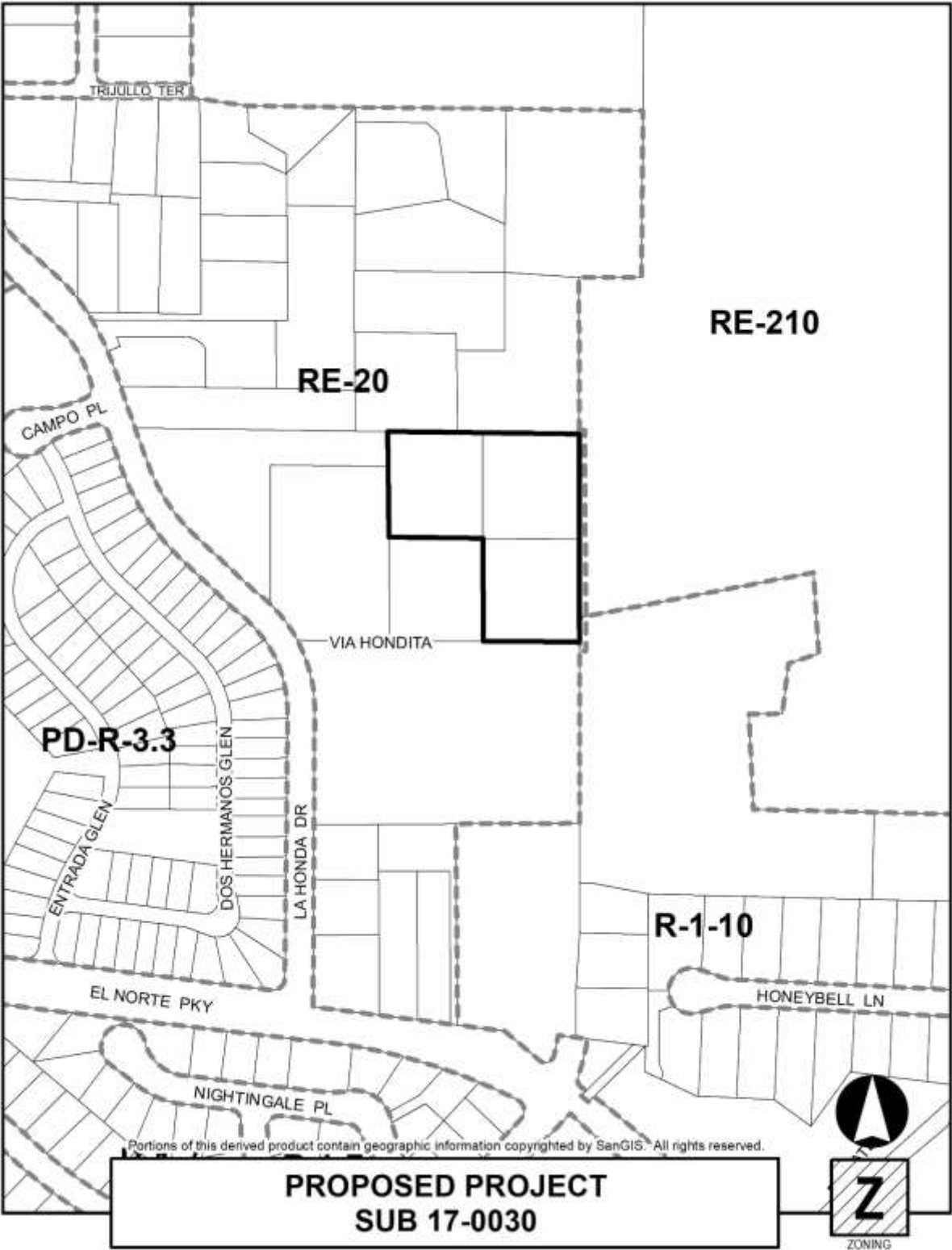
Staff believes the proposed development of six (6) lots on the subject site would be appropriate because the project density and lots sizes are consistent with the Suburban land-use designation

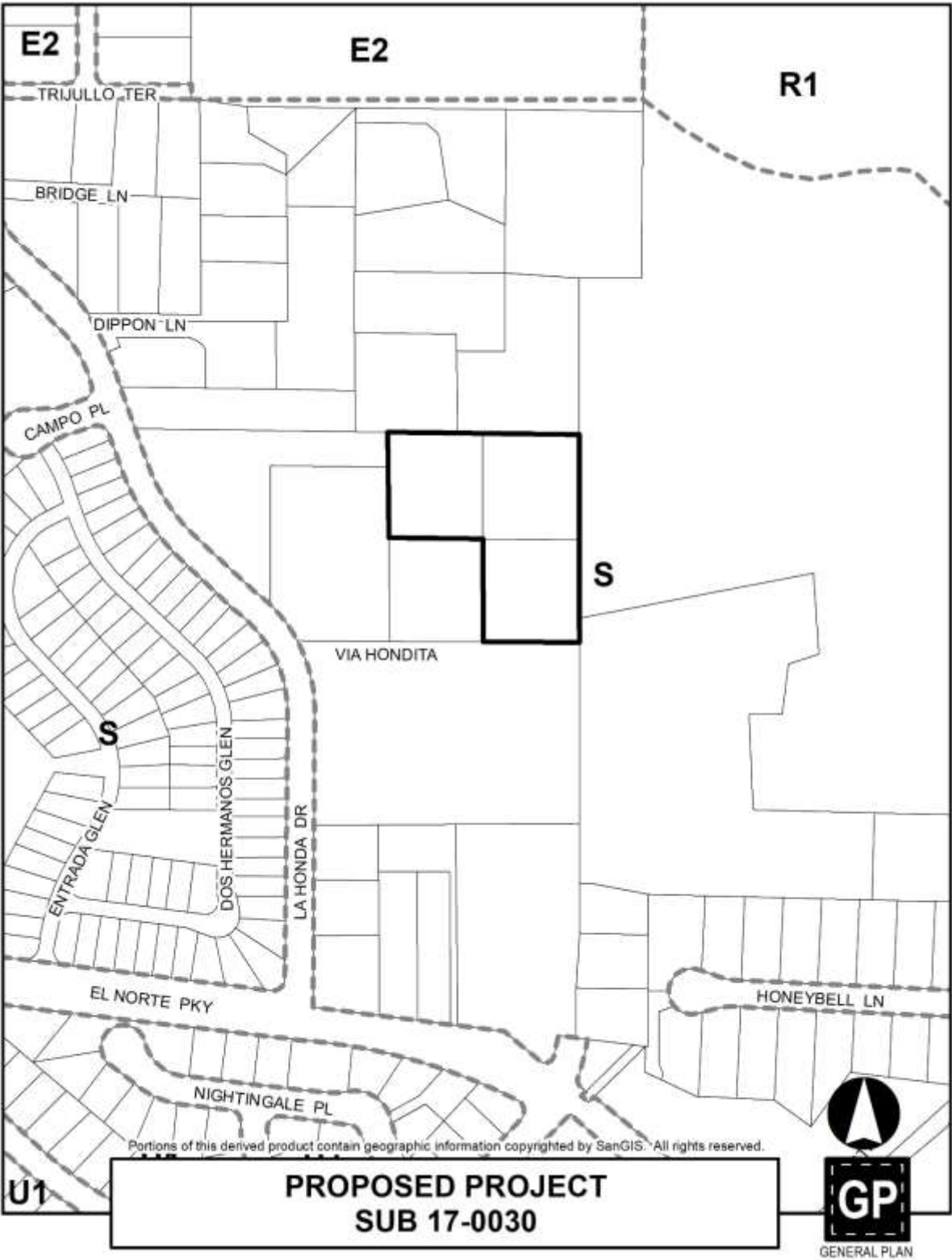
and the RE-20 zoning designation. The General Plan land use designation on site is Suburban (S), which allows up to 3.3 dwelling units per acre (which slope variable), and requires a minimum lot size of 20,000 SF. The proposed lot sizes, range from 20,081 SF to 21,887 SF and the project density of 1.76 du/acre (6 units on 3.39 acres) are consistent with the Suburban (S) General Plan designation. A slope analysis of the property indicates that, based on slope categories, up to 10.48 lots are permitted on site. The project layout and grading design provides adequate pad area to support the development of reasonably sized homes and usable yard area without the need for extensive manufactured slope/grading. The design and orientation of the lots would not create any adverse visual or compatibility impacts with adjacent properties. Adequate access and public/services could be provided to the site, and the proposed street design is appropriate for this development. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities. Staff recommends that the Planning Commission approved Planning Case SUB17-0030 and adopt the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project based upon the factors/findings and conditions contained in the attached draft Planning Commission Resolution No. 2009-26 (Attachment 3).

ATTACHMENTS:

1. Location and General Plan Maps
2. Aerial Map
3. Draft Planning Commission Resolution No. 2019-26

ATTACHMENT 1





ATTACHMENT 2



**PROPOSED PROJECT
SUB 17-0030**

A

AERIAL

ATTACHMENT 3

Planning Commission
Hearing Date: December 10, 2019
Effective Date: December 11, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-26

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A SIX-LOT TENTATIVE SUBDIVISION
MAP ON APPROXIMATELY 3.39 ACRES AT THE
EASTERN TERMINUS OF VIA HONDITA IN THE RE-
20 ZONE

APPLICANT: Jim Price

CASE NO: SUB 17-0030 & ENV 17-0006

WHEREAS, Mr. Jim Price (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. SUB 17-0030 & ENV 17-0006) constituting a request for a Tentative Subdivision Map to subdivide 3.39-acres of land in the RE-20 Zone (Residential Estates, 20,000 SF minimum lot size) into six (6) lots, ranging in size from 20,087 SF to 21,887 SF. The project includes the removal of 0.33-acres of Non-Native Grassland and 0.34-acres of Southern Willow Scrub. The project is located towards the eastern terminus of Via Hondita, north of El Norte Parkway and east of La Honda Drive (APNs 225-040-26, -27 and -28); 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, 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, that the application was assessed in conformance with the California Environmental Quality Act (CEQA) and that a draft Initial Study/Mitigated Negative Declaration (IS/MND) was issued for public review and comment from October 10, 2019 to October 29, 2019; 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 Planning Commission of the City of Escondido did, on December 10, 2019, 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 December 10, 2019, 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.

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) 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 and tribal cultural resources. 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. 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 “B,” relating to the information that has been considered. In accordance with the Findings of Fact/Factors to be Considered and the foregoing, the Planning Commission reached a 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 “C” and graphic representations in the development plan set forth in Exhibit “D” is hereby approved by the Planning Commission. As required by CEQA, the City also adopts the MMRP attached as Exhibit “E,” incorporated herein by this reference as though fully set forth herein. 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. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed

prior to expiration of the Map, or unless an Extension of Time is granted pursuant to Section 66452.6 of the California Government Code.

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 10th day of December, 2019, 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

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

PARCEL A:

PARCELS 2, 3 AND 4 OF PARCEL MAP NO. 8114, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 30, 1978.

PARCEL B:

AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 56.00 FEET WIDE, IN SECTION 2, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, THE CENTERLINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 4 OF PARCEL MAP NO. 8114, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 30, 1978 AS FILE NO. 515720 OF OFFICIAL RECORDS; THENCE NORTH 89°47'30" WEST, 572.05 FEET TO THE END OF SAID DESCRIBED CENTERLINE.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN SAID PARCEL MAP NO. 8114 HEREINABOVE DESCRIBED.

APN: 225-042-26, 27 and 28

EXHIBIT "B"
FINDINGS OF FACT/FACTORS TO BE CONSIDERED
SUB 17-0030 & ENV 17-0006

Environmental Determination:

1. Pursuant to the California Environmental Quality Act (CEQA) (Public Resource Code Section 21000 et. Seq.), and its implementing regulations (the State CEQA Guidelines), Title 14 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.
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 Final IS/MND identified project impacts related to biological resources and tribal cultural resources that may be potentially significant, but associated mitigation, avoidance measures and project design features would reduce these potential impacts to less-than significant. The developer is required to purchase 0.33-acres of Non-native Grassland habitat at a 0.5:1 ratio and 0.34-acres of Southern Willow Scrub habitat at a 1:1 ratio at an appropriate conservation bank. The City has concluded necessary consultation with the Native American tribes in accordance with Assembly Bill 52. The San Luis Rey Band indicated the project could have the potential to impact cultural resources, and recommended their interest to provide monitoring of the site during grading activities. Tribal Cultural monitoring will be required as mitigation to reduce potential impacts to any tribal cultural resources to a less-than significant level.
5. 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 Mitigation Monitoring and Reporting Program (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.
6. 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.
7. 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.

Tentative Subdivision Map

1. The General Plan land-use designation for the project site is Suburban (up 3.3 du/ac) with a minimum lot size of 20,000 SF. The project is consistent with the General Plan land use designation, which anticipates single-family residential estate development on the project site. The proposed subdivision would be consistent with the General Plan density provisions because the overall density of the project would be approximately 1.76 du/ac. Six (6) lots also would be consistent with the allowable yield for the project site, which would allow up to 10.48 lots based on the slope analysis prepared for the project.
2. The design and improvement of the proposed 6-lot Tentative Subdivision Map with minimum 20,000+ SF lot sizes are consistent with the Suburban (S) General Plan designation which requires a minimum lot size of 20,000 SF, and the underlying RE-20 (Residential Estate, 20,000 SF lot size) zoning requirements.
3. The site is moderately sloped, but suitable for this residential type of development. The site is zoned for single-family development, and is bordered by residential development of similar zoning and lot sizes. Appropriate access and public utilities are available to serve the subject site.

4. The site is physically suitable for the proposed density of development because the project is an infill type development surrounded by development of similar density. Adequate building pads can be provided without adverse impacts to the surrounding properties.
5. The design of the Tentative Subdivision Map and proposed improvements are not likely to cause serious public health problems because all vehicular traffic generated by the project would not materially degrade the level of service on the adjoining streets or intersections and adequate sewer and water services would be provided to all proposed lots by the extension of existing services in La Honda Drive.
6. The design of the Tentative Subdivision Map and proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish, wildlife, or their habitat because no stream course or endangered/sensitive wildlife exists on the property. The removal of approximately 0.33-aces of Non-Native Grassland and 0.34-acres of Southern Willow Scrub would be mitigated through the purchase of mitigation credits at an approved mitigation bank.
7. The design of the map and the type of improvements would not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map. This was determined based on review of all available maps and a preliminary title report submitted by the applicant. Neither the City nor its employees assume any responsibility for the completeness or accuracy of these documents.
8. The design of the Tentative Subdivision Map has provided to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Lot sizes and the subdivision configuration provide opportunities for passive/solar heating. Landscaping would provide passive cooling opportunities via shading each unit.
9. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will be obtained prior to the recordation of the map.

EXHIBIT “C”
CONDITIONS OF APPROVAL
SUB 17-0030

General:

1. The developer shall be required to pay all development fees of the City building permit issuance, including any applicable City-Wide Facilities 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.
2. Three (3) copies of a revised Tentative Subdivision Map reflecting all modifications and changes required by this approval shall be submitted to the Planning Division for review and certification, along with the appropriate review fee, prior to submittal of grading plans, landscape plans and approval of the Final Map. The certified TM shall include/incorporate any relevant conditions of approval and notes that need to be reflected on the TM, final storm water design elements, as well as the final grading and site design and/or necessary modification as approved by the Planning Commission.
3. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will be obtained prior to the recordation of the map.
4. The construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Services Department, Building Division, and Fire Department.
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 descriptions.
6. Any blasting within the City of Escondido is subject to the provisions of Ordinance No. 95-6 and a Blasting Permit must be obtained from the Escondido Fire Department. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certification of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
7. Access for use of heavy firefighting equipment, as required by the Fire Chief, shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation

inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshall.

8. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to 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. All exterior lighting shall conform to the requirements of Escondido Zoning Code Article 35, Outdoor Lighting.
10. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
11. No street names are part of this approval. A separate request may be submitted prior to Final Map.
12. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall be in substantial conformance to the conceptual grading plan as shown on the Tentative Subdivision Map.
13. All new utilities shall be underground.
14. The applicant shall submit an access and maintenance agreement that addresses the proposed 40-foot wide private easement road, to the satisfaction of the Planning Division, Engineering Services Department and City Attorney's Office. The agreement shall specify maintenance intervals and extent of improvements. A note shall be included on the Final Map indicating that individual property owners are responsible for maintenance of the private easement roads. Said agreements shall be submitted prior to recordation of the Final Map to the Planning and Engineering Services Department for review.
15. All Lots shall maintain a minimum 20,000 SF net lot size exclusive of any access easement(s).
16. In accordance with the Rural street design standards on-site parking for a minimum of six cars shall be provided for each lot.
17. The grading plan shall be designed with sufficient pad area to accommodate the required off-street parking. The concept building footprint shown on the Tentative Subdivision Map are to demonstrate the ability to provide appropriate on-site parking and setbacks. The footprints include on the Map do not constitute approval of the final building footprints and design of the homes. Conformance with this condition shall be demonstrated on the precise grading plan and final plotting of the homes in conjunction with the submittal of building permits, to the satisfaction of the Planning Division and Engineering Services Department. Staff Design Review shall be required for the final plotting and architectural design of the homes.

18. Any proposed retaining walls shall incorporate decorative block materials and cap. This shall be noted on the project improvement plan (i.e., type of block, color, decorative cap, etc.).
19. Prior to recordation of the Final Map, copies of the CC&Rs shall be submitted for review and approval. The CC&Rs shall be submitted to the Engineering Division (along with the appropriate review fee). The CC&Rs shall contain provisions for the maintenance of any common facilities, landscaping, drainage and storm water facilities, and walls, etc. All the lots in the subdivision shall be part of the homeowners' association. A self-managed homeowners' association shall not be allowed and shall be managed by a professional management company.
20. The Tentative Subdivision Map shall expire after thirty-six months (36) if the final map is not recorded or an extension of time application is not granted.
21. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay user fees for the purpose of funding the California Department of Fish and Wildlife. These fees were reinstated January 31, 1996, by the State Superior Court in Sacramento. In order to comply with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a check payable to "County Clerk", in the amount of \$2,404.75 for a project with a Mitigated Negative Declaration. These fees may be waived for projects which are found by the California Department of Fish and Wildlife to have no effect on fish and wildlife resources. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) A check with the correct Fish and Wildlife filling fee payment. 2) A receipt or other proof of payment showing previous payment of the filling fee for the same project, or 3) A completed form from the Department of Fish and Wildlife documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filling fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid. (Section 711.4(c) (3) of the Fish and Game Code).

Mitigation Measures-Conditions of Approval

- BIO-1 Prior to grading or any site clearing activities (including approval of the grading plan), the purchase of 0.33 acres of mitigation credits of Non-Native Grassland habitat and 0.34-acres of mitigation credits of Southern Willow Scrub habitat is required at City of Escondido Daley Ranch Conservation Bank or other appropriate conservation bank.
- BIO-2 In order to protect and avoid impacts to potential wildlife nursery sites, standard seasonal restrictions on clearing and grading should be implemented. Therefore, site brushing, grading, and/or removal of vegetation within 300 feet of any potential migratory songbird

nesting location, including nesting locations for ground-nesting birds, will not be permitted during the spring/summer migratory songbird breeding season, defined as from 15 February to 31 August of each year. This is required in order to ensure compliance with Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code and the federal Migratory Bird Treaty Act. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds or raptors. Should it be necessary to conduct brushing, grading, or other site activities during the songbird breeding season, a preconstruction nesting survey of all areas within 300 feet of the proposed activity will be required. 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.

- CUL-1 The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
- CUL-2 Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and 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.
- CUL-3 The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
- CUL-4 During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits.

The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

CUL-5 In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

CUL-6 If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

CUL-7 The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

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

California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

CUL-9 If the qualified archaeologist elects to collect any 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.

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

Fire Department:

1. The final design/plotting of the homes shall provide for the appropriate length of hose pull to the rear/farthest area of the home from the street, to the satisfaction of the Fire Marshal.

Landscaping:

1. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees.
2. The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to approval of the grading plans. 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. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.

