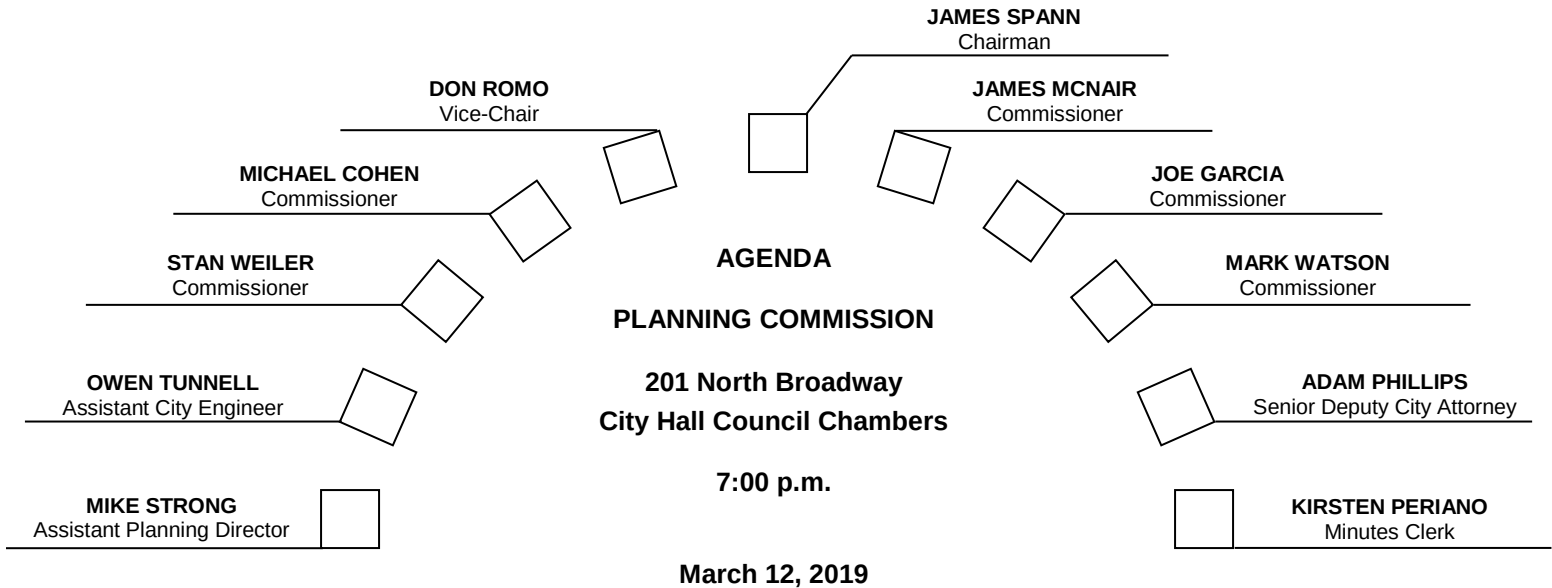


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7:00 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** 02/12/19

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

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

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

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

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

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

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

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

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

E. WRITTEN COMMUNICATIONS:

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

1. Future Neighborhood Meetings

F. ORAL COMMUNICATIONS:

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

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

G. PUBLIC HEARINGS:

Please try to limit your testimony to 3 minutes.

1. CONDITIONAL USE PERMIT, GRADING EXEMPTION AND GENERAL PLAN AMENDMENT – PHG 17-0025:

REQUEST: Conditional Use Permit for the development of an approximately 71,316 SF residential care facility; Grading Exemption(s) for retaining walls and fill slopes in excess of 10 feet in height; and a General Plan Amendment to allow structures up to three stories in height within the R-1-10 zone (Single-Family Residential, up to 10,000 SF min. lot size). The project includes 22 memory care and 74 assisted living units (totaling 96 beds) and up to 43 parking spaces. Access to the project would be provided by a single driveway fronting onto Centre City Parkway. Centre City Parkway is proposed to be widened across the project frontage to provide a transition lane for ingress and egress into the site. The existing creek along the eastern boundary of the proposed development area is proposed to be retained and preserved as a project feature. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 3.48-acre property is located southeast of the intersection of North Centre City Parkway and North Iris Lane, addressed as 1802 N. Centre City Parkway (APN 226-190-22), in the City of Escondido, County of San Diego, California.

ENVIRONMENTAL STATUS: An Initial Study/Mitigated Negative Declaration (City File No. ENV 17-0007) was prepared and issued in compliance with all requirements contained in the California Environmental Quality Act (CEQA) and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts to biological, cultural, tribal cultural resources, and noise.

APPLICANT: Tigg Mitchell, The Mitchell Group

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

2. CONDITIONAL USE PERMIT – PHG 17-0027:

REQUEST: A Conditional Use Permit to install, operate and maintain a Personal Communications Services Facility (PCS) for T-Mobile consisting of nine (9) panel antennas, and six (6) radio units mounted inside a proposed sixty-foot (60) tall concealment tower designed to resemble a bell tower. The proposed facility also includes a 14 ft. x 6 ft. wooden equipment enclosure adjacent to the wireless facility and a 14 ft. x 20 ft. future co-locator lease area. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Approximately 2.33-acres generally located along the western side of Chestnut Street, north of Ninth Avenue, addressed as 845 Chestnut Street (APN 233-460-24)

ENVIRONMENTAL STATUS: Statutory Exempt from further environmental review in conformance with CEQA Section 15270, "Projects Which Are Disapproved."

APPLICANT: ECO-Site (for T-Mobile)

STAFF RECOMMENDATION: Denial

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.

1. Annual General Plan Progress Report (Case No. MISC 19-0004)

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**

February 12, 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-chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Mark Watson, Commissioner.

Staff present: Bill Martin, Director of Community Development; Owen Tunnell, Principal Engineer; Adam Phillips, Senior Deputy City Attorney; Adam Finestone, Principal Planner; Ann Dolmage, Associate Planner; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Garcia, seconded by Commissioner Weiler, to approve the Action Minutes of the November 27, 2018, meeting. Motion carried. Ayes: Cohen, Garcia, McNair, Romo, Spann, and Weiler. Noes: None. Abstained: None. (6-0-0, Watson was absent)

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. MODIFICATION TO A MASTER DEVELOPMENT PLAN AND NEW PRECISE DEVELOPMENT PLAN – PHG 18-0026:

REQUEST: A modification to a previously approved Master Development Plan and new Precise Development Plan for Lexus Escondido to demolish two (2) residences and construct a new inventory parking lot for the adjacent Lexus car dealership. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 0.84-acre property, comprising of two (2) adjacent parcels, is generally located at the bend of Tanglewood Lane, just south of S. Auto Park Way and west of Interstate-15, addressed as 1539 and 1551 Tanglewood Lane (APNs: 235-090-12-00 and 235-090-13-00).

ENVIRONMENTAL STATUS: The Project is exempt from the provisions of CEQA, pursuant to Categorical Exemption 15311, Accessory Structures. Section 15311/Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to small parking lots.

STAFF RECOMMENDATION: Approval.

PUBLIC SPEAKERS:

Drew Davis, General Manager of Lexus Escondido was available for questions.

Rich Garcia, Martin & Paige Architecture Inc. Applicant, spoke in favor and was available to answer questions.

Melinda Whitford, spoke in opposition and raised concerns about the noise violations.

John Miller, spoke in favor as long as transporters do not park on Tanglewood Lane.

Jesse Vinje, spoke in opposition, raised concerns about the noise violations, and submitted a map.

Samantha Otte, spoke in opposition due to the noise violations and submitted a petition.

Earl Otte, spoke in opposition due to concerns about lack of compliance regarding noise levels.

Sean Fester, spoke in opposition due to noise level concerns.

Nicholas Houch, spoke in opposition and raised concerns about the noise levels.

Pam Stahl, spoke in opposition due to noise levels.

Diane MacPherson, spoke in opposition due to noise levels.

Jennifer Volper, spoke in opposition and raised concerns about unsafe walking conditions for pedestrians.

COMMISSIONER DISCUSSION AND QUESTIONS.

COMMISSION ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Cohen to approve staff's recommendation. Ayes: Cohen, McNair, Spann and Weiler. Noes: Garcia and Romo. Absent: Watson (4-2-0)

2. MASTER AND PRECISE DEVELOPMENT PLAN AND GRADING EXEMPTION – PHG 17-0019:

REQUEST: A Master and Precise Development Plan for a 15-unit rental apartment building, as well as a Grading Exemption for a fill slope and retaining wall exceeding 10' within 50' of the northerly and easterly property lines. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 0.51-acre project site is located on the north side of East Grand Avenue, and is addressed as 1316 East Grand Avenue (APN 230-230-1400). The closest cross street is East Ohio Avenue, located approximately 260 feet to the west of the project site.

ENVIRONMENTAL STATUS: The project is exempt from environmental review in conformance with the California Environmental Quality Act's section 15332, "Infill Development Projects".

STAFF RECOMMENDATION: Approval.

PUBLIC SPEAKERS:

Mark Baker, Architect was available to answer questions about the project and requested flexibility on conditions #9 new streetlights and #16 chain link fence)

Michael LaCaze, Property Owner spoke in favor of the project

Gary Wynn, spoke in favor of the project.

Glen Widdop, spoke in opposition and raised concerns regarding property values decreasing, increased street parking issues, blockage of views, traffic and pedestrian safety.

COMMISSIONER DISCUSSION AND QUESTIONS.

COMMISSION ACTION:

Moved by Commissioner Weiler, seconded by Commissioner McNair to approve staff's recommendation. Motion carried unanimously. (Commissioner Watson was absent)

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 of 5G networks and simplified language to be consistent with Federal Communications Commission Order. The proposal also contemplated new guidelines for wireless communications facilities in the public right-of-way which will be brought forth at a future date, 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 General Rule, CEQA Section 15061(b)(3).

PUBLIC SPEAKERS: None.

COMMISSIONER DISCUSSION AND QUESTIONS.