3. Details of the project's fencing including materials and colors shall be provided on the final landscape plans to the satisfaction of the Planning and Engineering Services Department.
4. The landscape plan shall indicate the locations of fire hydrants, transformers, utility boxes, driveways, utility easements and other easements of record.
5. Street trees shall be provided along each of the site's street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees located within six-feet of pavement shall be provided with root barriers.
6. Any existing trees to remain on site and any trees to be removed shall be identified on the final landscape and grading plans and to the satisfaction of the Planning Division.
7. All required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner prior to occupancy. The required landscape areas shall be free of all foreign matter, weeds and plant materials not approved as part of the landscape plan.
8. The installation of the landscaping and irrigation shall be inspected by the project landscape architect/design professional 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 Department and request final inspection.

Building Division:

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

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. The Tentative Map shall be revised to match these conditions and the requirements of the Utilities Department, prior to Planning Division certification. The engineer shall submit to the Planning Department a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department
2. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.

3. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs with proposed lots, these utilities shall be relocated.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map.
5. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. Private street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. Engineering and Fire Department is requiring a street name change for Ranridos Court due to a similar name currently in use in or near the City. The applicant shall submit a name and an alternate name for approval. All private streets shall end with the suffix Glen, unless approved otherwise.
3. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

STREET

Via Hondita

CLASSIFICATION

Modified Rural Residential Road
(24' min. paved roadway and no sidewalk)

Street "A"
(Ranridos Court)

Modified Suburban Residential Road
(28' min. paved roadway, parking on one side)

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

4. All on-site roads, driveways, and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks (one side only), street lights, paving and base.
5. Access to this project shall be improved with a twenty-four (24) foot wide paved roadway and radius AC berm entrance at La Honda Drive.
6. The intersection of Street "A" (Ranridos Court) and Via Hondita shall be constructed with portland concrete cement (PCC) curb returns.
7. The power pole and anchor wires at the intersection La Honda Drive and Via Hondita will likely require relocation to accommodate the required intersection improvements.
8. A hammerhead turn-around in conformance with the City of Escondido's Figure 18 turn-around shall be constructed at the end of Via Hondita.
9. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
10. Four (4) foot wide sidewalk shall be constructed on the westerly side of Street "A" (Ranridos Court) and shall be contiguous to the curb in accordance with current Escondido Design Standards.
11. All cul-de-sacs shall conform to the current Escondido Design Standards.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
13. The developer may be responsible for an overlay of La Honda Drive 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.
14. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.

15. Street lighting shall be required on all on-site private streets. A street light shall be installed at the end of the cul-de-sac and at the Street "A" (Ranridos Court) and Via Hondita Intersection. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.

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 slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. Increased cut slope setbacks may be required along the project boundary to avoid disrupting any existing septic systems in the adjoining residential areas and may be required to avoid encountering ground water problems. Actual setbacks to be used will be based on recommendations of the soils engineer. The requirements of the San Diego County Health Department should be consulted in this regard. In lieu of these requirements, or if the County Health Department requirements cannot be met, the developer must arrange to connect adjoining existing dwelling units, now on private septic systems, to the public sewer system. In this regard, the developer will be required to make necessary arrangements for all main extensions, easements, and payment of all connection and permit fees. This requirement shall also apply to off-site road and utility improvements where existing septic systems are jeopardized as a result of these improvements.
4. It shall be the responsibility of the developer to pay all plan check and inspection fees required by the San Diego County Health Department.
5. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
6. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
7. 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.

8. Lot drainage shall meet the requirements of current Escondido Design Standards, to the satisfaction of the City Engineer, and shall include the construction of necessary brow ditches.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
10. All existing foundations and structures, other than those designated "to remain" on the Tentative Map, shall be removed or demolished from the site.
11. Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.
12. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
13. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
14. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.
15. 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.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the property owner's association. Provisions stating this shall be included in the CC&Rs.

3. The project shall limit 50-year 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.
4. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
5. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
8. Storm water treatment facilities located within the existing Via Hondita access easement shall be limited as much as possible. The use of green streets BMPs for the treatment of Via Hondita improvements is recommended to maximize access to the parcel south of Via Hondita. Storm water treatment facilities located within the existing Via Hondita access easement preclude the use of the easement for other property owners whom have rights to the easement.

WATER SUPPLY

1. All water main locations and sizing shall be to the satisfaction of the Utilities Engineer and City Engineer. Required water main improvements shall include: Construction of an 8-inch public water main in Via Hondita (from La Honda Drive to Street "A") and Street "A" (Ranridos Court), fire hydrants, blow-offs and air release valve assemblies, back flow prevention device, and pertinent water appurtenances. The 8-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. Water utilities shall be extended to the project's boundary at such locations as required by the Utilities Engineer and the City Engineer.

3. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
4. Because fire sprinklers are required by the Fire Department, a 1" minimum water service, 1" water meter, and back flow prevention device shall be required for each lot. Water meters and back flow prevention devices shall not be installed within the driveway apron or private drive areas.
5. No trees or deep rooted plants shall be planted within 10 feet of any water service.
6. All water services shall be installed per current City of Escondido Design Standards and Standard Drawings.

SEWER

1. All sewer main locations and sizing of mains shall be to the satisfaction of the City Engineer and Director of Utilities. Required sewer main improvements include: construction of an 8-inch public sewer main in La Honda Drive (from approximately 530 feet south of Via Hondita to Via Hondita, Via Hondita (from La Honda Drive to Street "A") and Street "A" (Ranridos Court). Sewer manholes shall be in conformance with Table S-2 of the City of Escondido Design Standards.
2. The sewer manhole on La Honda Drive at Via Hondita shall include a five (5) foot minimum capped stub for future extension.
3. Sewer utilities shall be extended to the project's boundary at such locations as required by the City Engineer.
4. The developer, through his engineer, shall verify the location of all public utility easements within this project and shall verify that public utilities are within these easements.
5. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the Public Utilities Easement shall be constructed for each Lot and shown on the Improvement and Grading plans. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.
6. No Trees or deep rooted bushes shall not be planted within 10' of any sewer lateral, or within 15' of any sewer main.
7. A 4" sewer lateral connection shall be provided to APN 225-042-07. The applicant shall obtain the required building permit, pay all applicable fees, and shall construct a sewer service within the proposed seven (7) foot private sewer easement through Lot 2 in compliance with the current Uniform Plumbing Code.

8. The applicant shall construct a 4" sewer lateral service within the proposed seven (7) foot private sewer easement through Lot 3 and capped at the northern boundary for the future benefit of APN 225-042-02.
9. All sewer laterals will be considered a private sewer system. The property owners and/or the Home Owners Association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.

LANDSCAPE

1. A site landscaping and irrigation plan 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 in effect at the time of the submittal.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
2. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map.
3. A public utility easement shall be dedicated over the private streets. The public utility easement shall extend a minimum of five (5) feet beyond the improved, curb-to-curb roadway width. When sidewalks are required, the public utility easement shall extend a minimum of four (4) feet behind the back of sidewalk.
4. Two (2) proposed seven (7) foot private sewer easements through Lots 2 and 3 (for the benefit of APN's 225-042-02 and 225-042-07) shall be delineated on the Final Map. After Final Map recording, these private sewer easements shall be deeded to the property owners by separate document prior to issuance of any building permit.
5. A five- (5) foot minimum private drainage easement shall be shown and proposed to be granted to the HOA upon subsequent transfer of title reserved on the Final Map for cross lot drainage. Maintenance of the brow ditch located within this private drainage easement shall be maintained by the homeowners' association. Provisions stating this shall be included in the CC&Rs.
6. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the Final Map. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to

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

REPAYMENTS AND FEES

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

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Services Department and Planning Division for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of private roadways, driveways, parking areas, private utilities, drainage swales, private street lighting, bio-filtration basin, post-construction storm water treatment facilities, storm drains, and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The developer shall make provisions in the CC&Rs for maintenance, repair and access to all brow ditches which pass from one lot through an adjacent lot. Copies of an approved wording and format for this section of the CC&R's may be obtained from the Engineering Department.
4. The CC&Rs must state that the property owners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
5. The CC&Rs must state that (if stamped concrete is used in the private street) the homeowners' association is responsible for replacing the stamped concrete in kind if the City has to trench the street for repair or replacement of an existing utility.

6. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

UTILITY UNDERGROUNDING AND RELOCATION

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

EXHIBIT "E"
MITIGATION MONITORING REPORT
CASE NO: ENV 17-0006 & SUB 17-0030

PROJECT NAME: Initial Study/Mitigated Negative Declaration (Via Hondita)

PROJECT DESCRIPTION: A Tentative Subdivision Map to divide three (3) parcels totaling 3.39-acres into six (6) single-family residential lots, ranging in size from 20,327 SF to 20,400 SF. The General Plan land-use designation for the project site is Suburban, with an underlying zoning designation of RE-20. The project 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. The project includes the removal of 0.33-acres of Non-Native Grassland and 0.34-acres of Southern Willow Scrub.

APPROVAL BODY/DATE:

PROJECT LOCATION: Approximately 3.39-acres, located east of La Honda Drive, north of Via Hondita and El Norte Parkway (APNs 225-040-26-00, 225-040-27, & 225-040-28)

PROJECT MANAGER: Darren Parker-Associate Planner (760)-839-4553 email: Dparker@escondido.org

CONTACT PERSON:
PHONE NUMBER:

Mitigation Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION. NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/D DATE	COMMENTS
Bio 1	Prior to grading or any site clearing activities (including approval of the grading plan), the purchase of 0.67-acres of mitigation credits of Non-Native Grassland and Southern Willow Scrub habitat is required at City of Escondido Daley Ranch Conservation Bank or other appropriate conservation bank).	Biological Resources. Mitigation Measure #1	Applicant		
Bio 2	In order to protect and avoid impacts to potential wildlife nursery sites, standard seasonal restrictions on clearing and grading should be implemented. Therefore, site brushing, grading, and/or removal of vegetation within 300 feet of any potential migratory songbird nesting location,	Biological Resources. Mitigation Measure #2	Applicant		

	including nesting locations for ground-nesting birds, will not be permitted during the spring/summer migratory songbird breeding season, defined as from 15 February to 31 August of each year. This is required in order to ensure compliance with Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code and the federal Migratory Bird Treaty Act. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds or raptors. Should it be necessary to conduct brushing, grading, or other site activities during the songbird breeding season, a preconstruction nesting survey of all areas within 300 feet of the proposed activity will be required. 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.				
CUL 1	The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring	Tribal Cultural Resource (6). Mitigation Measure #1	Applicant		

	program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.				
CUL 2	Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and 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	Tribal Cultural Resources (5). Mitigation Measure #2	Applicant		
CUL 3	The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program	Tribal Cultural Resource (6)- Mitigation Measure #3	Applicant		
CUL 4	During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in	Tribal Cultural Resource (6)- Mitigation Measure #4	Applicant		

CUL 5	consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring	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	Tribal Cultural Resource (6)- Mitigation Measure #5	Applicant		
CUL 6		If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.	Tribal Cultural Resource (6)- Mitigation Measure #6	Applicant		
CUL 7		The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the	Tribal Cultural Resource (6)- Mitigation Measure #7	Applicant		

CUL 8	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	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,	Tribal Cultural Resource (6)- Mitigation Measure #8	Applicant		
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	shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor				
CUL 9	If the qualified archaeologist elects to collect any 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	Tribal Cultural Resource (6)- Mitigation Measure #9	Applicant		
CUL 10	Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible	Tribal Cultural Resource (6)- Mitigation Measure #10	Applicant		

	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				
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PLANNING COMMISSION

Agenda Item No.: G.2
Date: December 10, 2019

PROJECT NUMBER / NAME: PHG 19-0031 and PHG 19-0032 / Tire Sales and Installation Shop

REQUEST: The project requests a Specific Plan Amendment (PHG 19-0031) to reassign four lots from the Historic Downtown District of the Downtown Specific Plan, to the Southern Gateway District of the Downtown Specific Plan. The project also requests a Conditional Use Permit (PHG 19-0032) for the demolition of an existing tire shop and bridal store on these lots, and construction of a new tire shop in their place, with 29 off-street parking spaces, and other associated improvements. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: 209 S. Escondido Blvd. & 339 W. 2nd Ave.

APPLICANT: Reid Kunishige, raSmith, Inc.

APN / APNS: 233-052-04, 233-052-06, 233-052-13, and 233-052-15

PRIMARY REPRESENTATIVE: Same

GENERAL PLAN / ZONING: SPA 9 / SP (Downtown Specific Plan)

DISCRETIONARY ACTIONS REQUESTED: Specific Plan Amendment and Conditional Use Permit

PREVIOUS ACTIONS: PHG 19-0004 (City Council initiation of Specific Plan Amendment request)

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

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Section 15061(b)(3), "Common Sense Exemption;" and Section 15302(b), "Replacement or Reconstruction")

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-25

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS:

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

BACKGROUND:

The subject property comprises of four (4) lots totaling approximately 0.8 acre, located on the southwest corner of South Escondido Boulevard and West 2nd Avenue. A tire sales and installation shop and its associated parking lot currently occupy the two easternmost lots (APNs 233-052-06 and 233-052-15). The tire shop is about 7,000 square feet and is oriented in a north/south direction, with the main customer entrance and vehicle service bays facing east toward Escondido Boulevard. Fourteen (14) parking spaces are located along the east property line. The tire shop is accessible from a driveway on 2nd Avenue, as well as from an alley connecting to Escondido Boulevard and running along the south boundary of the site. The two (2) westernmost lots, APNs 233-052-13 and 233-052-04, are occupied by a bridal shop and a parking lot with twenty-five (25) spaces. This business establishment is also accessible via its own 2nd Avenue driveway, as well as from the alley described above. The bridal shop is approximately 9,900 square feet in size.

The proposed Project would demolish both the existing tire shop and bridal shop, and would construct a new, 10,471 square-foot facility in approximately the same location as the bridal shop. The building would be oriented in an east/west configuration, and be developed to accommodate a tire sales and installation shop, with the service bays and main customer entrance facing the south property line (i.e. the alley). A parking lot with twenty-nine (29) spaces, bioretention areas, landscaping, and a new trash enclosure would also be provided. Specific details about the project design are provided later in this staff report.

City Council approval to initiate a Specific Plan Amendment is required before an application for said Amendment can be submitted to the Planning Division. The proposed Amendment was taken to the City Council meeting on February 13, 2019, where the Council voted unanimously to initiate the project. Said direction only authorizes the intake and processing of the application – it does not irrecoverably commit the City to a certain course of action. The application for the Specific Plan Amendment and Conditional Use Permit was then submitted to Planning staff on June 19, 2019.

PROJECT ANALYSIS:

1. General Plan / Zoning

The General Plan land use designation for the subject property is SPA 9 (Specific Plan Area #9) and the zoning classification is SP (Specific Plan). The Downtown Specific Plan has been divided into several different districts, each with different land use allowances and tailored development standards. "Vehicle repair, light" or limited repairs is only permitted within the Southern Gateway District of the Specific Plan, through the issuance of a conditional use permit. The subject property is included within the Historic Downtown District of the Downtown Specific Plan. Automobile supply stores with incidental installation and automotive repair facilities of any type are not permitted or conditional uses within this district. Therefore, the existing tire shop is a legal non-conforming use within that district, and modifications or expansions to the use are substantially restricted, as described in Article 61, Division 3 of the City of Escondido Zoning Code. Since "light vehicle repair" is conditionally permitted in the adjacent Southern Gateway District, the applicant

submitted a request to adjust the boundary between the Historic Downtown District and the Southern Gateway District of the Downtown Specific Plan to reassign the project site to the Southern Gateway District. With approval of the concurrent Conditional Use Permit request, the applicant would have the appropriate zoning permits to demolish the existing shop and replace it with a new one, as described in this report.

Senate Bill 18 (SB18) requires city and county jurisdictions in California to invite local tribal groups to consult on a project whenever the project involves the adoption of a General Plan Amendment or Specific Plan, or the amendment of a General Plan or Specific Plan. Upon receipt of an invitation, a tribal group has ninety (90) days to request consultation with the jurisdiction. On August 16, 2019, Planning staff mailed consultation invitations to sixteen (16) representatives from thirteen (13) tribal groups, per a contact list provided by the Native American Heritage Commission. Staff received no requests to consult within or after the 90-day response period.

2. Design Review

The project was taken to a staff design review meeting on July 11, 2019. Recommendations were made during that meeting regarding the design and location of the trash enclosure, the screening of utility equipment, and landscaping along the east property line for screening of the parking area. These recommendations were transmitted to the applicant and incorporated into the project design.

3. Supplemental Details of Request

	Proposed	Required (Southern Gateway District, Downtown Specific Plan)
1. Project area	0.8 acre	No minimum
2. Existing Buildings	Tire sales & installation facility: ±7,000 SF Bridal shop: ±9,900 SF Total development: ±16,900 SF	N/A
3. Proposed Buildings	Footprint of new tire sales & installation facility: 8,192 SF Net area of building: 10,471 SF First floor (7,721 SF net area) – sales/display area, office and computer room, restrooms, janitor's closet, vehicle service area, dead tire storage room, and fire riser/compressor rooms	N/A

- Mezzanine (2,750 SF net area) – three storage rooms and walking grate
- Tire storage racks will be located on both levels, starting in the ground-floor vehicle service area and extending upward through the mezzanine walking grate

Bridal shop to be demolished and not replaced

4. Setbacks

Front (Escondido): 110'

Interior side (alley): 65'

Street side (2nd): 13' from ultimate street curb face (project has been conditioned to modify to 14' on building plans)

Rear: 8'

Front: At right of way or 14' from ultimate street curb face, whichever is greater (surface parking and signs: 5' from property line)

Interior side: None (surface parking and signs: 5' from property line)

Street side: Same as front

Rear: Same as interior side

5. Parking

29 spaces (25 standard, 2 ADA, 2 EV)

1,466.62 SF of display area (includes sales floor, public restrooms, hallway) @ 1 space per 1,000 SF = 1.47 spaces required

3,450.28 SF of storage area (includes entire mezzanine, dead tire storage, janitor closet) @ 1 space per 800 SF = 4.31 spaces required

5,128.10 SF of garage area (includes vehicle service area) @ 1 space per 250 SF = 20.51 spaces required

Total requirement: 26 spaces (rounded down from 26.29)

6. Building Height	30'	75' max (up to 5 stories)
7. Lot Frontage	116.05' (Escondido Boulevard)	50' min
8. Materials and Colors	Wall materials: EIFS (exterior insulation and finish system) over CMU; stone veneer Decorative accents: Faux storefront system (north elevation only); fabric awnings over main entrance and faux storefront; steel trellises for vines (north and west elevations only); faux window medallions; decorative light fixtures Color palette: Medium tan as main color for main walls (both EIFS and stone), and for all doors (including service bay doors). Lighter and darker shades of tan/brown as wall accent colors. Dark red for awnings, and medium red for aluminum storefront frames.	Development standards for the Downtown Specific Plan are located within Chapter III, "Design Policies, Standards, and Guidelines". Colors to be coordinated and non-garish. Durable and timeless exterior materials associated with urban environments (concrete, brick, stone, metal, etc.) to be used.
9. Landscaping	Existing street trees to remain along Escondido Boulevard frontage (palms) New street trees along 2nd Avenue frontage and alley frontage (golden rain tree and Canary Island pine, respectively) New trees in parking lot island and at driveway entrances (London plane tree) Various shrubs and groundcovers around perimeter of site and in parking lot island	Landscape subject to Article 62 of the City of Escondido Zoning Code. Submittal of a full landscape package (including planting and irrigation details) will be required as a condition of approval for the project.

4. Street Improvements

As part of the project, 2nd Avenue would be widened by six (6) feet along the Project frontage, with a 50'-long curb transition along the frontage of the neighboring property to the west (occupied by Twinkle Tub Laundry). No shift in the location of the Project site's north property line would be needed (in other words, the width of the right-of-way would not change, just the width of the road

within that right-of-way). The existing traffic signal and associated electrical box near the northeast corner of the project site would be relocated out of the widened roadway, and onto the project site. One (1) streetlight on 2nd Avenue would also be relocated. Two (2) existing driveways along 2nd Avenue (one serving the bridal shop parking lot and the other serving the tire shop parking lot) would be removed, and replaced with one new, 30'-wide driveway between them.

Six (6) existing street parking spaces along 2nd Avenue would be impacted by these road widening activities. Five of these spaces would be replaced between the curb transition zone and the new driveway, for a net loss of one street parking space. Since the new tire shop would provide a surplus of three (3) parking spaces over the minimum requirement (29 spaces provided vs. 26 required, as described above), and since the other businesses on this block on the north side of 2nd Avenue all have off-street parking, the loss of a street space was determined not to be significant by Traffic Engineering staff.

The south property line of the Project site would be shifted by two (2) feet as a result of this project, increasing the alley width from 20' to 22', and removing approximately 400 SF from the 0.8-acre site. The existing entrance from the alley to the tire shop parking lot would be closed, and a new 30'-wide entrance would be located near the southwest corner of the Project site.

ENVIRONMENTAL STATUS:

The proposed Specific Plan Amendment is categorically exempt from environmental review in conformance with the "common sense" exemption described in CEQA Section 15061(b)(3). This exemption states that CEQA applies only to projects which have the potential to cause a significant effect on the environment. The Specific Plan Amendment would reassign the project site from the Historic Downtown District to the Southern Gateway District of the Downtown Specific Plan. This change, in and of itself, does not impose any physical changes on the site that could impact the environment for the purposes of CEQA. Any subsequent requests to redevelop or change the use of the property would need to be considered on a case-by-case basis to determine if the proposed activity would also be exempt from CEQA, or if the activity could cause environmental impacts requiring analysis.

The proposed Conditional Use Permit is also conditionally exempt from CEQA per Section 15302(b), which covers replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. The existing tire shop is approximately 7,000 SF in size. The proposed project would replace it with a new tire shop, with an approximate net area of 7,721 square feet on the main level for sales and installation, as well as a 2,750-square-foot mezzanine above the service floor, for storage. While the new tire shop would be somewhat larger than the existing one, it would have the same number of vehicle service bays as the existing shop (three bays, with room for two (2) vehicles per bay, or six (6) vehicles total). In other words, most of the differences in size and capacity between the existing building and the proposed building can be attributed to an expanded sales area and the inclusion of the mezzanine in the structure, not an ability to service additional vehicles at any given time. Additionally, the project would permanently remove a secondary retail use (the 9,900-square-foot bridal shop), with no replacement, resulting in a net loss of development square footage for the site as a whole.

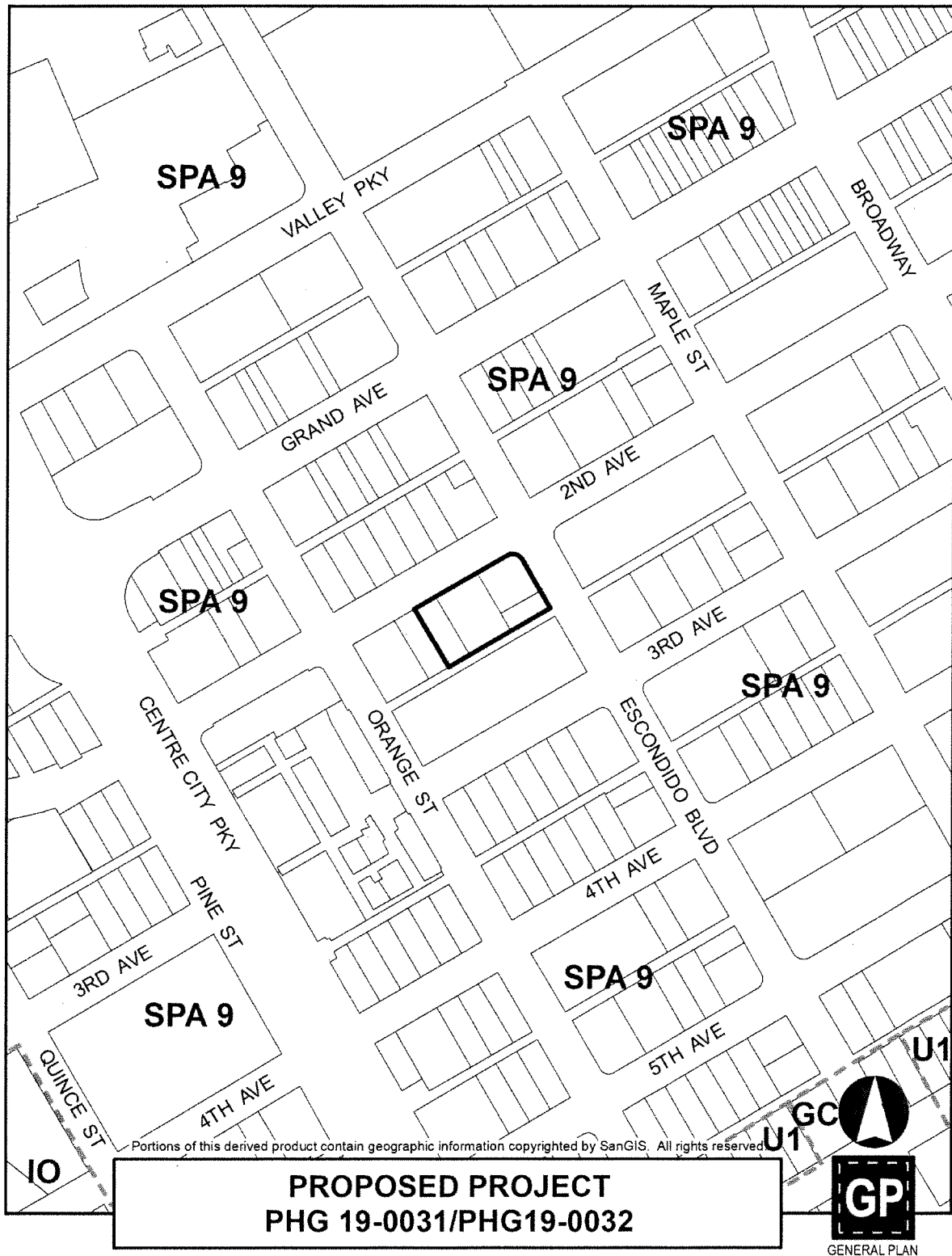
CONCLUSIONS:

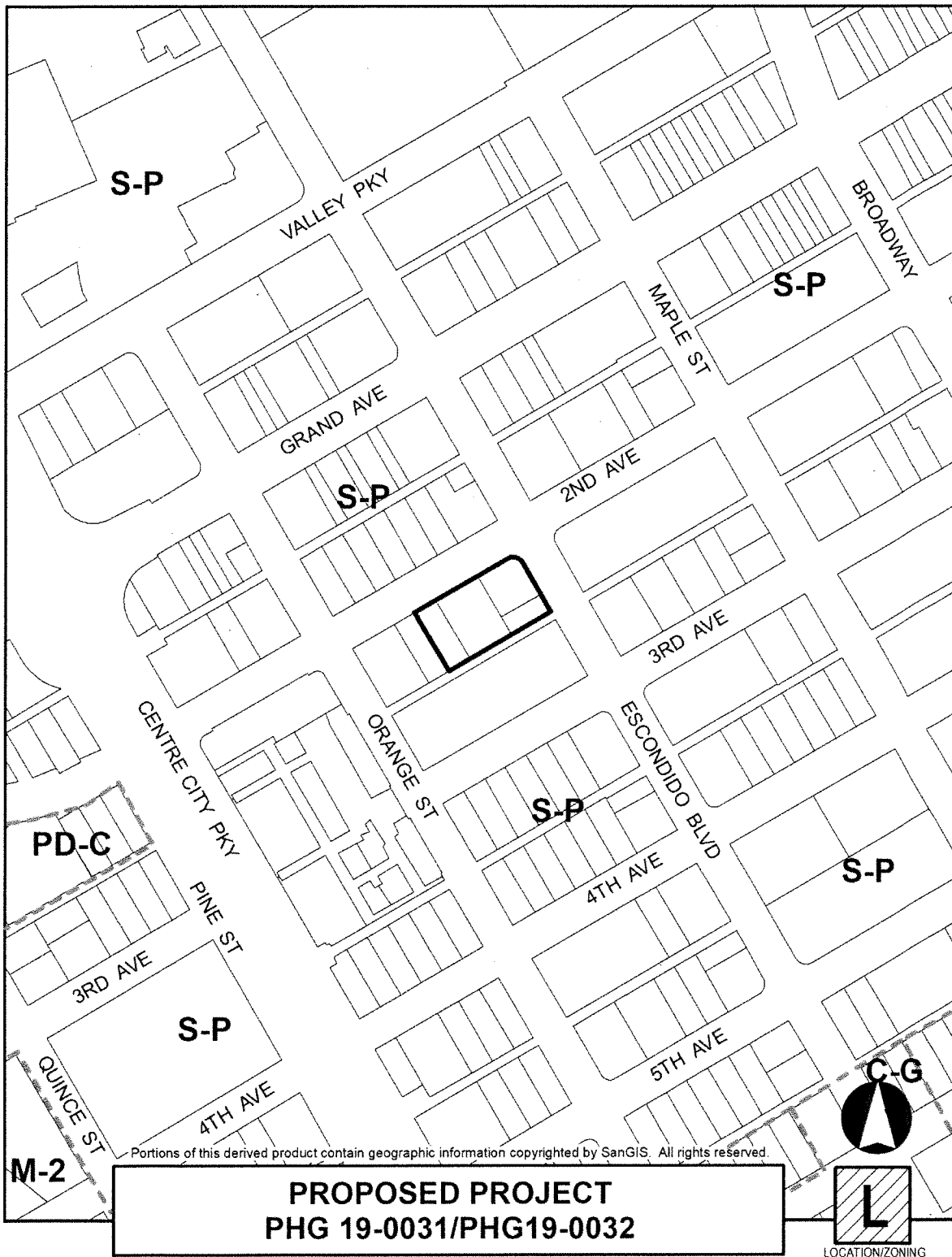
With the approval of a Specific Plan Amendment to move the project site from the Historic Downtown District to the Southern Gateway District of the Downtown Specific Plan, the proposed demolition of an existing tire shop and bridal shop, and replacement with a new tire shop, would be consistent with the Downtown 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 recommend approval of Planning Case No. PHG 19-0031 and PHG 19-0032, based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2019-25 (Attachment 3).

ATTACHMENTS:

1. Location and General Plan Map
2. Specific Plan Amendment Map
3. Draft Planning Commission Resolution No. 2019-25

ATTACHMENT 1





ATTACHMENT 2

Specific Plan Amendment APNs 233-052-04, 233-052-06, 233-052-13, and 233-052-15 PHG 19-0031

The parcels associated with the proposed Specific Plan Amendment are as follows:

APNs	Existing Downtown Specific Plan District Designation	Proposed Downtown Specific Plan District Designation
233-052-04	Historic Downtown District	Southern Gateway District
233-052-06	Historic Downtown District	Southern Gateway District
233-052-13	Historic Downtown District	Southern Gateway District
233-052-15	Historic Downtown District	Southern Gateway District

I. Downtown Specific Plan Land Uses Map

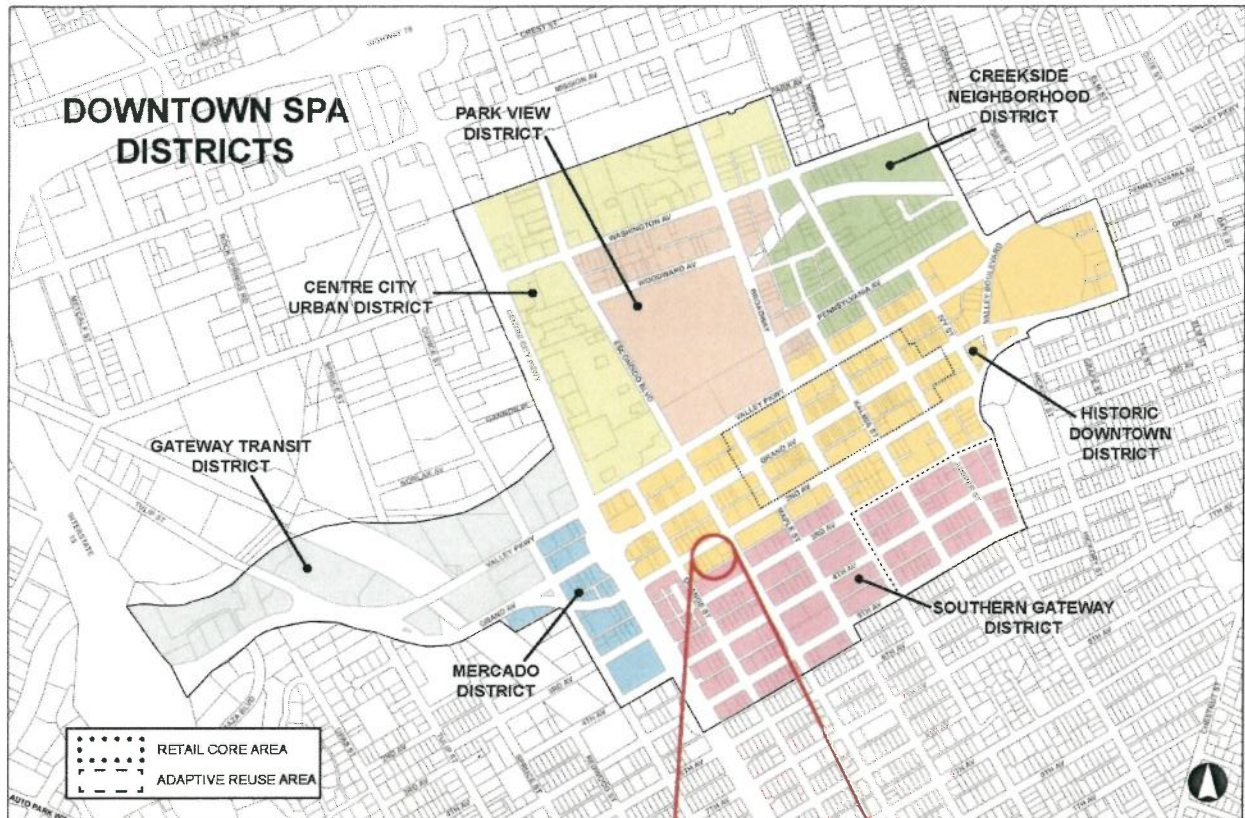
The Downtown Specific Plan Land Uses Map (Figure II-1) is amended as shown on the following page (incorporating the mapping strategy described in the December 10, 2019 Planning Commission staff report for PHG 19-0031 and PHG 19-0032), as attached hereto and made a part hereof. All parcels listed in the above table will carry the Southern Gateway District designation. The entire, existing Downtown Specific Plan is on file with the Office of the City Clerk.

The map amends the following in the Downtown Specific Plan:

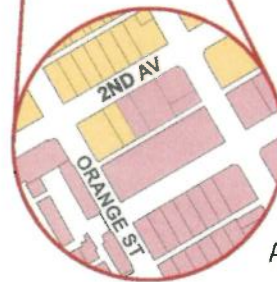
- Page II-2, Figure II-1: Color of project site to be changed from orange (Historic Downtown District) to pink (Southern Gateway District). (Please note that the color should be changed on the map itself and the “area of map revision” included on the following page is just for explanatory purposes.)
- All other maps in the Downtown Specific Plan that include the project area should also change the project area from orange to pink, as done for Figure II-1.

II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this Specific Plan Amendment reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



PROPOSED CHANGE



AREA OF MAP REVISION

ATTACHMENT 3

Planning Commission

Hearing Date: December 10, 2019

Effective Date: December 11, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF A SPECIFIC PLAN AMENDMENT AND A CONDITIONAL USE PERMIT FOR THE REDEVELOPMENT OF A TIRE SALES AND INSTALLATION FACILITY

APPLICANT: Reid Kunishige, raSmith, Inc.

CASE NO: PHG 19-0031 and PHG 19-0032

WHEREAS, Reid Kunishige of raSmith, Inc. (herein after referred to as "Applicant"), filed a land use development application (Planning Case Nos. PHG 19-0031 and PHG 19-0032), constituting a request for a Specific Plan Amendment to reassign a property from the Historic Downtown District to the Southern Gateway District of the Downtown Specific Plan, and a Conditional Use Permit to allow the replacement of an existing tire sales and installation facility and bridal shop with a new tire sales and installation facility, on a 0.8 gross acre site addressed as 209 South Escondido Boulevard and 339 West 2nd Avenue (APNs 233-052-04, 233-052-06, 233-052-13, and 233-052-15), in the Downtown 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, "light vehicle repair" uses are conditionally permitted within the Southern Gateway District of the Downtown Specific Plan, subject to the approval of a Conditional Use Permit, in accordance with Figure II-2 of the Downtown Specific Plan; 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; 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 December 10, 2019, 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 December 10, 2019, 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.

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

1. That the above recitations are true and correct.
2. 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 Specific Plan Amendment to qualify for the "common sense" exemption under Section 15061(b)(3) of the CEQA Guidelines, since it would not impose any physical changes to the site. The Planning Commission, in its independent judgement, has also determined the Conditional

Use Permit to qualify for the “replacement and reconstruction” exemption under Section 15302(b) since it would allow the replacement of an existing tire sales and installation facility and bridal shop with a new tire sales and installation facility of substantially the same size, capacity, and purpose.

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 “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 Planning Commission hereby recommends that City Council approve the application to use the subject property for said purpose specified above and subject to each and all of the conditions hereafter set forth in Exhibit “D”. The Planning Commission expressly declares that it would not have made this recommendation for this land use development application except upon and subject to each and all of said conditions, which 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 development 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.

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 10th day of December, 2019, 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

EXHIBIT "A"

LEGAL DESCRIPTION PLANNING CASE NOS. PHG 19-0031 & PHG 19-0032

339 West 2nd Avenue (APNs 233-052-04 and 233-052-13):

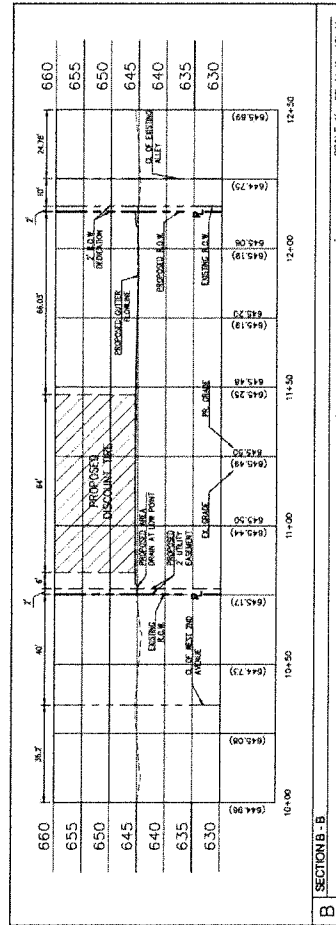
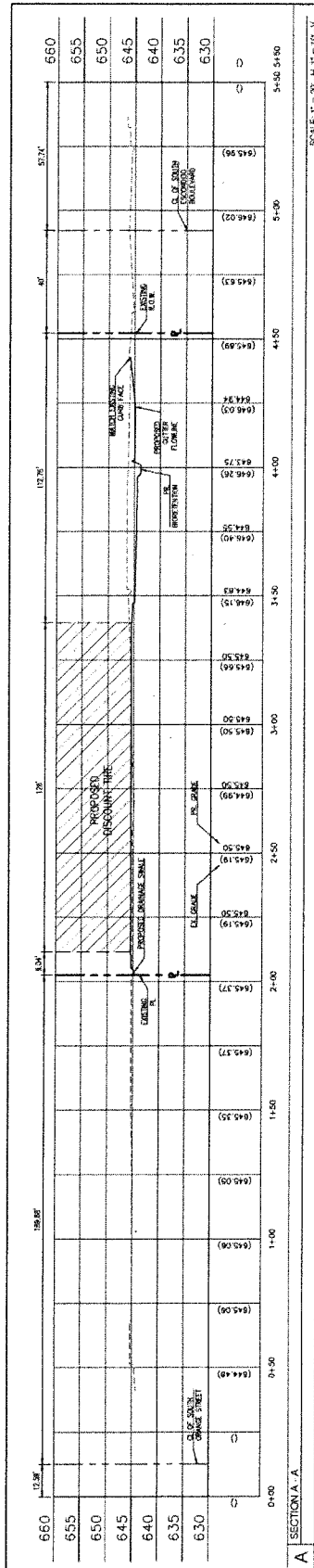
LOT 11, 12 AND 13 IN BLOCK 86 OF ESCONDIDO, CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 10, 1886.