COMMISSION ACTION:

Moved by Commissioner McNair, seconded by Commissioner Cohen to approve staff's recommendation. Motion carried unanimously. (Commissioner Watson was absent)

ADJOURNMENT:

Chair Spann adjourned the meeting at 8:58 p.m. The Planning Commission meeting scheduled for February 26, 2019 has been cancelled. The next regularly scheduled Planning Commission meeting will be held at 7:00 p.m. on Tuesday, March 12, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

Bill Martin, Acting Secretary to the
Planning Commission

Kirsten Peraino, Minutes Clerk

PLANNING COMMISSION

AGENDA ITEM NO.: G.1
DATE: March 12, 2019

PROJECT NUMBER / NAME: PHG 17-0025 / Escondido Assisted Living

REQUEST: A Conditional Use Permit for the development of an approximately 71,316 SF, three-story residential care facility; Grading Exemption(s) for retaining walls and fill slopes in excess of 10 feet in height; and a General Plan Amendment to allow structures up to three stories in height within the R-1-10 zone (Single-Family Residential, up to 10,000 sf min. lot size). The project includes 22 memory care and 74 assisted living units (totaling 96 beds) and up to 43 parking spaces. Access to the project would be provided by a single driveway fronting onto Centre City Parkway. Centre City Parkway is proposed to be widened across the project frontage to provide a transition lane for ingress and egress into the site. The existing creek along the eastern boundary of the proposed development area is proposed to be retained and preserved as a project feature.

LOCATION: 1802 N. Centre City Parkway

APPLICANT: The Mitchell Group

APN / APNS: APN 226-190-22

PRIMARY

REPRESENTATIVE: Tigg Mitchell

GENERAL PLAN / ZONING: Suburban / R-1-10

DISCRETIONARY ACTIONS REQUESTED: Conditional Use Permit, Grading Exemption, and a General Plan Amendment

PREVIOUS ACTIONS: City Council authorized project processing on March 21, 2018.

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

CEQA RECOMMENDATION: Adopt Final Mitigated Negative Declaration (ENV17-00007)

STAFF RECOMMENDATION: Approval.

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-04

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS:

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

A. BACKGROUND:

The triangular, approximately 3.48-acre property is currently vacant and disturbed due to previous grading. Several Conditional Use Permits (CUPs) have been approved by the City over the past couple of decades to allow development of the site with a variety residential-care facility design and sizes, up to three- (3) stories in height. Grading plans were approved and rough grading and retaining walls were constructed in 1997. However, the building(s) never were constructed and the use permit for the project(s) subsequently expired. The project applicant (The Mitchell Group) is requesting to develop the site with a new, three (3) story residential-care facility, along with Grading Exemptions to accommodate the building and required street widening.

The property is zoned R-1-10 (Single-Family Residential, 10,000 SF min. lot size) and has a General Plan Designation of Suburban ("S"). The Suburban ("S") designation applies to areas that generally surround the urbanized core of the community and accommodates generally single-family detached homes on relatively large lots. Prior to the 2012 Comprehensive General Plan Update, the Suburban ("S") land-use designation did not have limits on building heights or the number of stories. Specific development requirements were provided by the Zoning Code. At the time, the associated R-1 Zone originally allowed buildings up to three (3) stories and 35 feet in height. Therefore, prior to 2012, a R-1 Zoned property could develop up to three (3) stories in height. In 2012, the Comprehensive General Plan established new criteria for the Suburban ("S") land-use designation, which consisted of new height standards, effectively limiting new development to one (1) and two (2) stories. In 2017, the Zoning Code was amended to consolidate all of the residential zones into one section (Article 6) and the limits on the number of stories was deleted for the R-1 Zone. The overall height of 35 feet was retained. Although Article 6 (Residential Zones Ordinance) does not specify a maximum number of stories for the R-1 Zone district, the current General Plan land-use designation of Suburban ("S") limits structures up to two (2) stories in height. The applicant is requesting a text amendment to the General Plan to allow three (3) stories in height as previously allowed. However, in consideration of land-use compatibility concerns, the three (3) story height allowance is proposed to only apply to non-residential structures in the Suburban ("S") designation, where the appropriateness of the additional story could be evaluated through a discretionary process (i.e. Conditional Use Permit) to ensure compatibility with adjacent uses.

B. PROJECT ANALYSIS:

1. General Plan / Zoning

The General Plan land-use designation for the approximately 3.48-acre parcel is Suburban and zoned R-1-10 (Single-Family Residential, 10,000 SF min. lot size). The proposed CUP is consistent with the goals and policies of the General Plan and R-1-10 zone because residential-care facilities are conditionally permitted within residential zones. The proposed new building 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. The project also would provide housing for a wide range of special needs households, including the elderly and disabled. The General Plan supports the development of congregate-care type facilities through the Conditional Use Permit (CUP) process, and the development of older, adult-care facilities within residential land-use designations. Policies have been identified in the General Plan that emphasizes human health services, including ease of service availability, accessibility, prevention, and public/private partnerships. Also, provisions for care facilities support community development, health, and equity issues. The proposed residential care facility is consistent with the zoning and land-use designation which permits care facilities upon approval of a Conditional Use Permit. The proposed text amendment to the General Plan to allow three (3) stories in height enables the processing and consideration of the subject application.

2. Project Design

The proposed project includes a three- (3) story design with a L-shaped footprint to help break up the mass and scale of the facility as seen from varying public and adjacent views. A more residential style of architectural design incorporates varied wall planes (building recesses and pop outs), and a Spanish tile mansard roof to reflect the multi- and single-family style of development throughout the surrounding area. Various outdoor landscape areas and walkways are provided for the residents, as well as a separate landscaped recreation area for the memory-care component of the project. The final landscape plan will provide various landscape and hardscape amenities along the eastern landscape area to take advantage of the views towards the creek (such as benches, shade structures, etc.). The proposed parking area and first floor of the building would be situated approximately five to twelve feet lower than Centre City Parkway. The majority of the parking spaces facing Centre City Parkway and main internal driveway would be screened by the existing higher sloping topography, lower pad elevation, and an approximately 40-foot wide landscaped parkway and on-site frontage landscaping. The building would be setback 70 to 110 feet away from Centre City Parkway. The proposed three- (3) story elevation would be similar in mass and scale to other larger commercial buildings, non-residential developments and multi-story residential projects located throughout the surrounding neighborhood. Views of the site from the east, northeast and southeast generally would be obscured by existing vegetation within the Reidy Creek drainage channel and existing mature trees along the Centre City Parkway. The project would affect existing views through the site along Centre City Parkway and from some of the units within the condominium project across Centre City Parkway (street level and ground-floor views). The photo simulations prepared by the applicant and included in the report demonstrate views through the site to the distant hillside are partially obscured by the existing mature trees, but the majority of views to the distant hillsides would be maintained, especially from upper stories vantage points.

To address potential compatibility issues associated with the facility with the existing residential property located immediately to the north of the project site, the building has been setback approximately 25 feet from the northern property boundary. Ground floor residential units are limited along this elevation and resident activities oriented away from the property boundary. The project has been conditioned to provide a solid fence along this section of the property boundary to provide an additional visual barrier between the project. The increased setback also provides appropriate area for dense landscaping to provide an additional visual buffer between the two (2) uses.

3. Parking

The City's parking regulations for care facilities require 1 parking space per 3 beds, which would require a minimum of 32 parking spaces for the proposed 96-bed facility. The parking regulations also require appropriate drop-off/pick up areas for the residents. Because parking along Centre City Parkway is restricted, the site does not provide any overflow parking opportunities to accommodate any peak parking demands and shift changes. Therefore, the project is proposed to provide up to 43 parking spaces (including one van accessible and one standard disable space) which is an approximately 34 percent increase in the number of required spaces. The final number of spaces may vary depending on the final design of the driveway entrance that may require some additional widening to accommodate a right-turn in/out "pork chop" type feature. This could reduce the final number of spaces by one or two. The applicant indicated the facility would employ approximately 30 total staff members, with approximately 12 to 15 on the peak shift. The facility would implement a staggered shift change program to ensure sufficient parking spaces will be available during peak times. An emergency vehicles staging area, along with resident loading and delivery areas will be available along the covered circular driveway at the building entrance. Staff feels the additional parking spaces, and loading areas would be sufficient to accommodate the potential parking demand for the facility to accommodate staff, residents, visitors and delivery vehicles.

4. Grading Design

Initial rough grading of the site and installation of a 14-foot-high retaining wall were completed as part of a previously approved Conditional Use Permit and associated building/grading permit in 1997. Additional grading and retaining walls are necessary to support the proposed facility, which includes Grading Exemptions for fill slopes and combination fill slopes/retaining walls up to approximately 15 feet in height. The storm water design includes three storm water biofiltration basins that would be landscaped. A portion of the northern and western areas of the site would be lowered and a retaining wall installed along the northern and western boundary of the site to accommodate the building, internal driveway and parking spaces. These walls generally would face inward towards the project site. The grading design in this area of the site and new retaining wall also would help to screen views along a portion of the lower floor of the building and parking from Centre City Parkway as the project site is situated lower than Centre City Parkway. The southern area of the site would be raised with the use of retaining walls and fill material to support the building, parking, emergency access around the building and required roadway widening along Centre City Parkway. The existing retaining wall along the Reidy Creek drainage channel also would be extended southerly to support the facility. The extension of this retaining wall ranges from approximately 10 feet to 14 feet in height, but would be screened by the existing vegetation within the creek and generally only would be seen from the high school located to the east. Grading within the southern area of the site would orient easterly; be located below the street grade; and generally would not create any visual impacts from views along Centre City Parkway. Grading in this area also has been designed to avoid encroachment into the creek and flood plain, and also to retain as may mature Eucalyptus trees as possible. Appropriate decorative security fencing would be required on top of the retaining walls. The new slopes would be landscape to further soften the visual impacts and help screen the facility from adjacent views. The final grading design and height of the slopes/wall may vary (typically one foot) based on the more precise final grading design and implementation of Engineering Services Department conditions.

5. General Plan Amendment

The proposed building would be three (3) stories in height, which would not conform to Suburban ("S") land-use designation that limits structures to two (2) stories. The Zoning Code limits building height to 35 feet in height (average roof height) and the building would be consistent with the underlying R-1-10 height requirements. To address this issue, staff is proposing to amend the text of the General Plan to allow non-residential buildings up to three (3) stories in height within the Suburban ("S") land-use designation. In consideration of the proposed General Plan Amendment request, nearly all non-residential uses (i.e., large residential-care facilities, churches, schools, nurseries, wineries, etc.) allowed in most residential zones require the approval of a Conditional Use Permit. This helps ensure that such issues, such as structural height, intensity of use, and neighborhood compatibility can be discussed openly in a public hearing format, and duly considered with proper notices made to surrounding property owners.

Another option would be to require the applicant to limit the proposed building to two stories, though the applicant indicated this would affect the financial viability of the project because the buildable area of the site is limited by the existing creek and would necessitate a substantial decrease in the number of units/beds that could be provided. The applicant feels the proposed amendment to the General Plan's text to allow a residential-care facility up to three (3) stories on the subject site is warranted for this project because the site is located adjacent to a Major Circulation Element Road (Centre City Parkway) and surrounding by a mix of surrounding land uses that include a high school; adjacent creek; single- and multi-story residential development; and a municipal corporate yard. The site also is bisected by Reidy Creek on the east and south, which significantly limits the development area/potential for the property. The applicant also feels a three- (3) story facility is warranted in this case because a three-story care facility previously was approved on the project site, and there is a nearby three- (3) story residential-care facility that recently was constructed. Appropriate setbacks, landscape buffers and

architectural elements would be incorporated into the design to be compatible with the mix of surrounding land uses.

6. Supplemental Details of Request

1. Property Size: 3.48 acres (151,588 SF)
2. Proposed Building(s): 1 main building, 71,316 SF total all structures
26,703 SF building footprint
1,387 SF covered drop/off-loading area
3. Building Height: 34'5" to 35' average roof height, with total height up to approximately 37' feet (top of sloping parapet). Additional mechanical equipment screening may be added as necessary based on final mechanical design and placement on roof. The R-1 code limits primary structures up to 35 feet in height. The Zoning Code defines building height as the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point midway between the highest and lowest point on the roof; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.
4. Number of Stories: 3 proposed
5. Unit Type/Size: 88 units and 96 total beds

Assisted Living: 66 units / 74 beds
(17 studio units) 381 SF to 401 SF
(41 one bed) 548 SF to 650 SF
(8 two bed) 779 SF to 823 SF

Memory Care: 22 units / 22 beds
(22 one bed) 375 SF to 500 SF
6. Building Materials: Santa Barbara type architectural design elements with varied wall planes (building recess and pop outs) and primary white stucco exterior (oatmeal tone). Blended color 'S' tile Spanish type roof and varied roof elements. Exposed rafter elements on certain gable roof lines. Field stone on entry columns. Varied widow patterns (square, rounded, multipane) with stucco elements at bottom of select windows. Covered entry features passenger loading, emergency vehicles and deliveries.
7. Resident Spaces/
Amenities: Laundry, large and small dining areas and private dining area, bistro/bar, various living room/lounge and activity areas, central kitchen on 1st floor, separate memory care outdoor garden area, theatre, beauty salon, library, etc.
8. Mechanical: Internal mechanical room(s) and rooftop equipment located in roof wells screened behind mansard roof.

	<u>Proposed</u>	<u>Required</u>
9. Setbacks		
Front (CCP):	16' to 20' to parking 68' to bldg. 65' to drop off	15' min.
Side (north/south):	25'+ north, 200'+ south	5' and 10'
Rear (east):	188'+, 20' to retaining wall	20'
10. Parking:	Up to 43 (including one van and one standard disabled.	32 (1 per 3 beds) 96 beds total
	Up to 43 parking spaces currently are proposed, but the total may be affected by the final design of the driveway which may reduce the overall parking to 41 spaces (including one van and one standard accessible space). An emergency vehicle loading and passenger loading/unloading area also will be provided under and adjacent to the covered entry feature.	
11. Number of Employees:	Up to approximately 30 employees total, and approximately 12 – 15 during peak shift.	
12. Fencing/Screening:	Decorative tube metal fencing to be placed along the top of the eastern retaining wall, and other taller walls to provide security. The walls along CCP to require appropriate roadway security fencing or roadway barriers depending on final location. The norther property boundary to utilize solid fencing to screen the lower floor of the building adjacent to the existing residential property on the north and trash enclosure area. Either solid or open metal fencing to be used along the remainder on the northern boundary with the final landscape design.	
13. Signage:	No building signage has been proposed at this time. All building/wall signage shall subject to conformance with the Article 66 (Sign Code) for non-residential structures in residential zones.	
14. Landscaping:	New ornamental landscaping to be provided around the project perimeter and within the public right-of-way along Centre City Parkway. Creek to remain in natural state. Off-site landscaping and walls to be maintained by the project.	
15. Trash:	A masonry block trash enclosure would be provided to accommodate the facility, and located along the northern area of the building/project site.	
16. Grading:	Combination cut and fill with retaining walls ranging from 3 feet to 10 feet along the northern boundary of the site (to retain cut slope); combination retaining walls/cut slope along western boundary up to approximately 11 feet in height; extension of existing 14-foot-high along eastern development area (adjacent to creek); and cut slopes up to 13 feet in height towards the southwestern area of the site; and combination cut slope/retaining walls	

on- and off-site up to approximately 15 feet in height towards the southern area of the site to support the proposed street widening, transition lane and storm water improvements. The final grading design (grading exemptions) may vary in height (typically one foot) based on the more precise final design and engineering design requirements.

ENVIRONMENTAL STATUS:

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project (City File No. ENV17-0007, and State Clearinghouse No. 2019011009). The findings of the Initial Study identified potential effects related to biological, cultural, tribal cultural resources, and noise that might be potentially significant. Mitigation measures have been identified that would reduce all potential impacts to a less-than-significant level. The project applicant has agreed to implement all mitigation measures identified in the Final IS/MND and a Mitigation Monitoring Reporting Program (MMRP) has been prepared for the project.

The Draft IS/MND was circulated for public review for 30 days (January 11 - February 11, 2019). The public review period was extended until February 19, 2019 to allow all interested parties the opportunity to comment on the draft document. No written comments were received from any responsible agencies or the public expressing any concerns regarding the project during the public review period. Staff received one (1) phone call from a resident in the condominium projected located southwest of the project site across Centre City Parkway expressing concerns regarding additional traffic generated by the project and potential reduction of views through the site to the distant hillsides. A copy of the Final IS/MND and appendices can be found at the following link:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EscondidoAssistedLiving/full.pdf>

Public Outreach - During the public review period for the Draft IS/MND the applicant conducted a neighborhood meeting on January 30, 2019 in the City Hall Mitchell Room. City staff also was present to answer questions. Six (6) members of the public attended the meeting. There were no significant issues or concerns raised concerning the project. The project applicant also indicated that he has attempted to contact the owner of the adjacent residential property immediately to the north of the project site, but has not received any responses from the owner. The applicant also met with the Rincon del Diablo Water District to discuss the project and extension of necessary utilities to the site.

C. CONCLUSIONS:

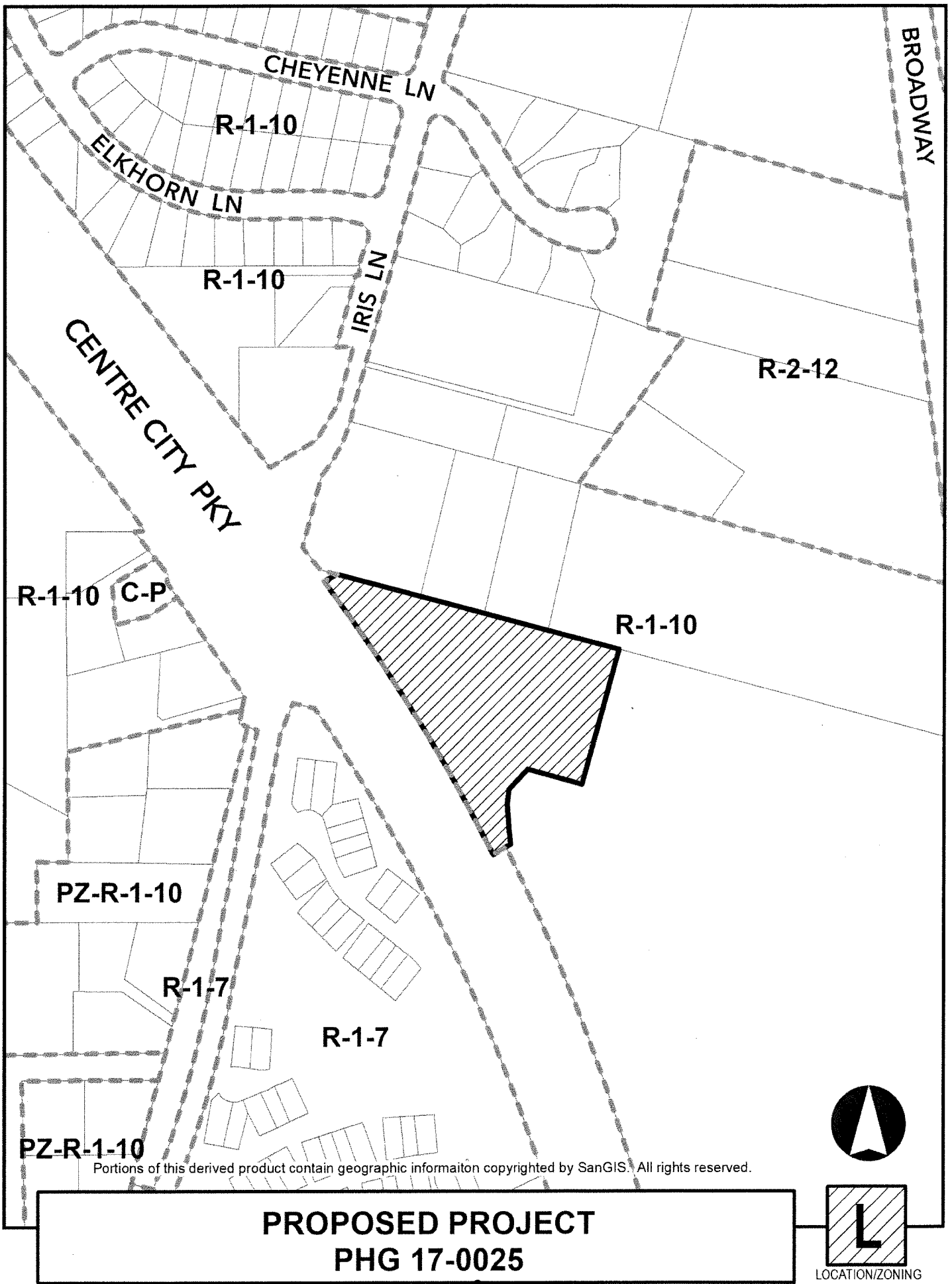
The Planning Commission is the authorized agency for reviewing and granting discretionary approvals related to Conditional Use Permit and Grading Exemptions, and advisory to the City Council for legislative actions such as General Plan Amendments. The Planning Commission is being asked to consider the Conditional Use Permit, Grading Exemption and General Plan Amendment for the development of a residential care facility. No other discretionary permits are requested or required for the proposed scope of work.