209 South Escondido Boulevard (APNs 233-052-06 and 233-052-15):

LOTS 9 AND 10 IN BLOCK 86 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 336 THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, CALIFORNIA ON JULY 20, 1886.

EXCEPTING THEREFROM ALL THAT PORTION CONVEYED TO THE CITY OF ESCONDIDO BY DEED RECORDED NOVEMBER 22, 1985 AS INSTRUMENT NO. 85-393852, OF OFFICIAL RECORDS.

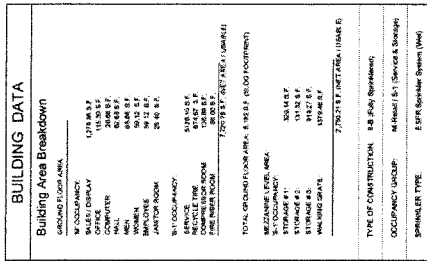




PROPOSED PROJECTS: PHG 19-0031 & PHG 19-0032 SITE SECTIONS



- 24 -

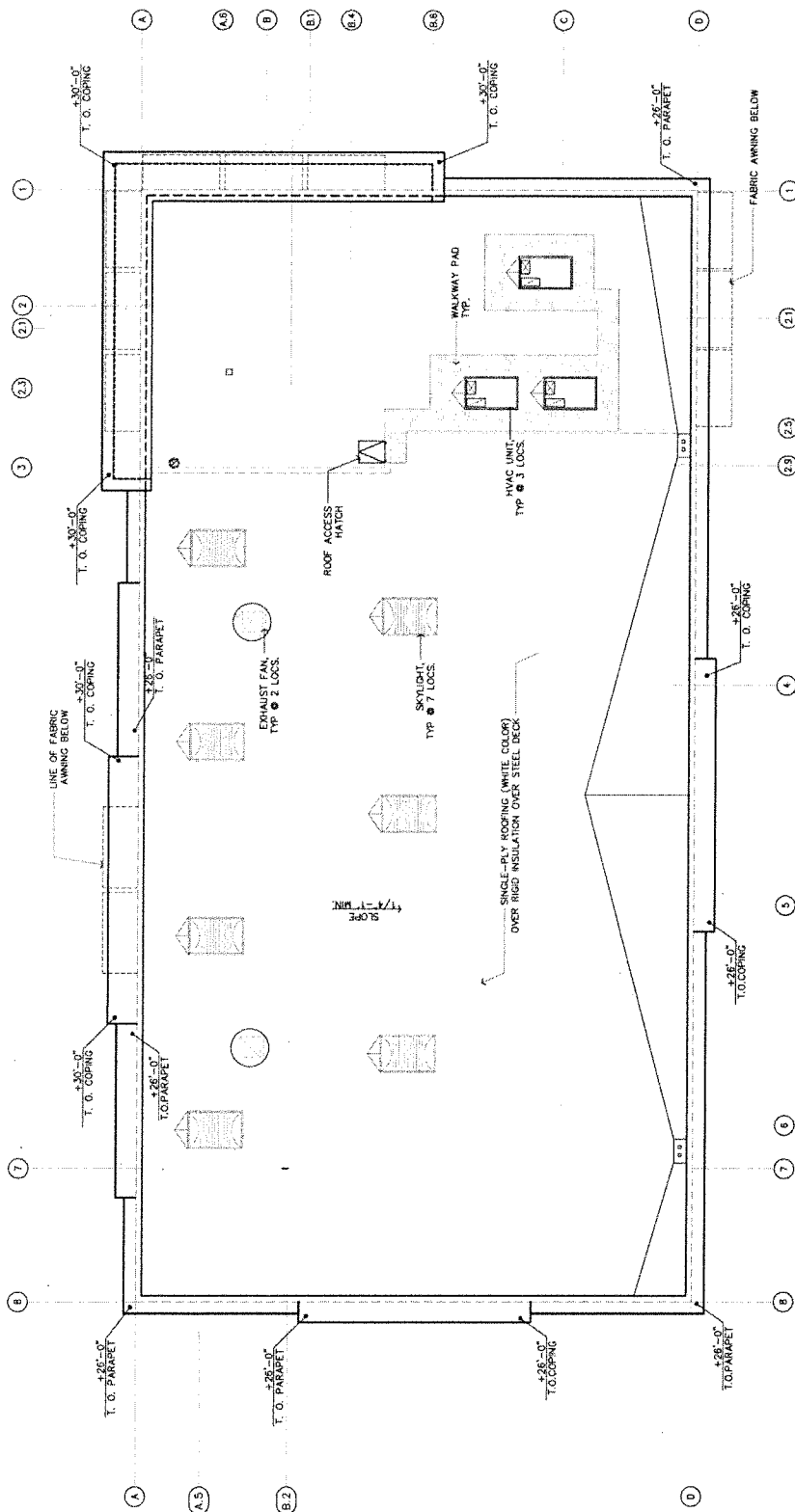


CONCEPTUAL MEZZ. FLOOR PLAN

CONCEPTUAL 1ST FLOOR PLAN

- 25 -





CONCEPTUAL ROOF PLAN

PROPOSED PROJECTS: PHG 19-0031 & PHG 19-0032
ROOF PLAN

PLANT PALETTE

Symbol: **Symbol Name** **Common Name** **WUCOLS Region 2**

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NOTE:

PLANT MATERIAL LISTED MAY BE USED, SUBJECT TO APPROVAL BY THE CITY.
ALL LANDSCAPE PLANS FOR THIS PROJECT SHALL ADHERE TO THE DESIGN
GUIDELINES, CODES AND REGULATIONS.
ALL LANDSCAPE AREAS SHALL BE PLANTING, MAINTENANCE, IRRIGATION SYSTEMS.
ALL LANDSCAPE MATERIALS SHALL BE PLANTING, MAINTENANCE, IRRIGATION SYSTEMS.



PROPOSED PROJECTS: PHG 19-0031 & PHG 19-0032 LANDSCAPE PLAN

EXHIBIT “C”

FACTORS TO BE CONSIDERED/FINDINGS OF FACT PLANNING CASE NOS. PHG 19-0031 & PHG 19-0032

Specific Plan Amendment:

1. The public health, safety, and welfare will not be adversely affected by the proposed Specific Plan Amendment. The proposed Amendment will reassign the project site from the Historic Downtown District to the Southern Gateway District of the Downtown Specific Plan. The Amendment, in and of itself, does not prescribe a specific use to the site, but makes it eligible for any use listed in the Downtown Specific Plan as permitted or conditional for the district. The applicant is seeking concurrent approval of a CUP to allow the demolition of an existing tire shop and bridal shop, and the construction of a new tire shop in their place, since this is a conditional use within the Southern Gateway District. The applicant has submitted plans for the Conditional Use Permit, which have been reviewed by various City departments for conformity to applicable codes and regulations.
2. The property is suitable for the uses permitted by the proposed zone. A tire shop with incidental installation services already operates on the site, though it is a legal non-conforming use, since it is not a permitted or conditional use within the Historic Downtown District of the Downtown Specific Plan. The proposed Specific Plan Amendment would help legitimize the use and facilitate the desired reconstruction, since the use is conditional for the Southern Gateway District. The applicant has submitted a concurrent CUP application for the project, which has been reviewed for conformity to relevant regulations and standards pertaining to building and landscape appearance, parking, stormwater management, and utilities, among others.
3. The uses permitted by the proposed zone would not be detrimental to the surrounding properties. The Specific Plan Amendment would reassign the project site from the Historic Downtown District to the Southern Gateway District of the Downtown Specific Plan. Therefore, the permitted and conditional uses for the Southern Gateway District would become effective for this site, while the uses for the Historic Downtown District would no longer apply. Though this Amendment is proposed to facilitate a tire shop development, the site could be taken over by a different use at some point in the future, if the tire shop operator were to vacate the site. However, there is substantial overlap between uses allowed for the Historic Downtown District and uses allowed for the Southern Gateway District, and the Downtown Specific Plan as a whole has been crafted to promote uses that are appropriate for an urban center. Any new use proposed for the site in the future would be reviewed on a case-by-case basis to determine if a CUP or other discretionary approval is necessary and if CEQA applies. Furthermore, the project site is already adjacent to the Southern Gateway District, so the shift in the boundary between the two districts will be minimal, and the project

is not proposing to add any new permitted or conditional uses to the Southern Gateway District or any other district in the Downtown Specific Plan. Therefore, no detrimental effects are expected as a result of this Specific Plan Amendment.

4. The proposed change is consistent with the adopted general plan. The existing General Plan land use designation for the site is SPA 9 (i.e., the Downtown Specific Plan). The proposed Specific Plan Amendment would not change this designation, only a district boundary within the same Specific Plan Area.
5. The proposed Specific Plan Amendment would not establish a residential density that is below 70% of the maximum permitted residential density for the site. Residential uses are currently prohibited on the project site and will remain so after approval of the Specific Plan Amendment.
6. The relationship of the proposed change is applicable to a specific plan. The proposed Specific Plan Amendment would reassign the project site from one district within the Downtown Specific Plan to another district within the Downtown Specific Plan, to facilitate the redevelopment of a tire shop with incidental installation services, as described in the staff report dated December 11, 2019.

Conditional Use Permit:

1. Granting the Conditional Use Permit for the proposed use would be based upon sound principles of land use and in response to services required by the community. The proposed redevelopment of the tire shop would be in conformity with the Downtown Specific Plan upon concurrent approval of a proposed Specific Plan Amendment that would reassign the project site from the Historic Downtown District to the Southern Gateway District, where "light vehicle repair" is a conditional use. The new tire shop would include the same number of service bays as are currently available, but the expanded retail sales/display area and parking exceeding minimum requirements will better accommodate customer needs. Conformity to all relevant development standards and design guidelines in the Downtown Specific Plan and the City of Escondido Zoning Code has been demonstrated on the project plans, and/or addressed in the proposed conditions of approval. A public notice was issued in accordance with city codes and state law for a public hearing to consider the proposed Conditional Use Permit, and no issues were identified at said hearing that would deem the proposed use to be incompatible with surrounding properties and uses.
2. Granting the Conditional Use Permit would not cause deterioration of bordering land uses or create special problems for the area in which it is located. The project would replace an existing tire shop with a new one of the same service capacity. It would replace two existing driveways on the 2nd Avenue frontage (one of which is very close to the 2nd Avenue/Escondido Boulevard intersection) with one new driveway a sufficient distance from that intersection, and

widen the 2nd Avenue roadway, for improved traffic safety and easier access to and from the site. The net loss of one street parking space along the south side of 2nd Avenue would not create a problem for the area, since the tire shop site would provide more parking than required for the use, and other businesses in the immediate vicinity currently provide their own off-street parking. The new tire shop would be designed to coordinate with the surrounding neighborhood, with a neutral color palette and materials appropriate for an urban area. The new building would orient its service bays toward the alley to the south instead of to 2nd Avenue or Escondido Boulevard, reducing the visual impact of vehicle service activities, while the north elevation would feature decorative details such as faux storefront windows and steel trellises for vines. The project would remove an existing trash enclosure between the tire shop and the bridal shop, with a new enclosure conforming to City standards for size, appearance, and screening. Bioretention basins would be provided in various locations on the site to accommodate stormwater runoff.

3. The Conditional Use Permit has been considered in relationship to its effect on the surrounding area and would not result in a negative impact. As described above, the proposed use would replace an existing use of the same purpose. The project would widen 2nd Avenue along the project frontage, with a net loss of just one street parking space, and on-site parking in excess of the minimum requirement would be provided. Landscaping for screening purposes and overall aesthetics would be provided throughout the site, with bioretention areas to accommodate stormwater runoff. A new trash enclosure would be provided that conforms to City guidelines for size, coverage, and screening. The proposed building has been designed with neutral colors and appropriate building materials to coordinate with existing development on surrounding properties.

EXHIBIT “D”

CONDITIONS OF APPROVAL PLANNING CASE NOS. PHG 19-0031 & PHG 19-0032

Nothing in this permit shall relieve the Applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. **This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.**

Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

GENERAL

1. **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.
2. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
3. The 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. The north elevation of the building shall demonstrate a minimum 14' setback from the north property line on any submitted building plans, per the development standards for the Southern Gateway District of the Downtown Specific Plan.
4. A minimum of twenty-nine (29) parking spaces meeting City standards shall be provided on site as discussed in the staff report and to the satisfaction of the City Engineer and Director of Community Development. Parking for disabled persons shall be provided in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking spaces shall remain available for operable vehicles and shall not be used for inoperable vehicles or general storage.

5. A separate sign permit will be required for proposed signage. The size and location of proposed signage shall conform to the standards in the Downtown Specific Plan.
6. Four copies of a final landscape and irrigation plan shall be submitted to the Engineering Division, for review and approval by the Engineering Division and the Planning Division. The plan shall be in substantial conformance with the conceptual landscape plan submitted for the Conditional Use Permit.
7. The legal description attached to this resolution 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.
8. The holder of the Conditional Use Permit shall make the premises available for inspection by City staff during operating hours, and shall provide such business records, licenses, and other materials necessary to evidence compliance with the conditions of approval.
9. This Conditional Use Permit shall become null and void unless utilized within twelve (12) months of the effective date of approval.
10. The Conditional Use Permit may be referred back to the Planning Commission for review and possible revocation or modification at a noticed public hearing upon receipt of nuisance complaints regarding performance of the operation of the facility and/or non-compliance with the conditions of approval.
11. Per Chapter VII ("Special Uses") of the Downtown Specific Plan, no outdoor display or sale of merchandise shall occur on the premises.
12. 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 (environmental determination 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, a check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the 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.
13. **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.

14. **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.

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. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).

17. **Lighting.** All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
18. **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.
19. **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.
20. **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.

LANDSCAPING

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 to the Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
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.

FIRE

1. Contact the Fire Department prior to demolition of any structures.
2. Fire alarm and sprinkler plans shall be a separate submittal to the Fire Department. Additional sprinklering (higher K density and in-rack sprinklers) may be required for this project.
3. A high-piled combustible materials technical report shall be submitted to Fire concurrently with the building permit submittal for the new tire shop.

ENGINEERING CONDITIONS OF APPROVAL PHG19-0031

STREET IMPROVEMENTS AND TRAFFIC

1. Frontage street improvements shall be constructed in accordance with the design standards and the requirements of the City Engineer. This construction shall include the relocation of the existing traffic signal and all conflicting utilities. A 30-foot curb return radius shall be constructed at the corner. Specific details, including final street improvement width, right-of-way widths, concrete curb and gutters, curb transitions, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.

The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project:

<u>STREET</u>	<u>CLASSIFICATION</u>
Second Avenue	Collector (32' half width)
Public Alley	Alley (Figure 8)

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

2. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
3. The developer shall design and construct a traffic signal modification plan for the intersection of Second Avenue and Escondido Boulevard. The modified traffic signal system and striping plan shall be prepared by the developer's engineer for review and approval by the Traffic Engineer and the City Engineer.
4. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of twenty-four (24) feet.
5. The public alley driveway entrance on Escondido Blvd shall be replaced with the alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E.
6. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
7. The developer shall install storm water treatment Best Management Practices (BMPs) in accordance with green streets standards established by the County of San Diego Green Streets manual. The property owner shall be responsible for maintenance of green street treatment BMPs in the public right-of-way intended for treatment of the Second Avenue frontage public improvements.
8. The developer may be responsible for an overlay of Escondido Blvd and Second Avenue due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
9. 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.

10. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
11. The developer shall be required to relocate the existing street light pole at Second Avenue in accordance with the current Escondido Standard Drawing No. E-1-E.
12. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
13. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
14. All public improvements shall be constructed in a manner that does not damage existing public improvement. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
15. 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.
16. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
17. The project owner shall remove and replace all damaged sidewalks and curb and gutters along project frontages on Second Avenue and Escondido Boulevard to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.

An engineered improvement plan is required for all public improvements (unless only sidewalks, driveways and/or streetlights are required). The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

GRADING

1. A site grading and erosion control plan prepared by a Registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.

3. Erosion control, including riprap, interim sloping planting, gravelbags, 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.
4. A Construction General Permit is required from the State Water Resources 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.
5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. The on-site trash enclosure 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.
7. After approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760-839-4664 to arrange for the Encroachment Permit and inspections.

*All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.*

DRAINAGE

1. All on-site storm drains not in public easements are private. All detention basins and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains, basins, and post-construction BMP's shall be that of the property owner.
2. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
3. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where

feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.

4. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. All water services, detector check assemblies, and other appurtenances within the City of Escondido water service area shall be installed per current City of Escondido Design Standards and Standard Drawings.
3. All water services to be abandoned shall be disconnected and plugged at the main. All existing water services, cut or damaged during construction, shall be replaced from the public main to the water meter per City of Escondido Standard Drawing W-1-E and W-2-E.
4. A fire suppression sprinkler system shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings and per the requirements of the Fire Marshall.
5. 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.
6. Trees or deep rooted plants shall not be planted within 10 feet of any water service.

SEWER

1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18" 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 a wye fitting or Inserta-Tee per City of Escondido Standard Drawing S-2-E and the current Uniform Building Code.
2. Any damage to the existing 8" concrete sewer pipe in the alley during construction shall be repaired with 8" SDR-35 sewer pipe per City of Escondido standards.

3. All sewer laterals will be considered a private sewer system. The property owners will be responsible for all maintenance of their individual sewer laterals to the sewer main.
4. All sewer laterals to be abandon shall be capped at the right-of-way line.
5. 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.

LANDSCAPE

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

EASEMENTS AND DEDICATIONS

1. The developer shall dedicate two (2) feet of right-of-way along the public Alley to the City of Escondido to bring the roadway to an Alley classification in conformance with the City's Design Standard and Standard Drawings.
2. The developer shall dedicate to the public a 20-foot radius corner rounding or chamfered edge at Escondido Blvd and Second Avenue.
3. A two (2) feet public utility easement (PUE) shall be granted to the City along Second Avenue.
4. Necessary traffic signal easement for the traffic signal pole and appurtenances shall be granted to the City.
5. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
6. The developer shall make arrangements to remove from title all existing easements which conflict with the proposed grading and parking improvements on the site.

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

FEES

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

UTILITY UNDERGROUNDING AND RELOCATION

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

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.

PLANNING COMMISSION

Agenda Item No.: G.3
Date: December 10, 2019

PROJECT NUMBER / NAME: AZ 19-0001 / Personal Wireless Service Facilities Regulations

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 of 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.

LOCATION: Citywide

APPLICANT: City of Escondido

APN / APNS: N/A

PRIMARY

REPRESENTATIVE: Planning Division

GENERAL PLAN / ZONING: N/A

DISCRETIONARY ACTIONS REQUESTED: Zoning Code Amendment and adoption of guidelines

PREVIOUS ACTIONS: Planning Case No. AZ 19-0001

PROJECT PLANNERS: Adam Finestone, Principal Planner
afinestone@escondido.org

Jay Paul, Senior Planner
jpaul@escondido.org

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Section 15061(b)(3) – General Rule).

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

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-13

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS:

☒ Bill Martin, Community Development Director

☒ Mike Strong, Assistant Planning Director

A. BACKGROUND:

On June 14, 2017, the City Council adopted Ordinance No. 2017-10RR to amend Article 34 (Communication Antennas) of the Escondido Zoning Code to modify the regulation of small wireless facilities in the public right-of-way (also called “micro cell” or “small cell” facilities). As part of the process to adopt the ordinance, the Planning Commission was provided a comprehensive report covering the Federal Telecommunications Act of 1996 and the Spectrum Act of 2012, which detailed certain ways by which cities are preempted from regulating various aspects of wireless communication facility siting. Subsequent to the adoption of Ordinance No. 2017-10RR, Article 34 of the Escondido Zoning Code has served as a measure for evaluating wireless communication facility applications. Since then, federal law regulating wireless communication facilities has continued to evolve. On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order (the “Order”) geared toward speeding up the deployment of small wireless facilities in the public right-of-way. The FCC ruling established limitations on state and local government regulation of these facilities that are placed on existing or new utility poles and street light standards located in the public right-of-way and private property. As a result, the City of Escondido needs modify several sections of its code to update definitions, application submittal requirements, and overall review process.

On February 12, 2019, the Planning Commission held a public hearing to consider an amendment to Article 34 of the Escondido Zoning Code, specifically related to revising some of the policy language on small wireless facilities in the public right-of-way. Guidelines related to said facilities were also intended to be considered by the Planning Commission, but were not yet fully developed. At that hearing, the Planning Commission approved Resolution No. 2019-02, recommending City Council adoption of the proposed Zoning Code Amendment, with the understanding that staff would bring the guidelines back for consideration prior to presenting the proposed documents to City Council for consideration. Further information on the proposed Zoning Code Amendment language considered by the Planning Commission on February 12, 2019, can be found in the staff report prepared for that meeting, which is attached to this report along with the meeting minutes. Said Resolution No. 2019-02 includes the Zoning Code Amendment language proposed at that time.

Since the February 12, 2019, Planning Commission meeting, Planning Division staff has worked with the City Attorney to complete the drafting of the guidelines and procedures. Following public outreach efforts and consultation with industry stakeholders, this work effort is complete. During the development of the guidelines, staff identified several additional revisions to the Escondido Zoning Code which are necessary to adequately and efficiently address the deployment of small wireless facilities in the public right-of-way throughout the city. The proposed Zoning Code Amendment and draft guidelines are provided as exhibits to draft Planning Commission Resolution No. 2019-13. The proposed changes to Article 34 contained in said draft Resolution reflect proposed amendments to the Escondido Zoning Code as currently codified and would supersede those recommended for approval by the Planning Commission on February 12, 2019.

Changes to the proposed amendments since the February 12, 2019, Planning Commission meeting are described below.

B. PROJECT ANALYSIS:

The growth in demand for personal wireless services and advancements in technology has generated a lot of interest in the media and telecom circles. 5G is the fifth generation of mobile wireless systems, a term used to describe the next generation of mobile networks beyond the networks commonly used today. 5G will include a combination of range and variety of frequencies and modulations. Although there are some clear advantages of this newer technology, such as faster data speeds, more reliable connectivity, improved data access, etc.; there are also some concerns about its deployment, including potential risks to humans and the environment. However, no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations concerning such emissions.

1. Zoning Code Amendment

Additional revisions to the draft Zoning Code Amendment presented to the Planning Commission on February 12, 2019, have been proposed in order to address concerns that have been identified as staff's familiarity with the processing of permits for small wireless facilities has grown, and to ensure consistency with the proposed guidelines. The following additional revisions have been incorporated into the proposed Zoning Code Amendment language:

- Removed definitions for terms that do not appear in the ordinance (existing or proposed) or guidelines, and added definitions for terms that are necessary;
- Specified that certain provisions of Article 34 are not applicable to small wireless facilities in the public right-of-way;
- Deferred design and development specifications to the guidelines;
- Revised required findings for approval of permits;
- Maintained provisions to allow exceedance of quantitative standards through a minor conditional use permit process; and
- Other minor revisions to maintain consistency, both within the ordinance and with the guidelines.

The proposed Zoning Code Amendment would still be consistent with the goals and policies identified in the General Plan, as specified in Exhibit "A" to draft Planning Commission Resolution 2019-13.

2. Guidelines

Per the draft Zoning Code Amendment, guidelines for small wireless facilities in the public right-of-way have been developed to supplement and expand upon the information contained in the

Escondido Zoning Code. Establishing guidelines as a separate document allows staff to provide more specific information than could be included in the ordinance relating to the permitting, processing, and design of small wireless facilities. The guidelines are intended to be adopted by resolution of the City Council as a companion to the ordinance approving the Zoning Code Amendment, and could be revised by future resolution of the City Council. This process would allow staff to react in an efficient manner as necessary updates to the guidelines are identified.

The guidelines have been drafted to provide comprehensive information to all parties involved in the processing of applications for small wireless facilities proposed in the public right-of-way. They include the following sections:

- Introduction – Provides general information on the purpose, intent, and use of the document.
- Applicability – Identifies which facilities would be subject to the guidelines.
- Application Processing – Describes the types of permits and agreements necessary to install small wireless facilities in the public right-of-way, and the process through which an applicant would obtain them.
- Design and Development Standards – Provides specific criteria relating to the design of proposed facilities. Said criteria include size, location, separation, and antenna and accessory equipment specifications, among others.
- Standard Conditions of Approval – Creates conditions of approval that would be placed on all facilities that are subject to these guidelines. (Additional site-specific conditions of approval could still be applied to individual facilities.)

C. PUBLIC OUTREACH AND CONSULTATION

Since the February 12, 2019 Planning Commission meeting, Planning Division staff has met with representatives from the industry and discussed their concerns. The carriers provided comments and concerns with the regulation of small cell technology, which is summarized in the next section of this staff report.

In addition, a public information meeting was held on November 25, 2019, in order to provide the public with an opportunity to obtain information on the proposed Zoning Code Amendment and guidelines. The meeting was advertised in the San Diego Union Tribune, and through an email blast to a list of individuals (including wireless communication industry representatives) who had either signed up for public notifications of planning projects on the City's website or expressed interest in the topic of wireless infrastructure deployment. The meeting was sparsely attended (two community members and five wireless communication industry representatives), which staff acknowledges may have been a result of the short notice provided (seven days) and the fact that it was held on the Monday immediately preceding Thanksgiving.

At the meeting, staff provided an overview of the proposed Zoning Code Amendment and guidelines, and distributed copies of the draft documents. Staff also fielded questions regarding the information contained in proposed documents. Concerns raised by community members were

primarily related to potential health impacts associated with radio frequency emissions generated by wireless communication facilities. Staff was aware of those concerns prior to the meeting, however the Federal Communications Act of 1996 preempts consideration by a permitting authority of health-related impacts posed by wireless communication facilities when reviewing applications for such facilities. This preemption was reaffirmed by the FCC's Order in 2018.

Information regarding the proposed Zoning Code Amendment and guidelines has been available on the City's website (accessible directly from the homepage) since the middle of November, and copies of the draft documents were posted on December 2, 2019. All public correspondence received prior to 5 p.m. on December 3, 2019, has been attached to this staff report, and any information received between that time and the date of the public hearing will be provided on the dais prior to said hearing.

D. CONSULTATION WITH THE WIRELESS INDUSTRY

The City has been processing applications for small wireless facilities in the public right-of-way for the past two-to-three years. Throughout that time, staff has been engaged in discussions with representatives of the wireless communication industry regarding the need for updates to current City policies and regulations.

Working drafts of the proposed guidelines were provided to the wireless communication industry representatives on June 14, 2019, and July 11, 2019. Staff received comments from the industry representatives following the release of both drafts. Modifications determined by staff to be appropriate and in the best interest of the City were made to the draft Zoning Code Amendment language and proposed guidelines in response to those comments.

On August 14, 2019, City staff met with the wireless communication industry representatives to continue the dialogue regarding the proposed Zoning Code Amendment and guidelines. Information provided at that meeting was taken into consideration as the documents were further refined. An additional working draft of the proposed Zoning Code Amendment language and guidelines was provided at a public information session held on November 25, 2019 (described in the "Public Outreach and Consultation" section above), and additional comments provided by industry representatives, which again were taken into consideration prior to finalizing the Zoning Code Amendment language and proposed guidelines.

All comments provided by the wireless industry on the various iterations of the draft documents have been attached to this staff report. The proposed Zoning Code Amendment language and guidelines attached to draft Planning Commission Resolution No. 2019-13 (Exhibits "B" and "C," respectively) represent the cumulative result of all modifications made in response to all comments received. A brief summary of the more significant issues raised by the industry representatives, and the City's response to them, are described below.

- Applicability of various zoning code provisions
Certain language in the working drafts of the Zoning Code Amendment addressed personal wireless service facilities in general, and may be in conflict with provisions that are specific to small wireless facilities in the public right-of-way. The proposed code language has been revised to clarify which provisions are not applicable to small wireless facilities in the public right-of-way.
- Process to allow consideration of small wireless facilities that do not comply with standards contained in the guidelines
The first working draft of the Zoning Code Amendment specified that proposed small wireless facilities which do not comply with the standards contained in the guidelines were strictly prohibited, and did not allow for consideration of said facilities through a minor conditional use permit or other mechanism. The proposed code language has been revised to allow small wireless facilities that exceed the quantitative standards contained in the guidelines to be considered through a minor conditional use permit process. Additionally, the guidelines also provide the ability for wireless service providers to seek pre-approval of specific facility designs that exceed the quantitative standards contained in the guidelines. Such pre-approved designs would be appended to the guidelines.
- Application processing
The first working draft of the guidelines stated that wireless facilities that did not conform to the development standards contained therein would automatically be denied. They also allowed for only one resubmittal of the application to address technical issues identified during the plan review by the Engineering Service Department. The guidelines have since been revised to allow revisions to the plans in order to demonstrate conformance with development standards, and will also allow two resubmittals rather than just one.
- Batched applications
Working drafts of the guidelines had set a limit of five small wireless facilities that could be batched together as a single application, and had stated that all facilities in a batch would be denied if any individual facility was denied. The guidelines as currently proposed do not limit the number of facilities that can be submitted in a batch, but do require facilities submitted as batched applications to utilize the same design and equipment as each other. The guidelines further stipulate that any individual facility within a batch that utilizes a design which is not consistent with the rest of the batch will be removed from the batch and must be processed as a separate application.
- Subjective standards
Certain language in the proposed guidelines relating to aesthetic standards was perceived to be subjective. The term “least intrusive” was pointed to as such a standard. Staff has revised the guidelines to include an objective definition for that term.

There remain several issues identified by industry representatives on which City staff does not believe that modifications are warranted. The most significant of those issues are as follows:

- Quantitative standards
Industry representatives have stated that the quantitative standards (dimensions, height, volume, separation from residential structures, etc.) contained in the draft guidelines would

have the effect of prohibiting deployment of small wireless facilities in the public right-of-way. However, considering that City staff based the quantitative criteria on a review of small wireless facilities that have already been approved or are currently being processed by the City, staff respectfully disagrees with this assertion. A vast majority of the small wireless facilities that the City has reviewed or is in the process of reviewing, meet the quantitative standards included in the guidelines. Additionally, staff has provided a mechanism by which small wireless facilities that do not meet the quantitative standards in the guidelines could be accommodated.

- **Support structures**

The guidelines identify support structures on which small wireless facilities can be placed, presented in a list from most-preferred to least-preferred. Industry representatives have stated that the list has the effect of steering all wireless facilities to be placed on City-owned structures, in violation of state law. Staff acknowledges that street lights are the most-preferred support structure, however that preference is because staff believes that facilities placed on street lights are more compatible with the goal of protecting the City's visual character. The guidelines also identify a number of support structures on which facilities cannot be placed, which industry representatives believe will limit their ability to meet their service objectives in the least intrusive way. Staff believes that the prohibitions are necessary due to public safety considerations (traffic signals), and serve to maintain the visual character of the City (for example, on archways).

E. ENVIRONMENTAL STATUS:

The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code and the associated guidelines would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) and adoption of associated guidelines only updates and expands upon established criteria that in turn would be utilized to assess and process applications for the development of personal wireless service facilities within the public right-of-way. The proposed Zoning Code Amendment and associated guidelines are not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed Zoning Code Amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

F. CONCLUSIONS:

The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. The Planning Commission is also being requested to provide a recommendation on the draft guidelines that will supplement Article 34 of the Escondido Zoning Code, specifically relating to small wireless facilities in the public right-of-way. No other discretionary permits are requested or required.

The proposed project is consistent with the General Plan and helps position Escondido to establish a clear process to plan for, develop processes around, and manage the deployment of small wireless facilities in the best interest of the City. As City staff becomes more familiar with processing applications for small wireless facilities, the procedures and regulations presented in the draft ordinance and guidelines may need to be amended to ensure an effective review process and standards. If changes are necessary, staff will likely return to the Planning Commission with an update and possible amendments to the ordinance that address any challenges experienced in the review process that will be established as part of the adopted policy.

ATTACHMENTS:

1. February 12, 2019, Planning Commission staff report
2. February 12, 2019, Planning Commission meeting minutes
3. Draft Planning Commission Resolution No. 2019-13, with Exhibits "A," "B," and "C"
4. Communications received from members of the public
5. Communications received from wireless communication industry representatives

ATTACHMENT 1
PLANNING COMMISSION STAFF REPORT
AZ 19-0001
(December 10, 2019)

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

<https://www.escondido.org/small-cell-wireless-service-facilities.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

ATTACHMENT 2
PLANNING COMMISSION STAFF REPORT
AZ 19-0001
(December 10, 2019)

Due to the number of pages of Attachment 2, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/small-cell-wireless-service-facilities.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

ATTACHMENT 3

Planning Commission

Hearing Date: December 10, 2019

Effective Date: December 11, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO ARTICLE 34 OF THE ESCONDIDO ZONING CODE TO UPDATE THE REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND ADOPT ASSOCIATED GUIDELINES FOR DEPLOYMENT OF SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY.

APPLICANT: City of Escondido

CASE NO: AZ 19-0001

WHEREAS, the Planning Commission of the City of Escondido did, on December 10, 2019, hold a Public Hearing to consider a request to amend Article 34 of the Escondido Zoning Code related to small wireless facilities in the public right-of-way, and adopt associated guidelines for deployment of small wireless facilities in the public right-of-way; and

WHEREAS, the following determinations were made:

1. That a notice was published and mailed as required by the Escondido Zoning Code and applicable State law.
2. That the application was assessed in conformance with the California Environmental Quality Act and that the proposed amendment to the Escondido Zoning Code is exempt from environmental review pursuant to General Rule, Section

15061(b)(3) of the CEQA Guidelines since there would be no possibility of a significant effect on the environment.

3. That a staff report was presented discussing the issues in the matter.

4. That a Public Hearing was held and that all persons desiring to speak did so.

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

1. That the above recitations are true and correct.

2. That the Planning Commission, in its independent judgement, finds that the proposed amendment to the Escondido Zoning Code is exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

3. That the Factors to be Considered/Findings of Fact, attached as Exhibit "A" and incorporated herein as though fully set forth, were made by said Commission and issued as facts found to be true and supported by evidence.

4. That, considering the request to amend the Escondido Zoning Code and adopt guidelines related to small wireless facilities in the public right-of-way, and applicable law, the Planning Commission hereby makes a motion to RECOMMEND CITY COUNCIL APPROVAL of said Zoning Code Amendment, attached as Exhibit "B," and adoption of associated guidelines, attached as Exhibit "C."

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 10th day of December, 2019, 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

EXHIBIT “A”

FACTORS TO BE CONSIDERED/FINDINGS OF FACT AZ 19-0001

Zoning Code Amendment and Associated Guidelines

1. Approval of the amendment to Article 34 (Communication Antennas) and adoption of associated guidelines will not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in the zone or vicinity in which the property is located because Personal Wireless Service Facilities are currently allowed within the public right-of-way in all zones throughout the City. The City Council adopted Ordinance No. 2017-10R on June 21, 2017, approving an amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code. The June 14, 2017 City Council Staff Report, which introduced the ordinance for adoption, suggested monitoring the effectiveness of the Communications Antennas Ordinance and returning to City Council in two (2) years to address any modifications that may be necessary to keep up with the changing industry and small wireless facility technology. The proposed amendment re-examines the efficiency and efficacy of the existing Ordinance, and proposes changes to said Ordinance in order to comply with federal regulations in a manner which is in the best interest of the City. The associated guidelines expand upon the information contained in the proposed amendment to provide clarity and detail related to the permitting process, and design and development standards. No development project is proposed as part of this amendment.
2. The properties/zones involved are suitable for the uses permitted and would not be detrimental to surrounding properties because the public right-of-way can adequately accommodate small wireless facilities. The amendment and associated guidelines only include appropriate development standards and processing requirements to evaluate the appropriateness of a proposed small wireless facilities within the public right-of-way in the best interest of the City. The purpose of the project is to implement the zoning, land use and other laws, rules, regulations, and policies and procedures, applicable to the siting of small wireless facilities by small wireless facilities infrastructure owners, operators, and service providers in Escondido. The project accommodates new wireless technologies and continued improvements to existing small wireless facilities while minimizing their adverse visual and structural health and safety impacts. Consistent with that purpose, the provisions included in the Zoning Code Amendment and associated guidelines are to be construed in a manner that is consistent with (1) the interest of consumers in receiving the benefits of the deployment of ultra-high-speed and capacity broadband wireless communication facilities technology and innovations, (2) the interest in safeguarding and addressing aesthetics and other local values, and (3) the interest in promoting the public health, safety and welfare in Escondido.
3. Recently, the Federal Communication Commission promulgated new rules designed to remove regulatory barriers to the deployment of infrastructure necessary to support 5G and

other advanced wireless services and further limiting local discretion. These rules apply to a subset of wireless communication facilities defined as “small wireless facilities,” which are commonly deployed on streetlights and utility poles in the public right-of-way. Under the Federal Communication Commission Declaratory Ruling and Order, cities are required to adopt reasonable and objective aesthetic standards for small wireless facilities. The project does not materially limit or inhibit the ability of any small wireless facility competitor or potential competitor to compete in a fair and balanced legal and regulatory environment. Rather, the proposed Zoning Code Amendment and associated guidelines incorporate clearly-defined and ascertainable standards, which would be applied in a principled manner, while at the same time reflecting and supporting a marketplace in which a provider can engage in any of a variety of activities related to its provision of a covered service, densifying a wireless network, introducing new services, or otherwise improving service capabilities.

4. Escondido’s economy relies on innovation and providing job opportunities for the City’s residents. Ubiquitous, high speed mobile broadband is proven to have a significant impact on economic competitiveness and social prosperity. The proposed Zoning Code Amendment and associated guidelines would be consistent with General Plan Goals and Policies that call for a “Diverse and Economically Prosperous Economy” that address the need to provide broad economic prosperity and support for businesses of all sizes. General Plan Mobility and Infrastructure Goals (Goal 7, page I-19 and Telecommunication Goal 7, page III-51) call for providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all. The proposed amendment also is consistent with General Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Telecommunication Policy 17.8 requires compatible collocation of telecommunication facilities that are designed in a manner to minimize visual impacts on surrounding uses, and Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and in the public right-of-ways.
5. The proposed Zoning Code Amendment and associated guidelines are exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.
6. The proposed Zoning Code Amendment and associated guidelines would be applicable to the public right-of-way in all zones in the City, including the public right-of-way in areas covered by specific plans.

EXHIBIT "B"
ARTICLE 34 - COMMUNICATION ANTENNAS
Proposed Zoning Code Amendment

Sec. 33-700. Purpose.

The purpose of this article is to provide standards and design guidelines for satellite dish antennas and other personal wireless service facilities. It is intended that such antennas and facilities be installed and operated in a manner consistent with all of the articulated health, safety, visual and aesthetic objectives of this article, while preserving the viability of these antennas and facilities as communication systems.

Sec. 33-701. Objectives.

The objectives of this article are:

- (a) To provide reasonable opportunities for installations of satellite dish antennas and personal wireless service facilities;
- (b) To ensure secure installations to prevent possible injury to persons or damage to property;
- (c) To permit locations which do not obstruct or interfere with the provision of emergency services and communications;
- (d) To preserve the city's authority over the placement, construction, modification, and design of facilities addressed by this article.

Sec. 33-702. Definitions.