The proposed project is consistent with the General Plan, except for the requested amendment to allow three (3) story structures, and the project meets all the applicable zoning standards. The project as proposed will not have a significant effect on the environment, as detailed in the Final IS/MND. The City's General Plan (Policy 17.5, pg. II-116) establishes criteria for evaluating the merits of amendments requests that calls for a consideration of whether "physical, social, or city-wide economic factors or changes have made the plan designation, policy statement, goal or intent inappropriate from the

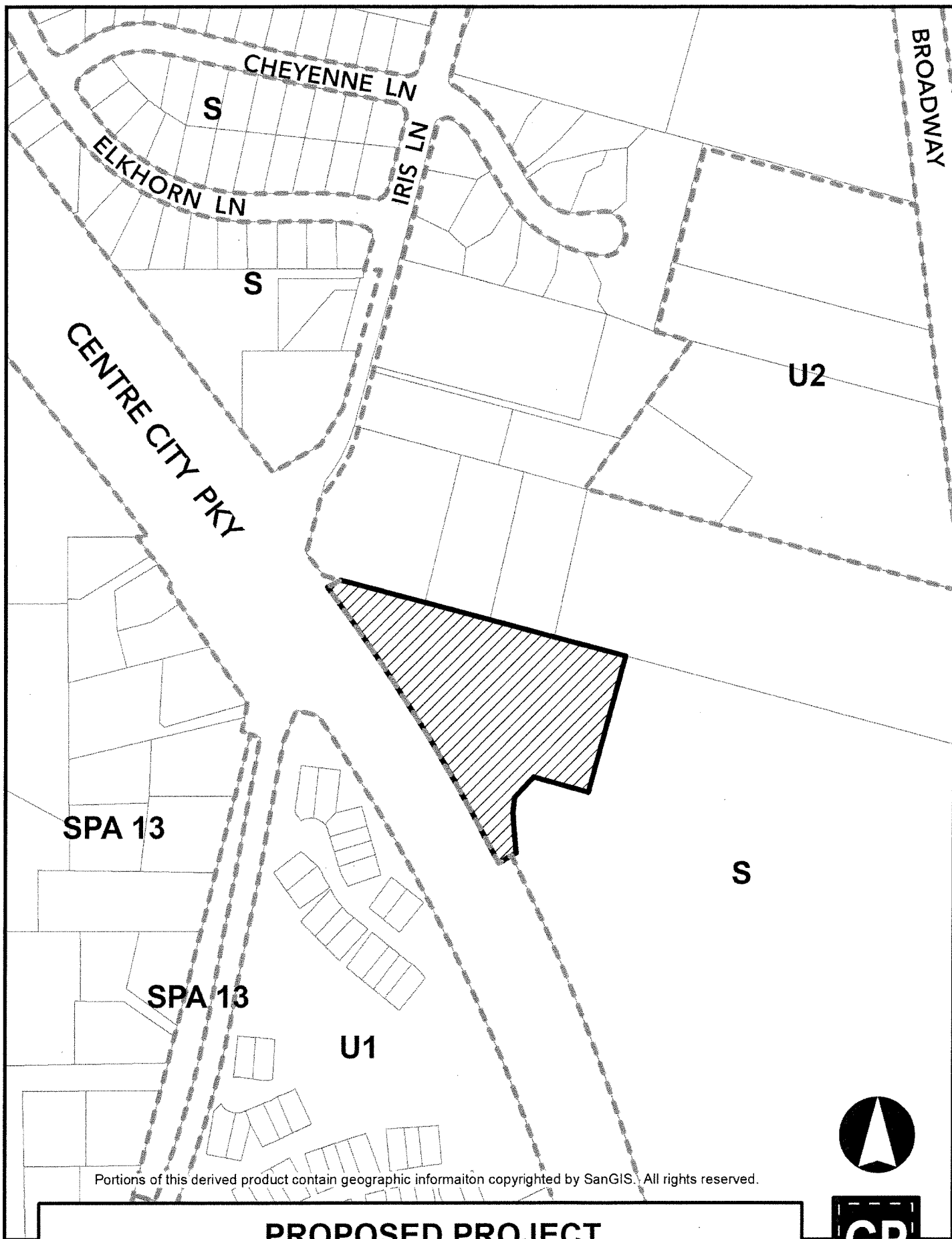
standpoint of the general public welfare.” The proposed General Plan Amendment has been evaluated based on this criteria and staff believes the General Plan Amendment is appropriate because the narrow focus of the text amendment allows future Planning Commission discretion regarding how future non-residential properties develop in the Suburban (“S”) land-use designation. The discretionary CUP process would ensure quality development and desirable land uses on suitable properties. Regarding the subject property, the parcel previously has been planned for and approved for a similar three- (3) story residential care facility. Due to the unique nature and development restriction on the site due to the creek, a three (3) story facility is necessary to make the project financially feasible. The site also is within an area that is developed with a variety of land-uses including, commercial, institutional, utilities/industrial type development and the proposed three- (3) story care facility would not be incompatible the pattern of development adjacent to the site. City staff recommends that the Planning Commission recommend approval of Planning Case No. PHG 17-0025 based upon the findings/factors and conditions contained in the attached draft Planning Commission Resolution 2019-04.

ATTACHMENTS:

1. Location and General Plan Maps
2. Planning Commission Resolution No. 2019-04



**PROPOSED PROJECT
PHG 17-0025**



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GENERAL PLAN

PROPOSED PROJECT
PHG 17-0025

ATTACHMENT 2

Planning Commission

Hearing Date: March 12, 2019

Effective Date: March 13, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-04

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
RECOMMENDING APPROVAL OF A CONDITIONAL
USE PERMIT, GRADING EXEMPTION AND
GENERAL PLAN AMENDMENT FOR A
RESIDENTIAL-CARE FACILITY

APPLICANT: Tigg Mitchell, The Mitchell Group

CASE NO: PHG 17-0025; ENV 17-0007

WHEREAS, The Mitchell Group (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 17-0025; ENV 17-0007) constituting a request for a Conditional Use Permit for the development of an approximately 71,316 SF, three-story residential care facility; Grading Exemption(s) for retaining walls and fill slopes in excess of 10 feet in height; and a General Plan Amendment to allow structures up to three stories in height within the R-1-10 zone (Single-Family Residential, up to 10,000 sf min. lot size). The project includes 22 memory care and 74 assisted living units (totaling 96 beds) and 41 parking spaces. Access to the project would be provided by a single driveway fronting onto Centre City Parkway. Centre City Parkway is proposed to be widened across the project frontage to provide a transition lane for ingress and egress into the site. The existing creek along the eastern boundary of the proposed development area is proposed to be retained and preserved as a project

feature. The approximately 3.48-acre site is located at 1802 North Centre City Parkway (APN 226-190-22), in the R-1-10 Zone referred to as Exhibit "B"; 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, residential-care facilities are permitted uses or conditionally permitted uses within the R-1-10 Zone, subject to the approval of a Conditional Use Permit, in accordance with Section 33-94 of the Escondido Zoning Code; and

WHEREAS, pursuant to CEQA and CEQA Guidelines (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; 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 March 12, 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 March 12, 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; and

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

1. That the above recitations are true and correct.
2. The Planning Commission, in its independent judgment, recommends that the City Council adopt the Final Initial Study/Mitigated Negative Declaration (City File No. ENV17-0007) prepared for the project, as described in the February 12, 2019 Planning Commission staff report.

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/Factors to be Considered and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby recommends that the City Council approve the application to use the subject property for said purposes specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "D" and Mitigation Monitoring and Reporting Program set forth in Exhibit "E," and General Plan Amendment Text Change set forth in Exhibit "F." This Planning Commission expressly declares that it would not have made this recommendation to approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. The 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 12th day of March, 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"

PHG 17-0025 Property Description

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

PARCEL 1:

THAT PORTION OF BLOCK 421 OF RANCHO RINCON DEL DIABLO, IN CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, MADE BY J.M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 421, AS SHOWN ON RECORD OF SURVEY MAP NO. 10306; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 07°41'19" EAST, A DISTANCE OF 1,593.59 FEET TO A POINT ON SAID NORTHEASTERLY LINE; SAID POINT BEING ALSO THE NORTHEASTERLY CORNER OF LAND DESCRIBED IN DEED TO B.G. CARROL, ET UX, RECORDED JUNE 22, 1943, IN BOOK 1520, PAGE 99, AS FILE NO. 36643, OFFICIAL RECORDS; THENCE ALONG THE NORTHEASTERLY BOUNDARY OF SAID CARROL'S LAND, NORTH 74°56'12" WEST, A DISTANCE OF 745.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 14°38'48" WEST, A DISTANCE OF 282.17 FEET; THENCE NORTH 74°56'12" WEST, A DISTANCE OF 114.59 FEET; THENCE SOUTH 43°22'52" WEST, A DISTANCE OF 55.93 FEET; THENCE SOUTH 06°09'03" WEST, A DISTANCE OF 30.55 FEET; THENCE SOUTH 03°27'14" EAST, A DISTANCE OF 46.78 FEET; THENCE SOUTH 06°14'19" EAST, A DISTANCE OF 35.08 FEET; THENCE SOUTH 62°42'46" WEST, A DISTANCE OF 11.10 FEET TO A POINT ON THE NORTHEASTERLY LINE OF CENTRE CITY PARKWAY, BEING ALSO KNOWN AS STATE ROUTE XI-SD-77F, AS SHOWN ON M.S. 606; SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 4,000.00 FEET; A RADIAL BEARING TO SAID POINT NORTH 62°42'46" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°2'15", A DISTANCE OF 655.37 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THAT LAND DEEDED TO RINCON DIABLO MUNICIPAL WATER DISTRICT AS SHOWN ON RECORD OF SURVEY MAP NO. 10306; THENCE ALONG SAID WESTERLY LINE AND THE SOUTHEASTERLY PROLONGATION THEREOF, SOUTH 74°56'12" EAST, A DISTANCE OF 594.06 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF BLOCK 421 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, MADE BY J.M. PASCOE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING WITHIN CENTRE CITY PARKWAY, A PUBLIC HIGHWAY ALSO KNOWN AS STATE ROUTE XI-SD-77F AS SHOWN ON M.S. 606, BEING A STRIP OF LAND 30.00 FEET IN WIDTH LYING IMMEDIATELY ADJACENT TO AND SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF PARCEL "A" OF CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 3, 1998 AS DOCUMENT NO. 1998-0565687, OFFICIAL RECORDS, SAID SOUTHWESTERLY LINE BEING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID CENTRE CITY PARKWAY, SAID SOUTHWESTERLY LINE AND SAID NORTHEASTERLY RIGHT-OF-WAY LINE BEING A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 4,000.00.

SAID 30.00 FOOT STRIP OF LAND TO TERMINATE NORTHERLY AT A LINE RADIAL TO SAID CURVE AT THE NORTHWEST CORNER OF SAID PARCEL "A" AND TERMINATE SOUTHERLY

AT A LINE RADIAL TO SAID CURVE AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL "A".

APN: 226-190-22

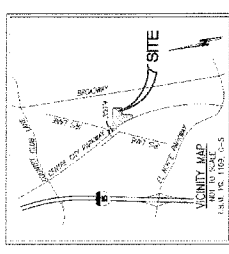
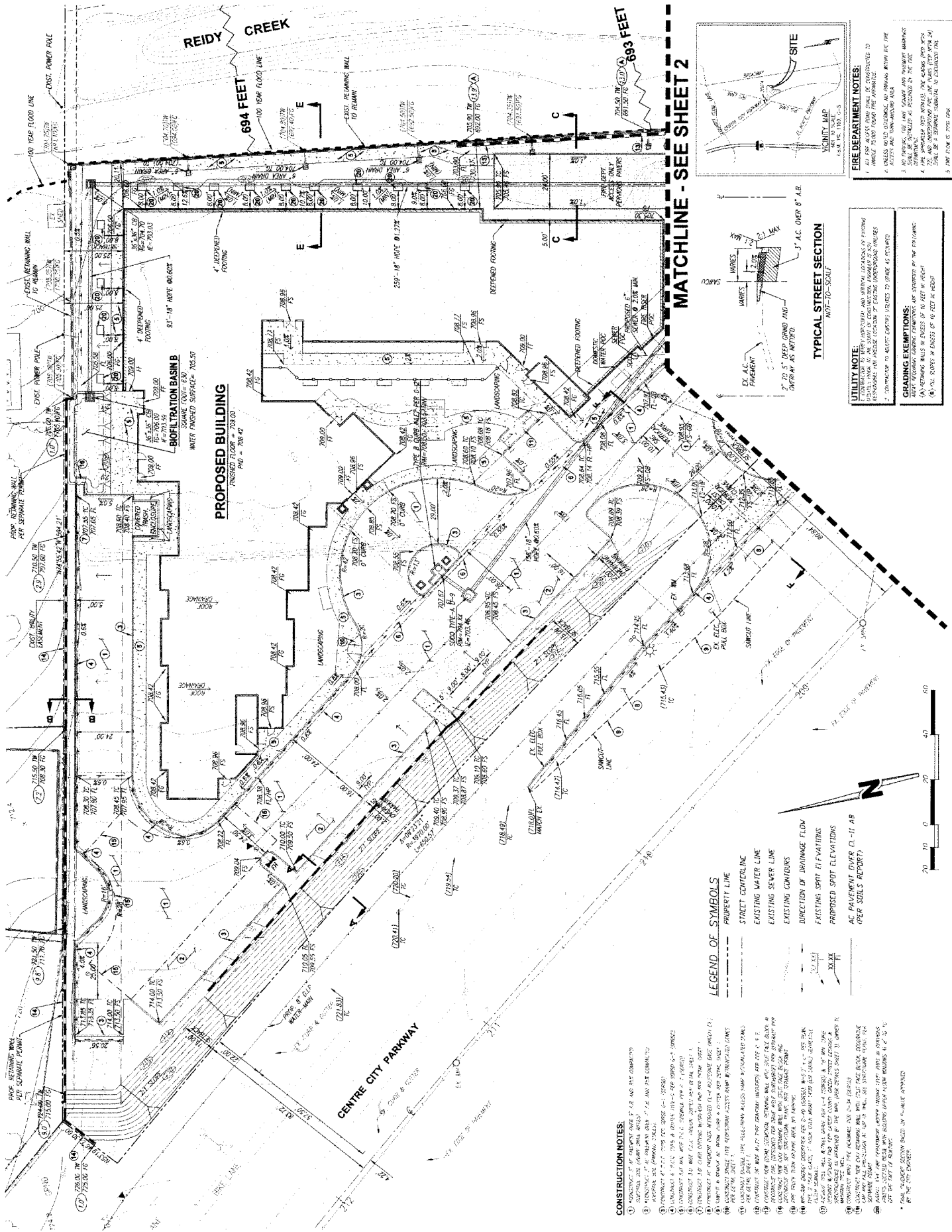
PROPOSED PROJECT PHG 17-0025

18.

SP

SITE PLAN





UTILITY NOTE:
 1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 2. UTILITY LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 3. UTILITY LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 4. UTILITY LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 5. UTILITY LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

FIRE DEPARTMENT NOTES:
 1. ALL FIRE ALARM AND SMOKE DETECTOR LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
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 5. ALL FIRE ALARM AND SMOKE DETECTOR LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

LEGEND OF SYMBOLS

- PROPERTY LINE
- STREET CENTERLINE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING CONDUITS
- DIRECTION OF BRANCH FLOW
- EXISTING SPOT ELEVATIONS
- PROPOSED SPOT ELEVATIONS
- AC PAVEMENT OVER CL-11 AB (PER SOILS REPORT)

CONSTRUCTION NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY AND BUILDING CONSTRUCTION.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY AND BUILDING CONSTRUCTION.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY AND BUILDING CONSTRUCTION.
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5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY AND BUILDING CONSTRUCTION.

GRADING EXEMPTIONS:
 1. ALL GRADING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY AND BUILDING CONSTRUCTION.
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 5. ALL GRADING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY AND BUILDING CONSTRUCTION.

PROPOSED PROJECT
PHG 17-0025₁₉.

CP
 CONCEPTUAL PLAN

MATCHLINE - SEE SHEET 1

REIDY CREEK

CENTRE CITY PARKWAY

BIOFILTRATION BASIN A-2

BIOFILTRATION BASIN A-1

PEDESTRIAN ACCESS RAMP

DOUBLE TYPE PEDESTRIAN ACCESS RAMP

SAWCUT, GRIND AND OVERLAY

CURB OPENING DETAIL

UTILITY NOTE:

GRADING EXEMPTIONS:

CONSTRUCTION NOTES:

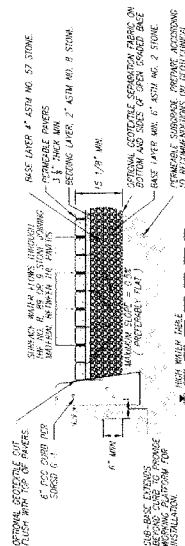
BIOFILTRATION (INF-2) BASIN TYPICAL SECTION

NO.	REVISION	DATE	BY	CHKD	APP'D
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3	REVISED	08/15/20	CP	CP	CP
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PROPOSED PROJECT
PHG 17-0025

CP

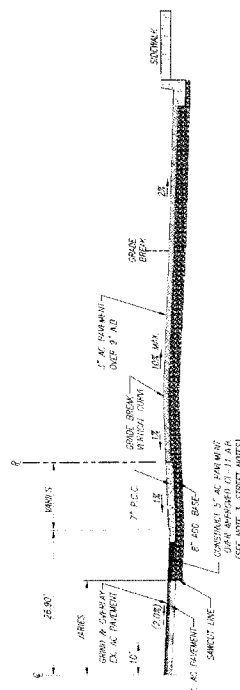
CONCEPTUAL PLAN



8 BELGARD PERMEABLE PAVING DETAIL

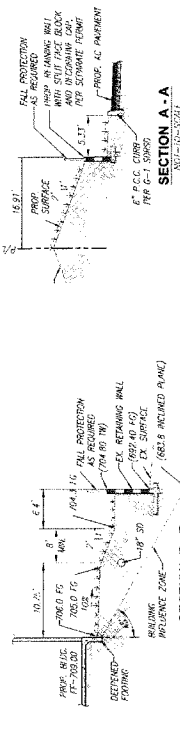
SECTION SHALL CONFORM WITH BELGARD MANUFACTURERS' SPECIFICATIONS. NOT TO SCALE.