(a) For the purposes of this article and any guidelines adopted pursuant to it, the following words, terms, phrases, and their derivations have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

Accessory Equipment means any non-antenna portion of a personal wireless service facility, except concealment features, including, but is not limited to, remote radio units, surge protectors, diplexers, triplexers, battery racks, generators, air conditioners, wires, cables, and cabinets.

ANSI means the American National Standards Institute.

Antenna means the same as defined in 47 C.F.R. § 1.6002(b), as may be amended.

Antenna shroud means a solid barrier that screens an antenna (or antennas) and any accessory equipment attached thereto, including, but not limited to, radio units, wires, cables, and brackets, entirely from view.

Camouflaged or Stealthy means a personal wireless service that is disguised, hidden, integrated into the architecture of an existing or proposed structure or placed within an existing or proposed structure, and designed to be compatible with the existing scale and pattern of development and/or characteristics of the site, as determined by the director of community development.

~~Co-Location means the use of a single mount on the ground by more than one carrier and/or personal wireless service facility (vertical co-location) and/or several mounts on an existing building, structure or site (horizontal co-location) by more than one carrier and/or personal wireless service facility.~~

Collocation means the same as defined in 47 C.F.R. § 1.6002(g), as may be amended.

Concealed or Concealment means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique.

~~EMF~~ means ~~electromagnetic fields, or the formation of electric and magnetic fields whenever electromagnetic energy moves from one point to another through electrical wires.~~

FCC means the Federal Communications Commission.

Fixed Wireless Service means a local wireless operation providing services such as local and long distance telephone, high-speed internet, and digital television to residential and business customers by means of a small equipment installation of less than thirty (30) inches in diameter (the "Remote Unit") on the exterior of each home or business that elects to use this service.

IEEE means the Institute of Electrical and Electronics Engineers.

NCRP means the National Council on Radiation Protection and Measurements.

~~Personal Wireless Service~~ means ~~any personal wireless service as defined by the Telecommunications Act, including but not limited to, commercial mobile radio services, unlicensed wireless services, common carrier wireless exchange access services, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, ground based repeaters for satellite radio services, micro-cell antennae and similar systems which exhibit similar technological characteristics, the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended.~~

~~Personal Wireless Service Facility~~ means ~~any component for the provision of personal wireless service including all related equipment, buildings, structures, and improvements, the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended.~~

~~Power Density~~ means ~~the measures of a wave's total energy as a function of its distance from its source (generally measured in milliwatts per square centimeter or mW/cm²) as defined by the FCC.~~

Radome means a cylindrical antenna shroud.

RF means radiofrequency or electromagnetic waves.

RFR means radiofrequency radiation, or the formation of radiofrequency radiation generated by the movement of electromagnetic energy through space, including radio and microwaves, which is used for providing telecommunications, broadcast and other services.

Satellite Dish Antennas means circular or saucer shaped antennas using parabolic or spherical reflecting surfaces, or similar antennas which are designed to transmit and/or receive communication signals from satellites.

Shot Clock means the presumptively reasonable time frame within which a local jurisdiction must act on a wireless application, as defined by the FCC and as may be amended from time to time.

Small Wireless Facility means a Personal Wireless Service Facility which:

- (1) is mounted on a structure 50 feet or less in height including their antennas, mounted on a structure which is no more than ten (10) percent taller than other adjacent structures, or does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and
- (2) has antennas no larger than three (3) cubic feet; and
- (3) has associated wireless equipment which is cumulatively no larger than 28 square feet, including any pre-existing equipment; and
- (4) does not require antenna structure registration; and
- (5) is not located on tribal lands; and
- (6) does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.

Structure means the same as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended.

Technically feasible means that the siting, location, and equipment proposed for a Personal Wireless Service Facility are available and known to be able meet the service objectives of that facility.

Telecommunications Act means the Telecommunications Act of 1996.

Sec. 33-703. Personal wireless service facilities guidelines—Five general principles.

The following principles shall serve as general guidelines for the city's consideration of applications for personal wireless service facilities which are not small wireless facilities located in the public right-of-way:

- (a) Height guidelines—Utilize lowest profile technology.
 - (1) Discourage further consideration of high-profile antenna installations (such as non-camouflaged towers and monopoles) ~~on visually prominent sites~~. Personal wireless service facilities should be designed to be in scale with surrounding buildings and tree heights.
 - (2) Use existing structures as opposed to introducing new ones.
 - (3) Encourage facilities that meet the zone's height standards.
 - (4) Use landscaping (such as dense tree growth) or other measures to minimize visual impacts and screen the facility.
- (b) Location guidelines—Avoid proliferations that create or compound undesirable visual impacts, but also encourage co-location, where appropriate.
 - (1) Encourage the use of commercial, and industrial, and public right-of-way sites whenever possible, and discourage the use of residential zones. Wireless communication facilities proposed to be located within residential zones/areas shall consider the following and submit a feasibility study to implement the following options before proposing a wireless facility on a residentially developed property:

(A) Residential zoned properties developed with nonresidential uses (i.e., schools, churches, parks, etc.);

(B) Public right-of-way (such as existing or new light pole or other utility structures).

(2) Encourage single sites utilizing stealth designs and latest technologies.

(3) Ensure full aesthetic integration of new facilities into the proposed locations.

(4) Ensure that the area covered by wireless facilities which are screened and landscaped to minimize visual impacts is large enough to incorporate appropriate visual screening methods.

(5) Ensure that proposed landscaping has permanent proper irrigation and maintenance.

(6) Require amended co-location language for facility leases on city-owned properties to include:

(A) Modification requirements as technology advances.

(B) Square foot minimums for leased lots to ensure proper buffering areas.

(7) Encourage co-location on existing sites where it is possible to avoid obtrusiveness, up to the point where a structure or site has too many antennae/structures and becomes visually cluttered.

(8) Ensure that the mass and scale of proposed facilities are not excessive in order to meet the carrier's reasonable coverage objectives.

(c) Stealth technology guideline - Encourage creative, unobtrusive stealth technology.

(1) Encourage personal wireless service facilities to be camouflaged or integrated into or onto existing structures, wherever possible. When a personal wireless service facility extends above the roof height of a building on which it is mounted, the facility should be concealed within or behind architectural features to limit its visibility from public ways. Facilities mounted on a roof should be stepped back from the façade in order to limit their impact on the building's silhouette and reduce visibility from adjacent public ways. Existing visual obstructions or clutter on the roof or along the roof line should, in a commercially practical matter, be removed or screened (such as a parapet or architectural element that serves as a rooftop screen) as a precursor to the new wireless installation. Facilities which are façade-mounted should blend with the existing building's architecture, materials and colors.

(2) Require designs that are in scale and context with their surroundings.

(3) Encourage creative designs with the least visual impact and the use of microtechnology where possible.

(4) Encourage designs that mimic natural elements, and that are natural in appearance, by including:

(A) Natural colors applied in a natural-looking way.

(B) Inclusion of related forms and textures as they commonly would be found in nature.

(C) Antenna or facility elements formed in, clad by, or screened by natural-looking features.

(5) If a stealthy design is not feasible, proposed facilities shall be surrounded by buffers of dense landscaping including tree growth of sufficient width, height and understory vegetation to create an effective year-round visual buffer. Permanent irrigation shall also be provided.

(d) Older facility guidelines—Encourage older facilities to upgrade using less obtrusive technology.

(1) Require facility upgrade when leases on City-owned property are up for renewal.

(2) Facility modifications should incorporate the latest technology consistent with this article.

(e) Emissions guidelines—Ensure that emissions do not exceed federal thresholds.

(1) Require that every installation meets all Federal Radiation Standards to ensure public health, including NCRP, ANSI/IEEE and FCC standards and guidelines.

(2) Require that each facility owner adhere to all Federal (FCC) emission testing stipulations and timetables.

Sec. 33-704. Personal wireless service facilities—Development and operating standards.

The following operating standards shall apply to all personal wireless service facilities:

(a) Interference. The operation of personal wireless service facilities shall be in conformance with all applicable Federal Communications Commission regulations regarding interference with other equipment.

(b) Screening. All personal wireless utility equipment (i.e., antennas, support structures, mounts, equipment, etc.) shall be screened from view of adjacent properties or public rights-of-way to the maximum extent possible. Screening may include integrating architectural elements, color and texture of the antenna structure, fencing, landscaping, or other method appropriate to the specific situation. Screening may be waived by the director of community development if the available methods of screening create a greater visual impact, or call greater attention to the facility than if otherwise left unscreened.

(c) Equipment. With the exception of small wireless facilities located in the public right-of-way, Associated equipment shall be placed within an existing building whenever possible. Locational standards for equipment associated with small wireless facilities in the public right-of-way shall comply with development standards contained in any guidelines adopted pursuant to Section 33-704(k).

(d) Setbacks and height. With the exception of small wireless facilities located in the public right-of-way, antennas, Antennas, poles, mounts and all utility equipment shall not be

located in required front, rear, side and street side-yard setback areas. All façade-mounted and roof-mounted facilities and screening materials shall not project above the height limit of the zoning district within which the facility is located, unless otherwise permitted in conformance with section 33-8 (building height) and section 33-1075 (permitted structures in excess of height limits) of the zoning code. Facilities installed on residential uses in residential zones shall meet the underlying zone's height standards for principal structures. Height limitations for small wireless facilities in the public right-of-way shall comply with development standards contained in any guidelines adopted pursuant to Section 33-704(k).

(e) RFR emissions. Ninety (90) days after installation of any facility, under full operating conditions, the applicant shall measure the radio frequency(ies) emitted by the facility and submit an operational radio frequency study to the planning division to verify conformance of the facility with the theoretical study and applicable ANSI/IEEE and FCC standards for radiofrequency radiation exposure.

(f) Noise. Noise levels generated by wireless equipment shall not exceed the noise level limits of the underlying zone and receiving land use, whichever is less. Appropriate siting and building measures shall be incorporated into the facility to comply with the city's noise requirements. An acoustical study may be required, as determined by the director of community development.

(g) Lighting. Personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other on-site facilities for maintenance purposes shall be shielded from abutting properties.

(h) Signage. Signs shall be limited to those needed to identify the property and the owner and to warn of any danger; shall provide one (1) or more twenty-four (24) hour emergency telephone numbers; and shall be subject to the approval of the planning division.

(i) Maintenance. All facilities, landscaping and related equipment shall be maintained in good working condition and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days. Damaged, dead or decaying plant materials shall be removed and replaced within thirty (30) calendar days.

(j) Hillside and ridgeline overlay district. Personal wireless service facilities located within close proximity to a skyline ridge or intermediate ridgeline shall be subject to the provisions of the hillside and ridgeline overlay district.

(k) Public right-of-way. Unless expressly stated otherwise, aAll requirements of this article shall apply to the placement, construction, modification or reconstruction of any personal wireless service facilities proposed within the public right-of-way, except to the extent precluded by state or federal law. The following ~~general~~ additional requirements also shall apply:

(1) All personal wireless service facilities must comply with the city's requirements for an encroachment permit as set forth in Chapter 23 of this code and any guidelines adopted pursuant to this article. All applicants shall enter into a license agreement as provided by the city to the extent the facility is proposed to be located on city facilities.

(2) All personal wireless service facilities in the public right-of-way that are not small wireless service facilities shall require a major conditional use permit.

~~(23) Personal wireless service facilities in the right-of-way shall be installed on existing street light poles or substantially similar replacement poles in the same location. Where it has been demonstrated that it is not feasible to locate on an existing street light or similar replacement pole, a wireless facility may install a new streetlight to supplement existing lighting. New or replacement street light poles shall be designed to resemble the appearance and dimensions of a street light typical of the surrounding neighborhood, including size, height, color, materials and style, whenever feasible. Where it has been demonstrated that it is not feasible to locate on a new streetlight, a wireless facility may locate on an existing traffic signal, utility pole, bus stop, or other appropriate vertical structure within the right-of-way. The installation of a new structure, that is not a street light, may be permitted by minor conditional use permit. The installation of a new wooden pole is not permitted. Small wireless facilities in the public right-of-way. All small wireless facilities installed in the public right-of-way shall comply with the development standards included in any guidelines adopted pursuant to this section. Development standards in the adopted guidelines may address various design, use of right of way, and aesthetic aspects including, but not limited to, size, spacing, quantity, location, color, method of mounting, orientation, concealment of cables, wires, and conduit, and other physical aspects of the antennas, equipment, and structures on which the facilities are mounted.~~

~~—(3) All personal wireless service facilities in the right-of-way shall be sited in order to minimize potential visual and compatibility impacts with adjacent properties. Placing wireless facilities along non-classified residential streets and/or along the front yard of single-family residential properties should be avoided. Wireless facilities must be designed to be visually unobtrusive with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. The equipment must be painted or textured to match the color or surface of the structure on which they are attached, or otherwise screened to reduce their visibility.~~

~~—(4) No more than two (2) panel antennas may be mounted on a single pole or structure. No antenna may exceed three (3) feet in length. Antennas shall be vertically mounted to a pole or support structure (excluding strand mounts) in compliance with any applicable separation requirements. An antenna enclosure attached to the top of a utility pole or street light shall be cylindrical in shape and shall not exceed four (4) feet in height. New street lights or replacement poles must match the height and design of the existing street light in the same neighborhood. In no case shall a new wireless facility exceed thirty-five (35) feet in height. The antennas and other related equipment shall be mounted as close to the pole as possible, with no more than a four (4) inch gap, to minimize impacts to the visual profile. Pole-mounted equipment, exclusive of antennas, shall not exceed seven (7) cubic feet in dimension. Pole-mounted equipment shall not exceed a dimension of twelve (12) inches in~~

width and twelve (12) inches in depth. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

~~— (5) The spacing between existing poles and new personal wireless service facilities must avoid visual clutter and maintain the existing character of the surrounding neighborhood. In residential areas, an individual wireless carrier must provide a minimum separation of three hundred (300) feet from any of their other wireless facilities within the right of way.~~

~~— (6) No personal wireless service facility may be located within the right of way where there are no overhead utility facilities or streetlight poles unless permitted pursuant to a minor conditional use permit. No new overhead wires shall be allowed in areas where undergrounding of utilities has occurred.~~

~~— (7) All other non-antenna equipment associated with the personal wireless service facility shall be placed underground, except any required electric meter or disconnect switch associated with an installation on an existing utility pole. Equipment shelters shall not be allowed in the public right of way where their presence would interfere with existing uses or infrastructure, and shall be located as to minimize impacts to neighborhood aesthetics, pedestrian access, and vehicular site distance and safety.~~

~~(84) Small Wireless facility permits. All new personal small wireless service facilities proposed within the public right-of-way, and any collocations or modifications to existing small wireless facilities within the public right-of-way shall require the issuance of a small wireless facility permit. The director may establish the forms and submittal requirements to implement the requirements of this article section and any guidelines adopted pursuant to it. The director may refer any application for a wireless facility permit to the planning commission for consideration at a noticed public hearing.~~

~~(A) Administrative permit. All proposed small wireless facilities which meet all the requirements in this article and any adopted guidelines adopted pursuant to it, may be processed through an administrative small wireless facility permit. The director shall determine whether an application meets the requirements of this article and any adopted guidelines. The permit will be approved if the regulations are met, or denied if the regulations are not met. The application process shall follow the procedures and fees for a plot plan and design review set forth in any guidelines adopted pursuant to this article.~~

~~(B) Minor conditional use permit. Any small wireless facility proposed on a new vertical structure that is not a street light, any facilities that project from a support structure by use of an arm or other horizontal bracket/brace, and any facility that exceeds the quantitative limitations described in this article and any guidelines adopted pursuant to it, shall require a minor conditional use permit, pursuant to Article 61 of this code. All other proposed facilities that the director determines do not meet the requirements of this article or any adopted guidelines must be processed through a minor conditional use permit. The applicant must pay any necessary application fees in accordance with a minor conditional use permit application.~~

~~(C) Zoning administrator findings. In addition to the findings in section 33-1203, the zoning administrator must also make the following findings in approving a minor conditional use permit for a personal wireless service facility:~~

~~(i) That the applicant has demonstrated that the site is necessary to close a significant gap in service;~~

~~(ii) That the location proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible;~~

~~(iii) That the design proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible; and~~

~~(iv) That the applicant has demonstrated a good faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available.~~

~~(C) Findings. Applications for small wireless facility permits shall demonstrate complete conformance with the development standards established by this section any guidelines adopted pursuant to it.~~

~~(i) Administrative permit. In order to determine conformance with development standards, the director shall make all of the following findings when issuing an administrative permit:~~

~~a. That the applicant has demonstrated that the small wireless facility is being placed on the most-preferred support structure that is technically feasible;~~

~~b. That the location of the proposed small wireless facility conforms to the requirements of this article and any adopted guidelines; and~~

~~c. That the design of the proposed small wireless facility conforms to the requirements of this article and any adopted guidelines;~~

~~(ii) Minor conditional use permit. In addition to the findings in section 33-1203, the zoning administrator must also make the same findings required under Section 33-704(k)(4)(C)(i). If the decision of the Zoning Administrator is not satisfactory to the applicant, the applicant may appeal the decision to the Planning Commission in accordance with procedures set forth in Article 61.~~

~~(D) Appeals. Decisions of the director and zoning administrator may be appealed pursuant to Section 33-1303 of the Escondido Zoning Code.~~

(95) The city council may, by resolution, establish additional criteria, clarifications and guidelines for the location, operation, design and review of ~~personal~~ small wireless service facilities in the public right-of-way.

(l) Installation of remote units (less than thirty (30) inches in diameter) required for private, fixed wireless service on private property or installed by the City are not subject to the provisions of this Article 34 and are exempt from review by the zoning administrator, planning commission or the city council.

(m) Residential locations. The following development standards shall apply to any wireless communication facility located on land developed with residential as the primary use. This excludes the public right-of-way adjacent to such land.

(1) A wireless facility ~~should~~ shall not be located on a parcel less than ten thousand (10,000) square feet, with no more than one (1) wireless facility located on a parcel less than one (1) acre in size.

(2) Freestanding wireless antenna facilities/structures (not incorporated into the architecture of the main residence) ~~should~~ shall be set back from the adjacent property boundary a minimum distance of one and one-half (1.5) times the height of the wireless facility.

(3) Wireless antenna facilities ~~should~~ shall not encroach into the minimum setbacks required of the main residence.

(4) Freestanding equipment structures may be located anywhere on the site as provided for accessory structures. The equipment structures ~~should~~ shall be designed to be architecturally compatible with the main residence/residential structure.

(5) The planning commission may modify development requirements: (1) and (2) of this subsection (m) upon the findings the proposed wireless facility will not result in any adverse compatibility, noise or visual impacts to surrounding properties; and the project design and location modifications represents the most appropriate alternatives for the subject property.

Sec. 33-705. Personal wireless service facilities—Application requirements.

(a) The following shall be included with an application for all personal wireless service facilities except for small wireless facilities in the public right-of-way:

(1) A city-wide map showing the provider's other existing facilities and the general area of currently anticipated future personal wireless service facilities in the city and outside the city, within one (1) mile of its corporate limits.

(2) The qualifications of the person who prepared the required RFR study, including such information as his or her education and professional qualifications, experience preparing studies, history demonstrating compliance with FCC guidelines, etc.

(3) Existing before photographs and after visual simulations. A sight line representation drawn to scale) may also be required (as determined by the director of community development) which shall be drawn from adjacent public roads and the adjacent properties (viewpoint) to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile and show all intervening trees and buildings, and be accompanied by photographs of what currently can be seen from the specific site and a visual simulation of the proposed facility. An on-site mock-up or balloon simulation also might be required for highly visible or sensitive sites to adequately assess the potential visual impact of the proposed facility.

(4) A description of proposed materials and colors of the proposed facility specific by type and treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.).

(5) Preliminary landscape and irrigation plan, if required.

(b) The city reserves the right to employ experts, at the applicant's expense, to evaluate information submitted with the application to ensure compliance with local regulations for land use, and to verify compliance with the Federal Communications Commission's standards for RFR emissions.