PERMEABLE PAVERS SECTION CONFORMS TO GREEN STREET STANDARDS GS-5.3a



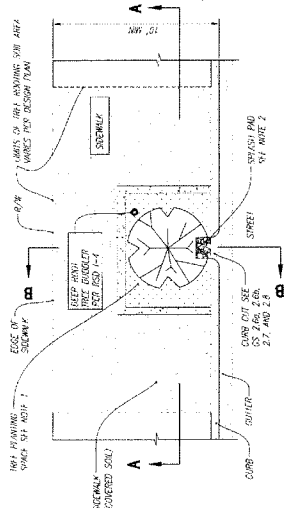
SECTION E - F

UNIMPAVED C/L
UNIMPAVED SIDE
NOT TO SCALE

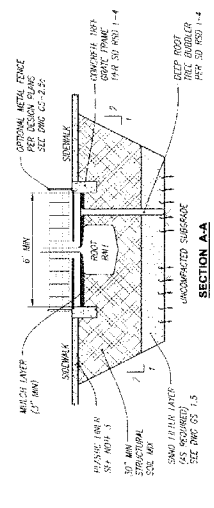


SECTION E - E

NOT TO SCALE



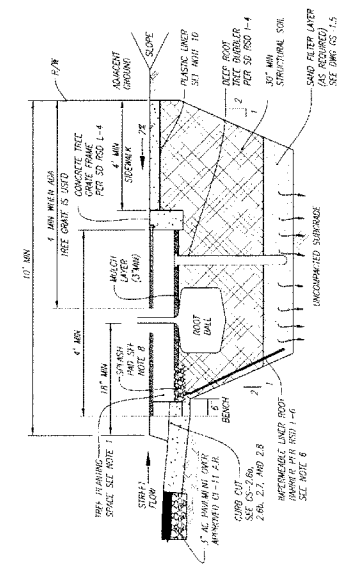
TREE-WELL PLAN VIEW



SECTION AA

NOTES:
1. MINIMUM OPEN TREE PLANTING SPACE PER GS-2.6a.
2. PROVIDE FLASH PAD FOR TREE PLANTING SPACE PER GS-2.6a.

3. PROVIDE FLASH PAD FOR TREE PLANTING SPACE PER GS-2.6a.
4. PROVIDE FLASH PAD FOR TREE PLANTING SPACE PER GS-2.6a.

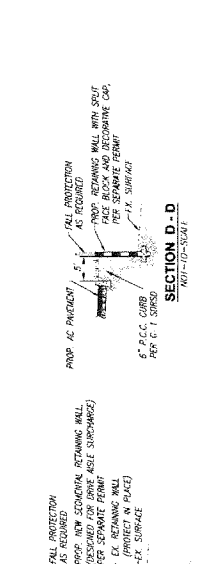


SECTION B-B

NOTES:
1. MINIMUM OPEN TREE PLANTING SPACE DIMENSION 4'x6'.
2. MAXIMUM WATERED AREA 6 TIMES AREA OF THE OPEN TREE PLANTING AREA.
3. SET DMC OS-15 TOP BOTTOM SAND LAYER AND SUBSURFACE DRAINAGE REQUIREMENTS.
4. FOR SIDEWALK OVER STRUCTURAL SOIL DETAIL OPTIONS, SEE DMC OS-15.
5. SEE DMC OS-15 THROUGH 1-2-E FOR TREE INSTALLATION REQUIREMENTS.
6. PROVIDE 30\"/>

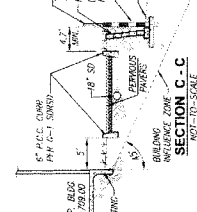
7. PROVIDE FLASH PAD FOR TREE PLANTING SPACE PER GS-2.6a.
8. PROVIDE FLASH PAD FOR TREE PLANTING SPACE PER GS-2.6a.

9. PROVIDE FLASH PAD FOR TREE PLANTING SPACE PER GS-2.6a.
10. PROVIDE FLASH PAD FOR TREE PLANTING SPACE PER GS-2.6a.



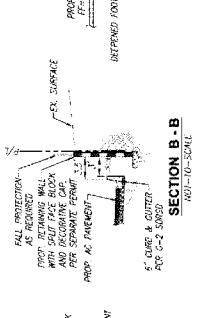
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NOT TO SCALE



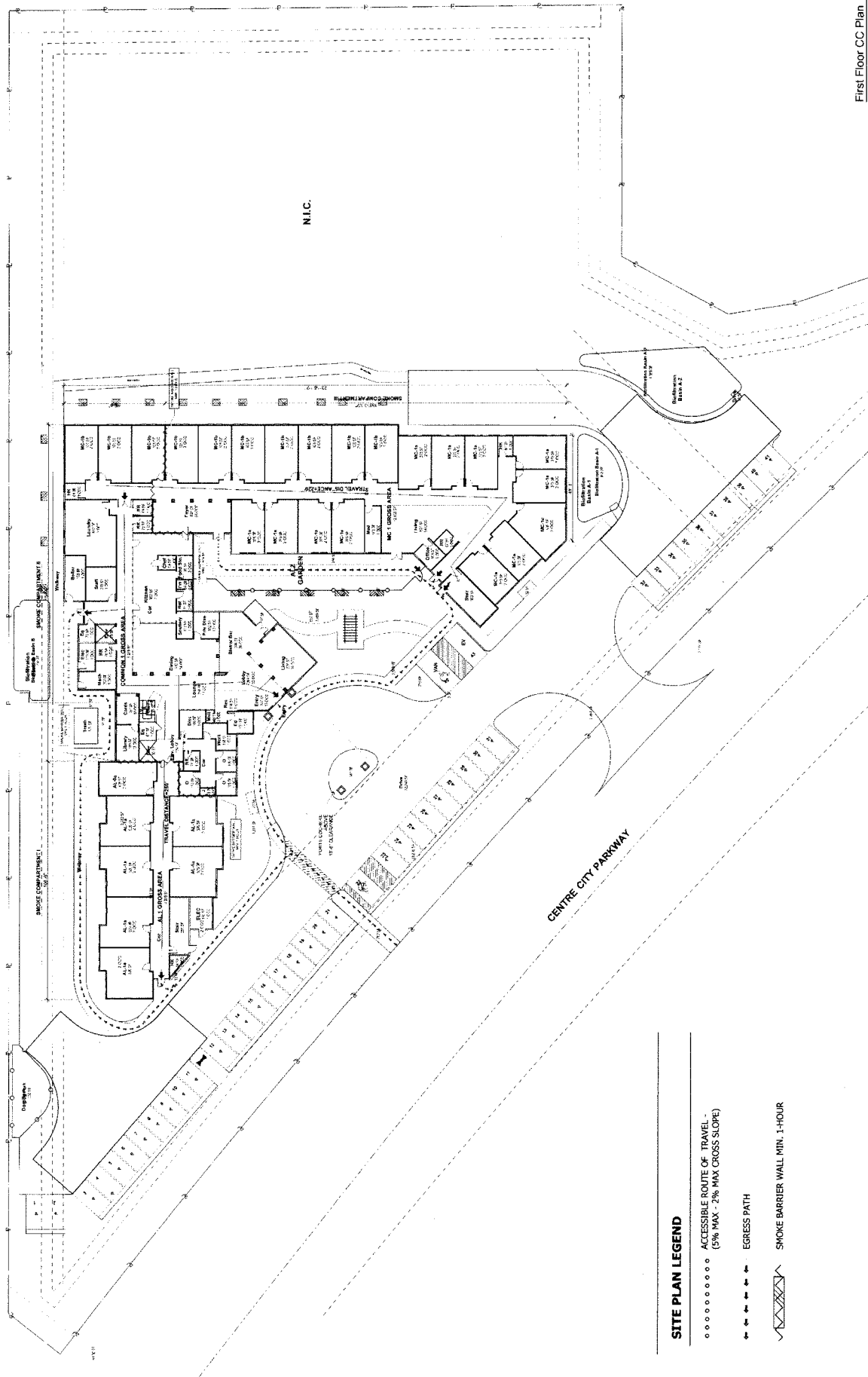
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NOT TO SCALE



SECTION D-D

NOT TO SCALE

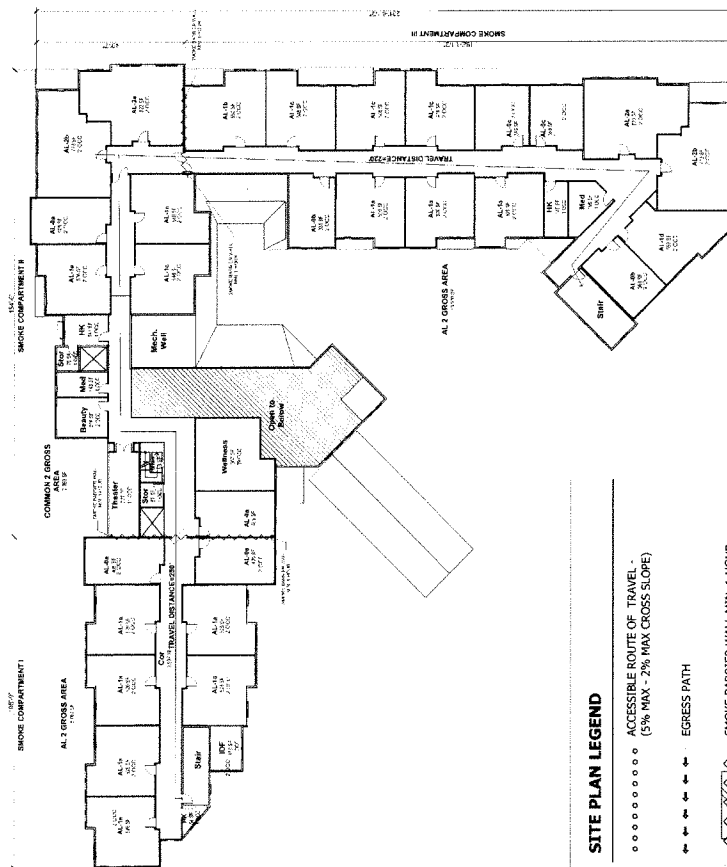


First Floor CC Plan

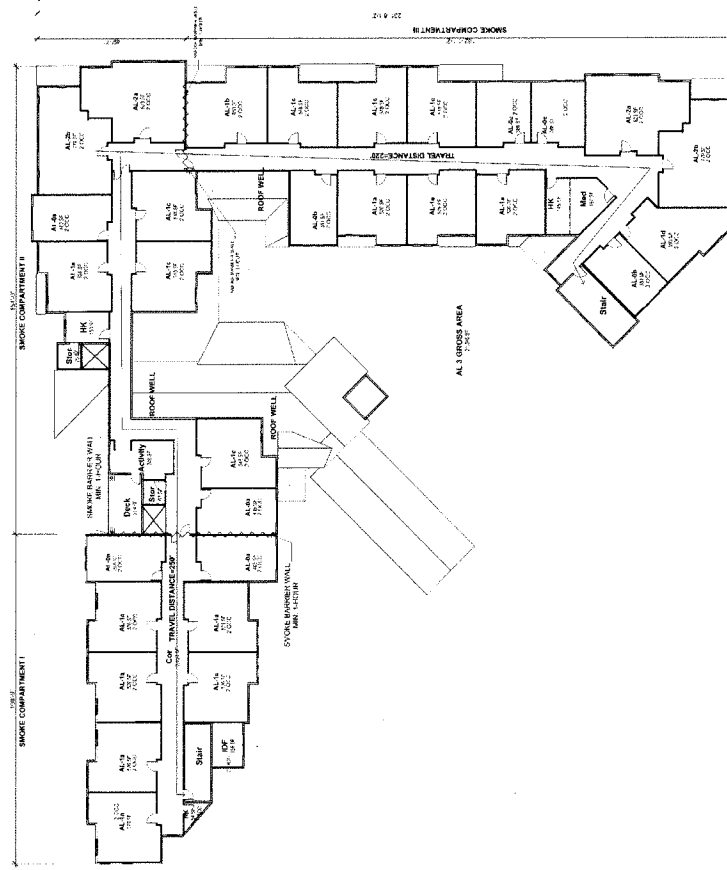
PROPOSED PROJECT
PHG 17-0025₂₂

CC

CODE COMPLIANCE 1ST FLOOR



02 Second Floor CC Plan



01 Third Floor CC Plan

PROPOSED PROJECT
PHG 17-0025₂₃.

CC



PROPOSED PROJECT
PHG 17-0025₂₅.

FP

SECOND FLOOR PLAN



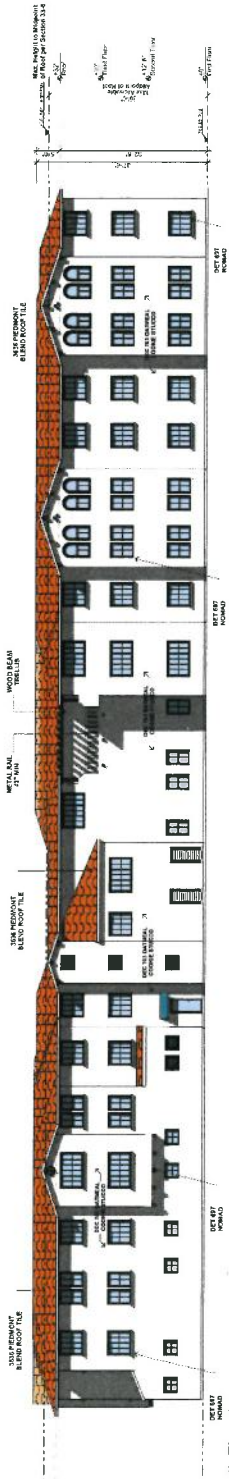
PROPOSED PROJECT
PHG 17-0025₂₆.