(c) Applicants shall submit a theoretical radiofrequency radiation study (prepared by a person qualified to prepare such studies) with the application which quantifies the proposed project's radiofrequency emissions, demonstrating compliance of the proposed facility with applicable NCRP and ANSI/IEEE and FCC policies, standards, and guidelines for maximum permissible exposure (MPE) to radiofrequency radiation emissions. The study shall also include a combined (cumulative) analysis of all the wireless operators/facilities located on and/or adjacent to the project site, identifying total exposure from all facilities and demonstrating compliance with FCC guidelines. An updated radiofrequency study shall be submitted for any modification to a facility.

(d) Application materials required for small wireless facilities proposed in the public right-of-way pursuant to Section 33-704(k) shall comply with any guidelines adopted pursuant to that section.

Sec. 33-706. Personal wireless service facilities—Land use approval.

(a) City staff shall review plans for planning, siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and conformance with the wireless facilities guidelines. After such review, staff may approve, conditionally approve, or deny the proposed facility, or refer it to the planning commission for approval, conditional approval, or denial. As a component of the project review, the applicant must include details regarding the ability to provide the necessary utilities (i.e., telco and power) and appropriate access to the site. All new utility service runs shall be placed underground.

(b) Land use approval requirements for small wireless facilities located in the public right-of-way are provided in Section 33-704(k).

(æc) Except for small wireless facilities in the public right-of-way, a plot plan application shall be required for all personal wireless service facilities/antennas and facilities which are permitted in the zone and which do not require a conditional use permit.

~~(b) City staff shall review plans for planning, siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and conformance with the wireless facilities guidelines. After such review, staff may approve, conditionally approve, or deny the proposed plan, or refer it to the planning commission for approval, conditional approval, or denial. As a component of the project review, the applicant must include details regarding the ability to provide the necessary utilities (i.e., telco and power) and appropriate access to the site. All new utility service runs shall be placed underground.~~

(ed) Residential and open space zones. Personal wireless service facilities in these zones shall require a conditional use permit issued by the planning commission pursuant to Division 1 of Article 61 in all residential and open space zones. Personal wireless service facilities located within the public right-of-way within or adjacent to residential zones or open space zones shall require the issuance of a conditional use permit.

(de) Commercial and industrial zones. Plot plan approval or a conditional use permit shall be required in commercial and industrial zones according to the following chart:

	CG	CN	CP	<u>HPI-O</u>	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Roof-mounted or building-mounted incorporating stealthy designs and/or screened from public ways or significant views	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that incorporate stealthy designs and do not exceed 35' in height	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that exceed 35' in height, or roof or building mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a conditional use permit (CUP).

(ef) Co-Location. Co-location of personal wireless service facilities is encouraged to the extent it is technically feasible, up to the point where a structure or site has too many antennae and becomes visually cluttered, subject to the following siting criteria and chart:

	CG	CN	CP	<u>HPI-O</u>	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Co-location on existing buildings or structures, or adding an additional facility on a site	P	P	P	P	P	P	C
Co-location including new pole-mounted or ground-mounted structures that exceed 35' in height, or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C

RA	RE	R-1	R-2	R-3	R-4	RT	OS
C	C	C	C	C	C	C	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a conditional use permit (CUP).

(fg) Planned Development and Specific Plans. Unless specifically permitted or conditionally permitted as part of the planned development or specific plan, any wireless communication facility shall not be permitted within these zones unless a modification to the master development plan or specific plan is approved by the planning commission or city council, as may be required. This provision does not apply to small wireless facilities in the public right-of-way.

Sec. 33-707. Personal wireless service facilities—Modifications and upgrades.

Except for small wireless facilities in the public right-of-way identified in section 33-704(k), the A modification of a personal wireless service facility which was not specified in the original design/approval (including, as examples, an increase in height, the number of antennas/panels, an increase in mass and scale, etc.) may be considered equivalent to an application for a new personal wireless service facility, and will be subject to the requirements of this article. However, upgrades to existing facilities to incorporate new technology which, in the discretion of the director, do not increase the existing mass and scale, increase the height or visibility of the structures, or decrease the overall height of the facility, may be approved by the director, and/or may be referred to the planning commission. Modifications and upgrades to small wireless facilities installed in the public right-of-way pursuant to section 33-704(k) shall be reviewed as described in said section and in any guidelines adopted pursuant to it.

Sec. 33-708. Personal wireless service facilities—Abandonment or discontinuation of use.

(a) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the city in writing of the proposed date of abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

(b) Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of antennas, mount, equipment shelters and security barriers from the subject property;

(2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal programs;

(3) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(c) For small wireless facilities installed in the public ~~rights~~right-of-way, the city shall reserve the right to require a bond to ensure removal of such facilities, and the replacement of any structures removed as part of the installation, upon abandonment or discontinued use. The city may, at its sole discretion, require any structure installed in the public right-of-way for the purpose of installation of a small wireless facility to be left in place, and such structure shall become the possession of the city upon abandonment or discontinuance of use by the carrier. The city may also require the carrier to replace any structure that was removed in order to install the small wireless facility

Guidelines for Deployment of Small Wireless Facilities in the Public Right-of-Way

I. INTRODUCTION

The following processing and design guidelines (the "Guidelines") have been developed to supplement and clarify the requirements of [Subsection 33-704\(k\)](#) of the Escondido Zoning Code, specifically related to small wireless facilities in the public right-of-way. These requirements are meant to provide a general overview of the procedures and requirements for installation of small wireless facilities. They also outline the City's permitting process for small wireless facilities, and provide detailed development standards and design requirements which the City will use to review proposed facilities.

The Guidelines provide comprehensive information to all parties involved in the processing of applications for small wireless facilities proposed in the public right-of-way in the City of Escondido. Specifically, they are intended to help achieve the following goals:

- Protect the health, safety, and welfare of the public;
- Accommodate and support deployment of personal wireless service facilities to provide robust coverage and capacity throughout the city;
- Protect the City's visual character from potential adverse impacts or visual blight created or exacerbated by personal wireless service facilities and related communications infrastructure;
- Create a clear set of development standards, siting criteria, design preferences, and other information for new facilities, additions and modifications to existing facilities to ensure that wireless service facilities are well-maintained and do not significantly detract from city streetscapes; and
- Provide definitions that are quantifiable and measurable.

These Guidelines have been adopted, and may be amended, by resolution of the City Council, as specified in Section 33-704(k) of the Escondido Zoning Code. Revisions to address clerical errors may be made administratively by the Director of Community Development.

II. APPLICABILITY

- A. Except as expressly provided otherwise, these Guidelines shall be applicable to all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, replace, relocate or otherwise deploy small wireless facilities in the public right-of-way, inclusive of applications which affect existing facilities.

B. The provisions contained in these Guidelines do not apply to existing and proposed personal wireless service facilities which are:

1. Not in the public right-of-way; or
2. Not small wireless facilities.

III. APPLICATION PROCESSING

A. Voluntary Pre-Application Meeting

Federal laws and policies establish time limitations (referred to as a “shot clock”) related to processing of all types of wireless communication facilities. The City must take action on a project within the established shot clock timeframes. As such, applicants should ensure that the appropriate amount of research is done prior to submittal. Failure to do so may result in application materials that do not provide adequate or accurate information, which in-turn may result in denial of an application.

Pre-application meetings are strongly encouraged in order to ensure that proposed small wireless facilities comply with the requirements of Subsection 33-704(k) of the Escondido Zoning Code and these Guidelines, and that application materials include adequate and accurate information. Please contact the Planning Division, Community Development Department, at (760) 839-4671, and Land Development Division, Engineering Services Department, at (760) 839-4651, if you would like to schedule a voluntary pre-application meeting with either division. Alternately, preliminary plans can be emailed to the City for a courtesy review.¹ Contact the Planning Division or Land Development Division at the numbers above to obtain the email addresses for the staff members best suited to assist you.

B. Required Permits

Prior to commencement of any work required for the installation of a small wireless facility in the public right-of-way, appropriate permits must be secured by the applicant. Two permits from the City of Escondido are necessary, as described below. A master license agreement is also required for any provider wishing to place a small wireless facility on any structure in the right-of-way owned by the City of Escondido.²

In addition to the small wireless facility itself, the permits described below allow up to 50 feet of trenching for electrical/fiber connections to existing infrastructure. Any large infrastructure projects that are not small wireless facilities shall be processed in accordance with the Engineering Services Department’s standard procedures.³

¹ Plans which are emailed to City staff for a courtesy review are not considered a duly filed application with the City and therefore are not subject to FCC imposed time limits. The courtesy review is not exhaustive, and the City accepts no liability if it is determined, upon formal submittal, that the plans do not comply with these Guidelines.

² Additional permits from other government agencies may be required.

³ Encroachment permits for trenching in excess of 50-feet will be reviewed on a cost recovery basis in accordance with the City’s standard improvement plan review process. The owner of the proposed underground facilities will be required to execute a one-time Right-of-Way and Maintenance Agreement with the City or provide evidence of prior Franchise Agreement rights. A boiler plate version of this Agreement is available on the City website.

1. *Small Wireless Facility Permit*

A small wireless facility permit must be obtained by an applicant prior to commencement of any work required for the installation of a small wireless facility in the public right-of-way. Application packets are available at the Planning Division and Engineering Services Department public counters, or on the Planning Division's webpage at <https://www.escondido.org/applications-for-processing-development-requests.aspx>.

a. *Administrative Permit*

The administrative permit process is intended to provide a simple and efficient way to expedite the permitting process for a large majority of proposed facilities. As such, administrative permits are available for all small wireless facilities that comply with these Guidelines and do not require a Minor Conditional Use Permit, as outlined in Section 33-704(k) of the Escondido Zoning Code. Applications for administrative permits shall include all items necessary for the City to make a determination regarding compliance with the established design and development standards⁴, and applicants will be required to certify that their plans and other application materials conform to said standards. If it is determined, after review of applications for administrative permits in the manner described in the Processing of Applications section below, that the plans or other application materials do not demonstrate conformance with the standards, or the applicant does not certify such conformance, the permit will be denied.

b. *Minor Conditional Use Permit*

A Minor Conditional Use Permit is required for certain small wireless facilities as identified in Section 33-704(k) of the Escondido Zoning Code. Applications for Minor Conditional Use Permits will be processed and reviewed pursuant to Article 61, Division 1, of the Escondido Zoning Code.

2. *Encroachment Permit*

An encroachment permit is required for any small wireless facility placed in the City of Escondido's public right-of-way. An encroachment permit application, including all submittal requirements identified on said application form and all required fees and deposits, shall be submitted concurrently with the small wireless facility permit application unless the applicant voluntarily agrees in writing to defer said submittal, as described in the tolling agreement section later in these Guidelines.

3. *Master License Agreement*

Wireless service providers proposing to install small wireless facilities on existing, replacement, or new City-owned structures in the public right-of-way are required to enter into a master license agreement with the City prior to installation of said facility. If a master license agreement has not yet been secured by the provider, it must be submitted concurrently with the small wireless facility and encroachment permit applications, unless the applicant voluntarily agrees in writing to defer said submittal,

⁴ Submittal requirements are discussed later in these Guidelines.

as described in the tolling agreement section later in these Guidelines. If a master license agreement has already been secured by the provider, a master license agreement site addendum for each additional site shall accompany the small wireless facility and encroachment permit applications. Additional information related to master license agreements can be obtained by contacting the Real Property Division, Engineering Services Department, at (760) 839-4597.

C. Acceptance of Applications

Applications for small wireless facility and encroachment permits, and any master license agreements or addenda, including all items and fees required as part of an application package, shall be submitted concurrently to the Planning Division. The City requires a whole application in order to review a project in the timeline established by the FCC shot clock. Applications which do not include all required submittal materials for all applicable permits/agreements, including all applicable fees, will not be accepted and are not considered submitted and duly filed with the City. Alternately, an applicant may voluntarily defer submittal of a small wireless facility permit application, encroachment permit application, or master license agreement, through the execution of a tolling agreement, as described in the submittal requirements section below.

The City will establish set hours during which applications may be submitted. A minimum of eight (8) hours each week will be available for application submittal, and said hours will be posted on the Planning Division's website and at the Planning Division counter.⁵ Submittals may also be made by appointment outside of these posted hours for intake through the Planning Division. An appointment is not required to submit an application, however it is strongly encouraged, especially if an applicant intends to submit a batched application or individual applications for multiple facilities at one time.

Applications must be submitted in-person. Application materials delivered by U.S. mail or other delivery service will not be processed and do not constitute a submitted and duly filed application. An application is not considered duly filed and submitted unless it contains all items necessary to comprise a whole application, and is provided in-person to a representative of the Planning Division and assigned a planning case number.

D. Batched Applications

Applicants may submit multiple applications for small wireless facilities as a single, batched application, as long as all facilities included in the batch utilize the same size and type of equipment, and are mounted in the same configuration on the same type of support structure. If the equipment, configuration, and support structure used for any facility that is submitted as part of a batched application is not consistent with the other facilities in that batch, all applications that are inconsistent will be removed from the batch and must be processed as separate applications. Each application in a batch must meet all the requirements for a whole application.

⁵ Fewer hours will available if the posted hours fall on a city holiday.

E. Submittal Requirements

Small wireless facility permit application packets are available at the Planning Division public counter and on the Planning Division website at <https://www.escondido.org/applications-for-processing-development-requests.aspx>. In absence of a voluntary tolling agreement, said packets contain a detailed list of items that must be provided in order for the application to be duly filed and accepted by staff for review. The applicant will be required to certify that the submittal materials contained in the application packet demonstrate conformance with these Guidelines.

Encroachment permit application packets are available at the Engineering Services Department's public counter and on the Field Engineering Division's website at <https://www.escondido.org/field-engineering.aspx>. In absence of a voluntary tolling agreement, said application packet contains a detailed list of items that must be provided, in order to duly file an application for review.

1. *Tolling Agreement*

The City recognizes that concurrent submittal and review of a small wireless facility permit, an encroachment permit, and a master license agreement may be problematic for a wireless service provider due to the nature of permitting and issuance of said permits and agreements. As such, an applicant may voluntarily elect to defer submittal of any permit or agreement which is otherwise required as part of a whole application. The voluntary deferral of any such permit or agreement shall toll the shot clock on that item. Once the voluntarily deferred item is received, the City will provide comments on any deferred submittal in the same manner as if it was a new application. The City will continue to process all other permits and agreements that are not deferred.

F. Authority Granted to the Director of Community Development

The City Council authorizes the Director to establish other reasonable rules and regulations to efficiently and effectively administer Section 33-704(k) of the Escondido Zoning Code and these Guidelines. All such rules and regulations must be in written form and publicly available.

G. Fees

Small wireless facility permit fees (administrative and minor conditional use permit), encroachment permit fees, master license agreement fees, and site administration fees for small wireless facilities shall be as established by resolution of the City Council. All fees shall be paid at time of application submittal.

H. Processing of Applications

Upon submission of a whole application for a small wireless facility permit, encroachment permit, and master license agreement meeting the requirements identified in these Guidelines (unless voluntarily deferred by the applicant, as described in the Submittal Requirements section above), the Director will verify conformance of the proposed facility with all applicable design and development standards and forward a copy of the application materials to the Engineering Services Department for review of technical information.

Upon completion of the review of an administrative permit application, the Director will either approve the application, conditionally approve the application, or inform the applicant that the application is considered incomplete. Upon completion of the review of a minor conditional use permit application, the Director will either forward the application on to the Zoning Administrator with a recommendation to approve the application, conditionally approve the application, or deny the application; or inform the applicant that the application is considered incomplete. If the application is deemed to not be complete, the City will provide comments in the form of written correspondence or markups on the plans and other submittal materials identifying missing, incomplete, erroneous, or inaccurate information. The required corrections shall be made by the applicant and resubmitted to the Planning Division. The applicant will be required to certify that all corrections have been addressed and that the size, dimensions, location, etc., of the antennas and equipment have not changed, unless such changes are in response to comments provided by the City. Resubmitted materials shall include a response to any written correspondence, identifying where the revisions and modifications can be found on the plans and other submittal materials. If marked-up plans/documents were provided to the applicant, they must be returned with the resubmittal. Applications that are resubmitted without revisions identified or not accompanied by any marked-up plans and documents provided by the city, will be denied.

Upon review of the resubmitted materials for an administrative permit application, the Director will either approve or conditionally approve the application, or will inform the applicant that the application is still considered incomplete in the same manner as described above. Upon review of the resubmitted materials for a minor conditional use permit application, the Director will either forward the application on to the Zoning Administrator with a recommendation to approve the application, conditionally approve the application, or deny the application; or will inform the applicant that the application is still considered incomplete in the same manner as described above. After a second resubmittal for an administrative permit application, the application will either be approved, conditionally approved, or denied. After a second resubmittal for a minor conditional use permit, the Director will forward the application on to the Zoning Administrator with a recommendation to approve the application, conditionally approve the application, or deny the application. No further resubmittal of application materials will be accepted. Denied administrative permit applications will include a written determination identifying the reason(s) for denial. Actions of the Zoning Administrator shall follow the procedures identified in Article 61, Division 1 of the Escondido Zoning Code.

If a permit is approved, one set of approved plans will be provided to the applicant. If a master license agreement has not yet been entered in to by the applicant, said agreement shall be entered into prior to issuance of an encroachment permit. If an encroachment permit has not yet been secured, the applicant will be required to secure one prior to installation of the facility.

Applications for facilities that were denied may be submitted to the Planning Division as new applications at any time, without prejudice. Said new application will be processed as

a completely separate application, with new submittal materials and fees required, and shall demonstrate compliance with these Guidelines.

I. Determinative Action

The approval or denial of a small wireless facility permit by the director (for administrative permits) or Zoning Administrator (for minor conditional use permits) of a duly filed application is the City's action in response to the request for authorization to place, construct, or modify personal wireless service facilities. Any denial of a permit must be in writing and supported by substantial evidence.

IV. DESIGN AND DEVELOPMENT STANDARDS

A. Introduction and Review

The general intent of these design and development standards is to preserve the character of the City's neighborhoods and corridors by requiring small wireless facilities to utilize the least intrusive design available with regard to appearance, size, and location, and to blend into the existing streetscape as much as possible. They also seek to prevent conflict with existing and planned roadway, utility, and storm drain improvements.

The Director shall determine whether an application for a small wireless facility utilizes the least intrusive design available. For purposes of these guidelines, least intrusive design available means the most preferred design or development standard as provided in these guidelines that is technically feasible. For individual antennas, shrouds/radomes, accessory equipment, mounting brackets/attachments and any other physical aspect of a facility, least intrusive shall mean the smallest such item that is technically feasible. Any application for a permit that does not use the least intrusive design available shall include a technical feasibility report in the form and with the information as provided by the Director.

If an application is made for a minor conditional use permit, the Zoning Administrator shall determine whether an application for a small wireless facility utilizes the least intrusive design available. Any application for a minor conditional use permit shall include a technical feasibility report in the form and with the information as provided by the Director.

B. Support Structures

Antennas shall be placed according to the following preferences, ordered from most to least preferred:

1. Existing or replacement street lights – top of pole
2. Existing or replacement street lights – flush-mount on pole
3. Strand-mounted on existing overhead utility lines
4. New street lights – top of pole
5. New street lights – flush-mount on pole
6. Existing wooden utility poles – top of pole
7. Existing wooden utility poles – flush-mount on pole
8. Other existing vertical structures

9. Existing, replacement or new street lights – projecting from pole
10. Existing wooden utility poles – projecting from pole
11. New vertical structures that are not street lights

Antennas associated with any new small wireless facility, or any addition or modification to an existing facility shall be placed on the most preferred support structure, unless the applicant demonstrates that a review has been conducted, and no more-preferred support structure, or combination of structures, is available which would meet the service objectives of the proposed facility. This review shall include, but is not limited to, identification of technically feasible alternative site(s) within 150 feet, reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments.

C. Accessory Equipment

All accessory equipment (e.g., remote radio units, disconnect switch, converters, fuse box, etc.) required for small wireless facilities shall be installed utilizing the most-preferred placement that is technically feasible to serve the associated antenna(s). Ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole or support structure. If possible, one piece of accessory equipment that can support antennas in multiple locations (such as strand-mount facilities) shall be utilized. The list below prioritizes the preferred placement of accessory equipment from most desirable to least desirable.

1. Underground
2. Mounted on the same pole or support structure as the associated antenna
3. Above-ground equipment cabinet

Accessory equipment associated with any new small wireless facility, or addition or modification to an existing facility, shall follow this order, unless the applicant demonstrates that a review has been conducted which as determined that it is technically infeasible to achieve high-order preferences.

D. Prohibitions

Antennas and accessory equipment shall be prohibited on the following structures:

1. Traffic signals
2. Archways over roads or pedestrian plazas/walkways
3. Pieces of public art
4. Structures placed in the right-of-way through charitable donation(s)
5. Commemorative memorial structures
6. Utility poles and lines scheduled to be removed/undergrounded within 24 months of installation of the antenna or equipment, or required to be removed/undergrounded as a condition of approval of an existing entitlement.
7. New or replacement wooden utility poles

In addition to the prohibitions above, small wireless facilities (antennas and accessory equipment) shall not:

1. Compromise the purpose, performance, or integrity of any streetlight(s) or other support structures.
2. Be located closer than 40 feet to any residential unit unless said unit has no windows or doors on any wall facing the antenna. Proposed facilities which are less than 40 feet to any residential unit may be requested through the minor conditional use permit process.
3. Project from a support structure by use of an "arm" or other horizontal bracket/brace. Proposed facilities which project from a support structure by use of an "arm" or other horizontal bracket/brace may be requested through the minor conditional use permit process.
4. Be placed in a location which would damage or require the removal or trimming of any mature or protected tree(s).
5. Include ground-mounted equipment on blocks where a majority of equipment for other utility providers has been placed underground.
6. Encroach over any adjacent property line(s).
7. Be placed in a location or manner that negatively impacts Fire Department access and maneuverability.
8. Include any signage or advertisement(s), unless required by law.
9. Be placed in any fire lane.
10. Conflict with requirements of the Americans with Disabilities Act or other disabled access criteria established by federal, state, or local codes.
11. Be placed in a location or manner that negatively impacts the future planned installation or construction of public roadway, utility, or storm drain improvements.
12. Obstruct visibility of any traffic signals, stop signs, or other traffic control signage.

E. Design Standards

All proposed installations must be the least intrusive possible with regard to appearance, size, and location. If installations are available (e.g., have been installed in other jurisdictions) that are less intrusive than those allowed herein, applicants must utilize those installations unless the Director or permit decision-maker determines that those installations are not feasible.

If an applicant proposes to install a facility that exceeds the height, size, or other quantitative criteria described below, they may submit an application for a minor Conditional Use Permit, which will be processed pursuant to Article 61 of the Escondido Zoning Code. Alternately, an applicant may request pre-approval of a design that exceeds the quantitative criteria below. Designs proposed for pre-approval must be approved by the City Council and will become appendices to these Guidelines.

1. Height
 - a. No facility shall exceed 50 feet in height or four feet above the support structure on which it is placed, whichever is less.
 - b. Replacement support structures shall be the same height as the existing structure that is being replaced.

- c. New street lights shall be the same height as that identified for such structures in the City's standard drawings.
- d. Pole-mounted antennas and accessory equipment shall maintain a minimum clearance of ten feet above any pedestrian path of travel and 14 feet above any roadway or other vehicular access point.

2. Antennas

- a. All antennas and associated mounting equipment, hardware, cables or other connectors shall be concealed in a shroud or radome. The shroud/radome shall be painted a flat, non-reflective color to match the underlying support structure.
- b. All antennas must be placed within the same shroud/radome.
- c. Multiple facilities may be installed on one support structure as long as all antennas on that support structure are placed within the same shroud/radome.
- d. Antennas for any small wireless facility shall not exceed three cubic feet in volume, including the shroud or radome. If more than one antenna is provided on any support structure, the volume above shall be cumulative. Notwithstanding the foregoing, top-mount antennas and shrouds may have a maximum volume of six cubic feet if necessary to provide a tapered transition to the pole on which it is mounted.
- e. Top-mount antennas (including the shroud) shall be no more than 16 inches wide when placed on light poles, and shall not exceed the width of any wooden utility pole on which they are mounted.
- f. Any top-mounted antennas which are wider than the light pole on which they are mounted shall be tapered to match the width of the pole at the point of attachment to the pole.
- g. Side/flush mount antennas, including those with integrated radio units, shall not exceed 12 inches in width and nine inches in depth (measured from the face of the pole), including the shroud.

3. Accessory Equipment

- a. Underground equipment may be as large as allowed by the FCC for small wireless facilities.
- b. Pole-mounted accessory equipment shall not exceed a maximum cumulative volume of seven cubic feet for any facility. The maximum width of any piece of accessory equipment shall be 20 inches (except as specified below for wooden utility poles), and the maximum depth shall be 16 inches (measured from the face of the pole). These volume and dimensional limitations are inclusive of shrouds and cabinets.
- c. If multiple facilities are installed on one pole, the pole-mounted volume and dimensional criteria specified above shall be cumulative for all accessory equipment.
- d. Pole-mounted accessory equipment shall be painted a flat, non-reflective color to match the pole on which the equipment is mounted.
- e. All pole-mounted accessory equipment shall be installed within the same shroud.
- f. Ground-mounted equipment cabinets:
 - i. Shall fully screen the equipment inside them from view.

- ii. Shall not exceed six cubic feet in residential zones or adjacent to properties developed with residential uses, and 12 cubic feet in all other locations.
- iii. Shall not be placed in the front yard of residentially zoned properties, or in street-side yard of any single-family residentially zoned property where the front door of said property faces and takes access from that street-side yard.
- iv. Shall not exceed 36 inches in height in single-family residential zones.
- v. No more than one above-ground equipment cabinet shall be provided for any small wireless facility. The use of one above-ground equipment cabinet to serve multiple small wireless facility antennas is strongly encouraged (e.g., for stand-mount wireless facilities)
- vi. Shall be painted dark green or the same color as any existing equipment cabinet (for other utility providers) within 25 feet of the proposed equipment cabinet.
- vii. Shall not block or interfere with driveways, gates, entrances, sidewalks, and other points of vehicular and pedestrian access to adjacent properties and rights-of-way, nor interfere with sight distances.
- viii. Shall be lockable or otherwise designed to prevent unauthorized access.
- ix. Shall maintain a minimum separation from fire hydrants and other above-ground mechanical equipment as required by the public agency and utility providers.

4. Street Lights

- a. Small wireless facilities shall be placed on existing street lights as long as the existing street light has been designed and engineered to support the proposed facility in accordance with applicable health and safety regulations. If the existing street light cannot support the proposed facility, the applicant must remove and replace the existing street light with one substantially similar to the City's standards and specifications, but designed to accommodate the proposed facility.
- b. Any existing street light pole that does not have the ability to have all cables, conduit, fiber, etc., placed inside shall be replaced
- c. New and replacement poles shall be concrete, steel, or composite, and shall be designed to match the design, alignment, distribution, height and color/texture of the pole it replaced.
- d. No more than one top-mount shroud/radome and one side-mount antenna/radio/equipment cabinet, or two side-mount antenna/radio/equipment cabinets shall be allowed per pole.
- e. Any penetrations through the pole shall be screened behind the antenna or accessory equipment shroud/radome.
- f. A replacement pole shall be located as close to the removed pole as possible, but in no case more than ten (10) feet away. Replacement poles located more than 10 (ten) feet away from the removed pole shall be considered new poles.
- g. New (non-replacement) street lights shall be located no closer than 75 feet from any existing street light on the same side of the street.
- h. All luminaires shall be replaced with LED luminaires in accordance with the Escondido design standards and standard drawings.

- i. Disconnect switches are required. They must be located within the underground handhole or integrated into the pole-mounted equipment cabinets.
 - j. Lights must be shielded to prevent light-spillage onto adjacent properties.
5. Wooden Utility Poles
- a. Applicants that propose to install small wireless facilities on an existing wooden utility pole must install all antennas above the pole within a canister-type shroud painted to match the pole, unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible.
 - b. Antennas and equipment mounted onto the side of a pole shall not exceed the width of the pole.
 - c. All cables mounted onto the exterior of the wooden pole shall be sheathed (or enclosed) within a durable tubing material (e.g., conduit) of the smallest diameter and shortest length necessary to serve the facility. The conduit shall be flush mounted to the pole and painted to blend with the pole. No loose, exposed, or dangling wiring or cables shall be allowed.
6. New Support Structures
- Specifications for facilities proposed to be placed on new vertical structures that are not street lights will be reviewed as part of the Minor Conditional Use Permit process. In no case shall they exceed the most restrictive specifications for antennas and accessory equipment placed on other structures.
7. Orientation
- Pole-mounted antennas and equipment shall be oriented away from adjacent residential structures and shall be placed to minimize visibility from adjacent sidewalks and structures, in order to achieve concealment, as defined in Section 33-702 of the Escondido Zoning Code, to the extent technically feasible.
8. Obstructions – Public Safety
- All equipment located within the right-of-way shall be located such that it meets ADA requirements and does not obstruct, impeded, or hinder usual pedestrian or vehicular travel. Small wireless facilities and any associated equipment or improvements shall not physically interfere with, block visibility of, or impeded access to:
- a. Any above-ground or underground infrastructure for traffic control, streetlights or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors, etc.
 - b. Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop
 - c. Worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency
 - d. Fire hydrants and other fire-prevention equipment or water valves
 - e. Fire escapes
 - f. Sight distance requirements

9. Electric Meter

Small wireless facilities shall use a flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicant may install a shrouded smart meter. Separate ground-mounted electric meter pedestals are prohibited.

V. STANDARD CONDITONS OF APPROVAL

All small wireless facilities which are subject to these Guidelines, whether approved by the City of Escondido or deemed approved by law, shall be automatically subject to all standard conditions of approval set forth below, in addition to any specific conditions applied to the specific facility. For the purpose of these Conditions of Approval, the term "Applicant" shall also include the permittee, wireless carrier, or its successor(s) in interest in any small wireless facility, as may be applicable.

- A. Should the applicant fail to protest these conditions and/or file a timely and valid appeal of this Small Wireless Facility Permit, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - 1. Acceptance of the permit by the applicant; and
 - 2. 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 Small Wireless Facility Permit or other approval(s) applicable to said permit.
- B. Compliance with all requirements contained in these Guidelines and Section 33-704(k) of the Escondido Zoning Code shall be strictly adhered to.
- C. The applicant shall remove any Notice of Public Hearing signage within 24 hours following a public hearing for any small wireless facility.
- D. All required permits and agreements must be in place prior to commencing installation of any facility.
- E. It shall be the responsibility of the applicant to secure any permits, approvals, agreements and authorizations from other agencies. Failure on behalf of the City of Escondido to ensure that said permits, approvals, agreements and authorizations have been secured shall not alleviate the applicant from this responsibility.
- F. All construction and operations shall comply with all applicable requirements of the Escondido Zoning Code, Escondido Municipal Code, and any other applicable policies and requirements of the City.
- G. The applicant shall pay all additional fees and deposits required by the City at the time of application for an encroachment permit, including those fees required by any master license agreement.
- H. All aspects of the facility shall strictly conform to the plans and other exhibits approved by the City and on-file with the Planning Division.
- I. As of the date of permit issuance, the applicant certifies that the facility utilizes the least intrusive design and that no less intrusive designs are available.
- J. Final inspections by the Planning and Field Engineering Divisions shall be required before commencement of operations of any facility. Any facility not installed in strict compliance with the approved permit(s) and these Guidelines shall be brought into compliance and subsequent inspection(s) shall be requested by the applicant. Operations shall not commence prior to the facility passing final inspection(s).
- K. Prior to commencement of operations, it shall be the applicant's responsibility to ensure that the facility has passed all inspections required by any other agencies with jurisdictional authority.
- L. Post-Installation Certification. Within 90 calendar days after the applicant commences full, unattended operations of a small wireless facility, the permittee shall provide

documentation demonstrating that the facility has been installed and constructed in compliance with the approved plans. Such documentation shall include without limitation as-built drawings, GIS data, and site photographs. Failure to provide such certification shall be cause for the City to rescind approval of the installation of the facility until such time as the certification has been provided.

- M. Build-Out Period. The small wireless facility permit and associated encroachment permit will automatically expire twelve (12) months from the approval date unless construction has commenced. Construction shall be completed within six (6) months of commencement.
- N. Site Maintenance. The applicant shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean, and safe condition. Any such equipment, structures, etc., that, in the opinion of the Director, has become worn, weathered, or otherwise degraded, shall be repaired or replaced by the permittee at the permittee's sole expense. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 24 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- O. Applicant 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 facility is determined to be the cause of the electronic interference, applicant shall resolve the issue in a timely manner, to the satisfaction of the Director.
- P. Any facility suspected of causing interference with Fire Department or public safety communications shall be immediately taken out of operation and said interference shall be investigated. Should the facility be found to be the cause of the interference, the issue must be resolved prior to recommencing operation of the facility, to the satisfaction of the City of Escondido.
- Q. The final location of any small wireless facility shall be verified in the field to not interfere with visibility of any traffic control device or signage, or reduce sight distance below City and ASSHTO requirements, to the satisfaction of the City of Escondido prior to commencing operation of the facility.
- R. Small wireless facilities installed on or as part of a new or replacement street light shall not be placed in locations subject to future public road widening or in conflict with future planned utility or storm drain infrastructure.
- S. No facility shall be expanded, relocated, or otherwise modified without approval of subsequent permits by the City of Escondido.
- T. Any application for the modification of an existing facility shall require replacement of any portion of the facility for which a less intrusive design has become available,
- U. Any trenching in excess of fifty (50) feet will require a separate encroachment permit including a construction drawings submittal to the Engineering Services Department, and the owner of the proposed underground facilities will be required to execute a one-time Right-of-Way and Maintenance Agreement with the City of Escondido or provide evidence of prior Franchise Agreement rights.
- V. Any City infrastructure removed in order to install a small wireless facility shall be so removed in a manner which does not damage said infrastructure, and said infrastructure shall be delivered to the City of Escondido public works yard, as directed by Field Engineering and Public Works staff.

- W. Installation of any facility shall be in full compliance with all applicable city, regional, and state design standards and standard drawings.
- X. The foundation of any removed street light shall be removed to a depth of at least two feet below finished grade.
- Y. All street light conduit and wiring splicing shall be reconnected in accordance with the City's standard drawings, to the satisfaction of the city engineer.
- Z. The applicant shall be responsible to repair or replace any driveway approach, curb and gutter, sidewalk, or other damages which have occurred as a result of construction activities for the facility, to the satisfaction of the city engineer. All curb, gutter, sidewalk and driveway repairs and replacements shall be in accordance with standard drawing G-6-E.
- AA. The applicant shall be responsible to repair and resurface all trenched roadways per City of Escondido Standard Drawing G-2-E, to the satisfaction of the City Engineer.
- BB. The applicant 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.
- CC. Erosion and sediment controls, and 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.
- DD. Compliance with Conditions and Laws. The applicant shall comply with all conditions specified. Failure to comply with any condition shall constitute grounds for revocation of the small wireless facility permit. The applicant shall also maintain compliance at all times with all federal, state and local regulations applicable to the permittee, the subject property, and the small wireless facility, which includes without limitation any laws applicable to human exposure to RF emissions. In the event that RF emissions for the site exceed FCC standards, the applicant will be required to immediately cease operation of the facility until such time that the violation is corrected to the satisfaction of the Director. The applicant expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws.
- EE. No small wireless facility may encroach into, over, or across any adjacent property line.
- FF. No encroachment onto adjacent private property shall be allowed during the construction of any small wireless facility without express written consent of the adjacent property owner. This shall include private property owned by the City of Escondido.
- GG. Small wireless facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements requirements of the Zoning Code, these Guidelines, and all other applicable standards and permit conditions. Landscaping, painting, and other concealment treatment for any facility shall be maintained as such over time.
- HH. The applicant shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation,

operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Escondido Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director may issue a stop work order for any activities that violate this condition in whole or in part.

- II. Applicant's Contact Information. The applicant shall furnish the city engineer with accurate and up-to-date contact information for the person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the city engineer with updated contact information if either the responsible person or such person's contact information changes.
- JJ. Indemnification. 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 (1) 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 the small cell wireless facility permit, and (2) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the small cell wireless facility permit or the small cell wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the permittee shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. Within ten calendar days of the service of a claim, the permittee shall execute a letter of agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. The permittee expressly acknowledges and agrees that such indemnification obligations will survive the expiration, revocation or other termination of this small cell wireless facility permit.
- KK. Permit Revocation. Any permit granted under these Guidelines may be revoked by the Director if the facility is not operating in compliance with these conditions or any applicable federal, state, or local laws.
- LL. Abandoned Facilities. The small wireless facility authorized under this small wireless facility permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small cell wireless facility is abandoned or deemed abandoned, the applicant or support structure owner (if not on a City-owned support structure) shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Escondido Municipal Code and Escondido Zoning Code. In the event that neither the applicant or support structure owner (if not on City-owned infrastructure) complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice,

and the permittee and support structure owner (if not on City-owned infrastructure) shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and restoration activities.

- MM. Landscaping. The applicant shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged, destroyed or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in the nearest appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be a minimum 24-inch box specimen tree or larger, as determined by the Director, and shall be the same species as the tree which was removed unless determined by the Director that a different species is appropriate for the location. The applicant shall, at all times, be responsible to maintain any replacement landscape features and maintain any new landscaping installed in conjunction with the small wireless facility.
- NN. Protected trees. Any protected trees damaged as a result of the installation of a small wireless facility shall be assessed by a licensed arborist. All recommendations of the licensed arborist intended to restore the tree shall be carried out by the applicant. Should any protected tree be destroyed or otherwise displaced as a result of the installation of any facility shall be replaced at a ratio recommended by the licensed arborist. This condition shall apply to any protected trees damaged, destroyed or otherwise displaced during construction, operation and removal of any facility if the facility is determined to be the cause of said damage, destruction or displacement.
- OO. Cooperation with RF Compliance Evaluations. At all times relevant to this permit, the applicant and the property owner (if not on City-owned infrastructure) shall reasonably cooperate with efforts by the City to evaluate whether the facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the City and may include, but not be limited to: (1) furnishing the City with a post-installation assessment report signed by an RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; and (3) promptly responding to all requests by the City or its designee for information and cooperation with respect to any of the foregoing.
- PP. Future Undergrounding Programs. If other public utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public right-of-way where the applicant's small wireless facility is located, the applicant must underground its equipment except the antennas, any electric meter and any other equipment that must be placed above ground in order to function. Accessory equipment that requires an environmentally controlled underground vault to function are not exempt from this condition. Such undergrounding shall occur at the applicant's sole cost and expense.
- QQ. Small wireless facilities which have been installed on utility poles which are removed as part of a utility undergrounding project, and any facilities that are strand-mounted

between such poles, shall be removed by the permittee with no compensation provided by the City or other entity carrying out the undergrounding project. The existence of small wireless facilities shall not prevent the City or other entity from carrying out an undergrounding project. Replacement of the facility shall be subject to a new small wireless facility permit. This condition includes utility poles and lines which are required to be placed underground as a condition of approval of a development project.

- RR. Small wireless facilities which are required to be removed or relocated as a result of a public works project shall be so removed or relocated at the sole expense of the permittee.
- SS. Any relocation of a small wireless facility required as a result of public works or utility undergrounding projects shall be processed in the same manner as a new small wireless facility.
- TT. Electric Meter Upgrades. If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- UU. All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.
- VV. Existing City-owned structures on which any small wireless facility is placed shall remain the property of the City. Any new or replacement structures in the right-of-way which are subject to a master license agreement shall become the property of the City of Escondido in the event that an applicant removes or abandons any small wireless facility installed on said structure(s).

ATTACHMENT 4
PLANNING COMMISSION STAFF REPORT
AZ 19-0001
(December 10, 2019)

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

<https://www.escondido.org/small-cell-wireless-service-facilities.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

ATTACHMENT 5
PLANNING COMMISSION STAFF REPORT
AZ 19-0001
(December 10, 2019)

Due to the number of pages of Attachment 5, the following link has been provided to review the document electronically on the City's web site:

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