FP

THIRD FLOOR PLAN



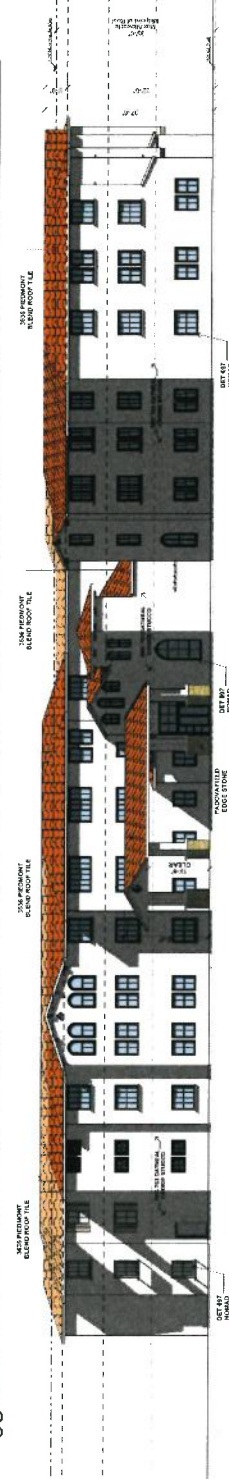
05 West Elevation



04 North Elevation



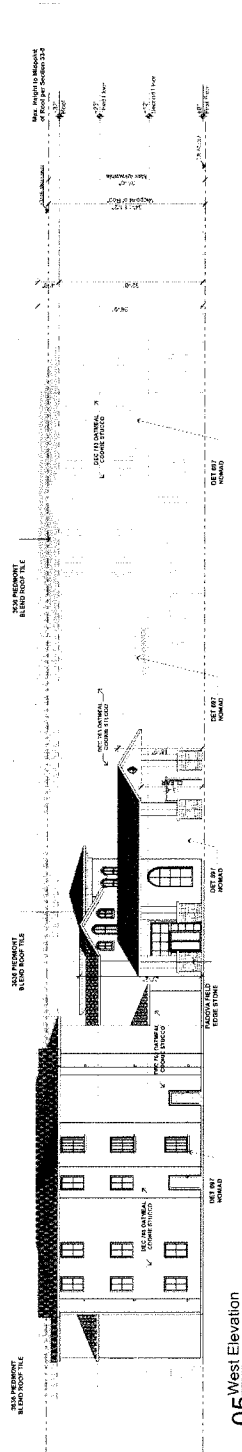
03 East Elevation



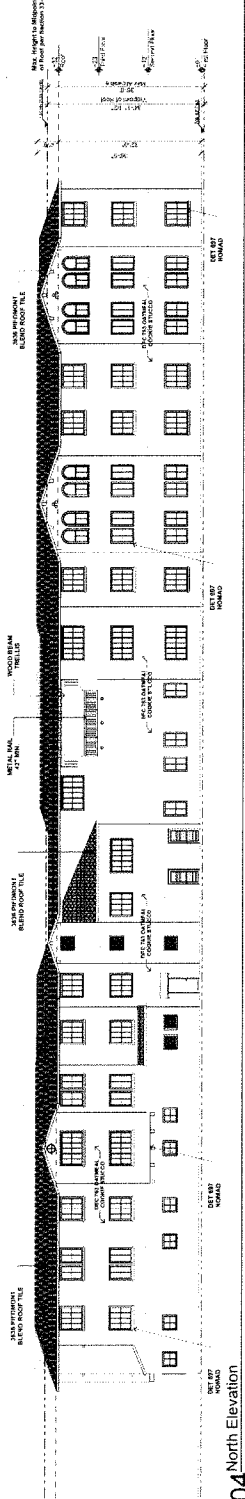
02 South Elevation



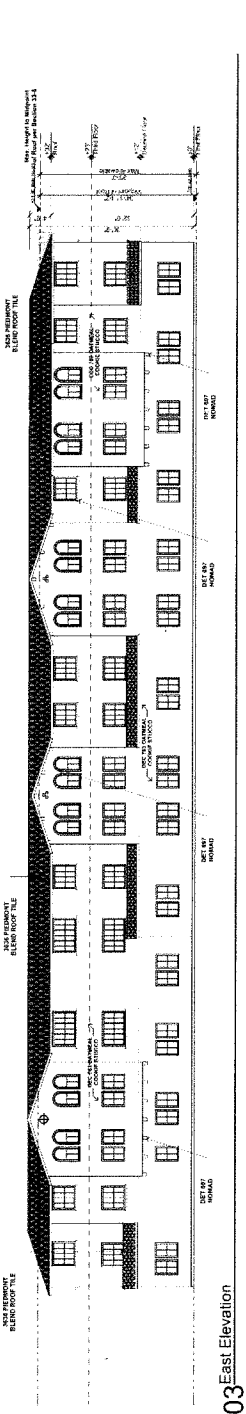
01 Main Entrance



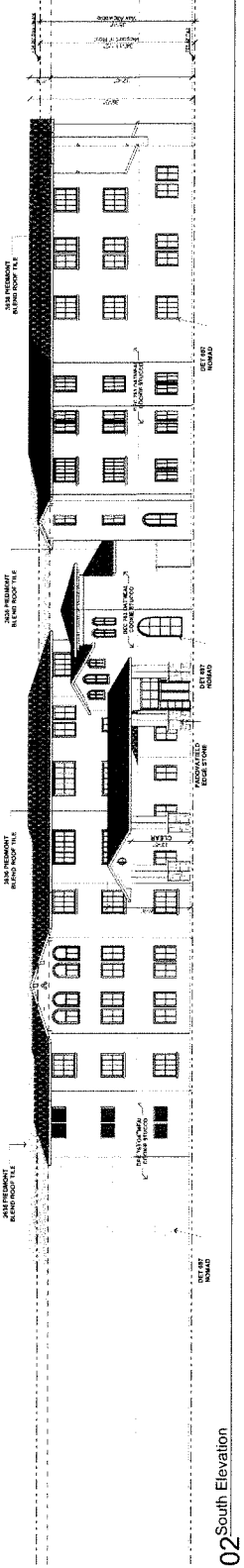
05 West Elevation



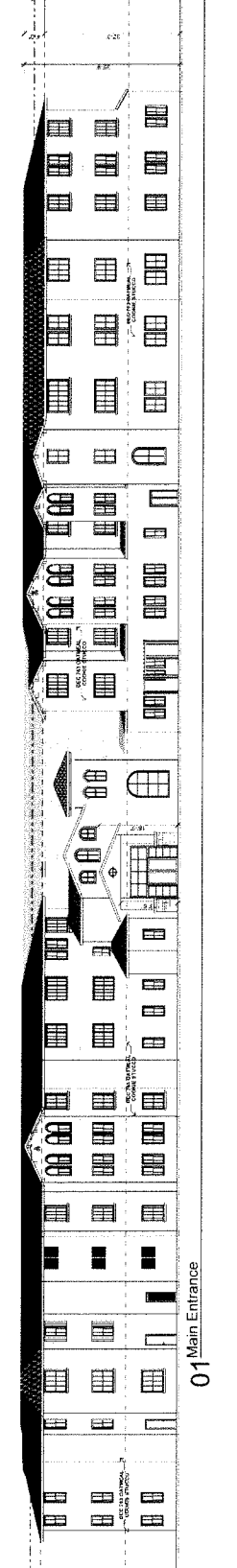
04 North Elevation



03 East Elevation



02 South Elevation

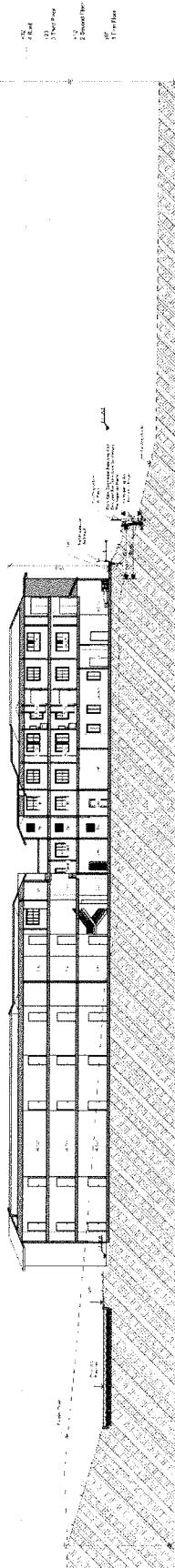


01 Main Entrance

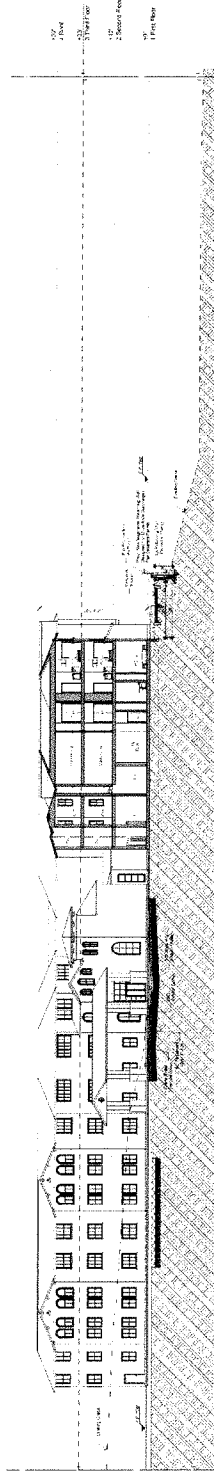
PROPOSED PROJECT
PHG 17-0025₂₉.

EE

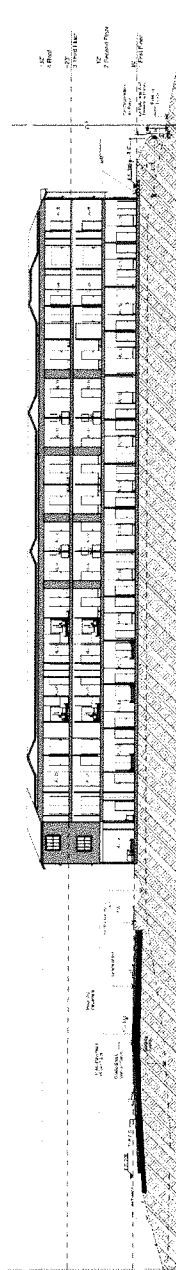
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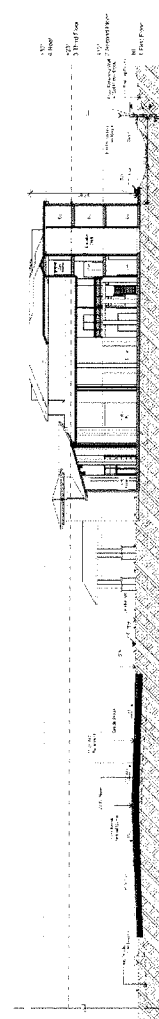
06 Cross Section F



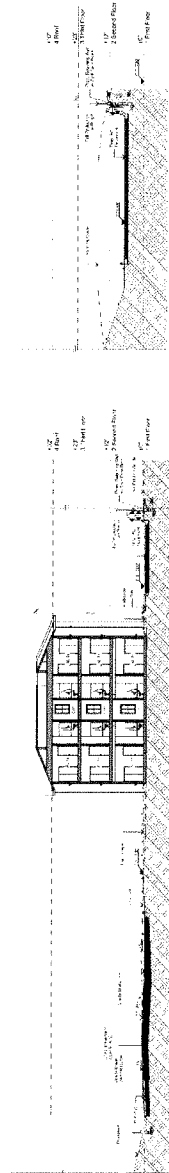
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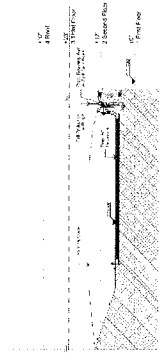
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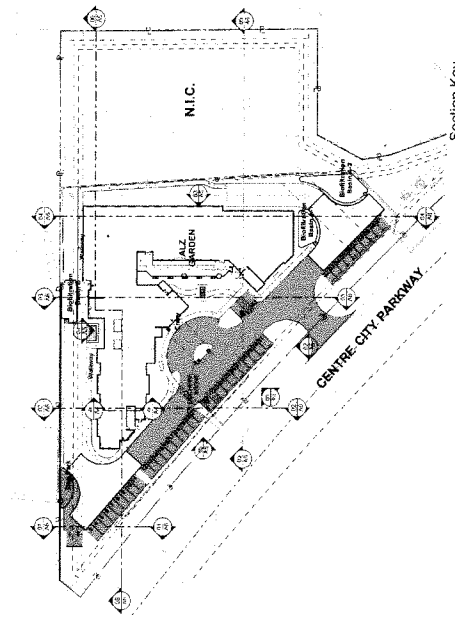
03 Cross Section C



02 Cross Section B



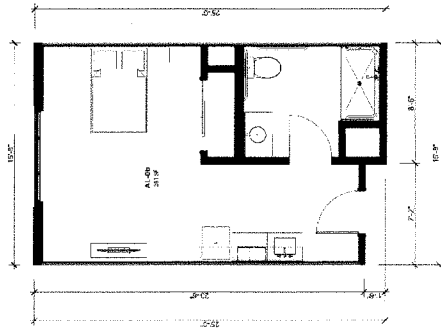
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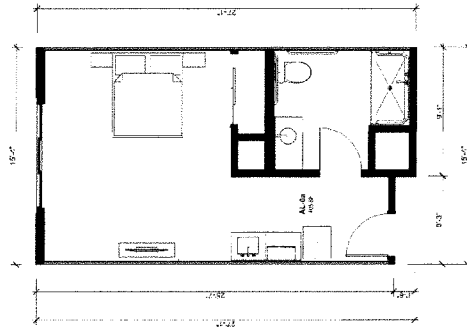
PROPOSED PROJECT
PHG 17-0025₃₀-

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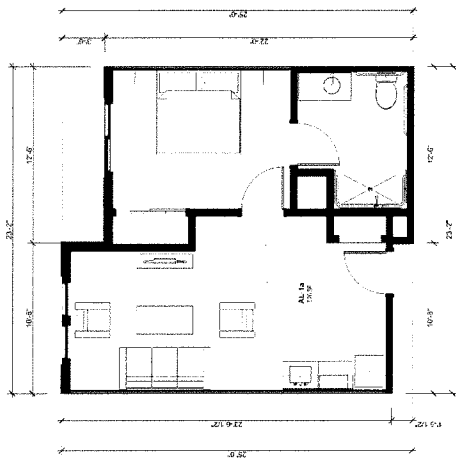
CROSS SECTION



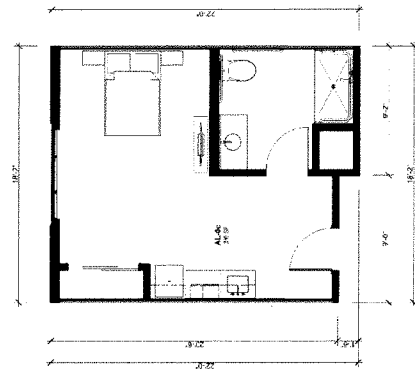
02 Enlarged Unit Plan AL-0b



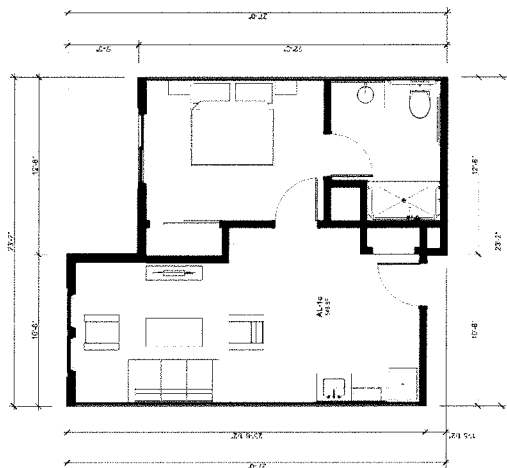
01 Enlarged Unit Plan AL-0a



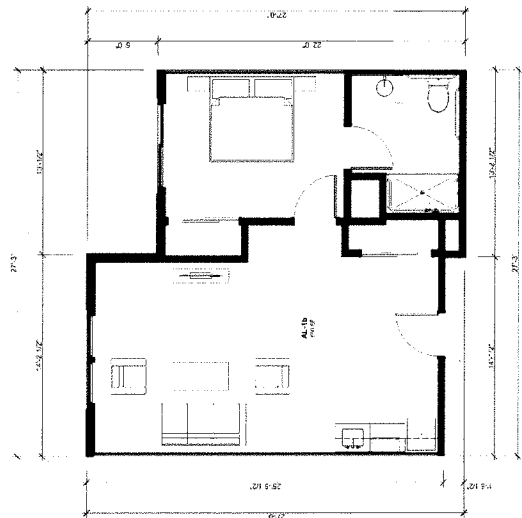
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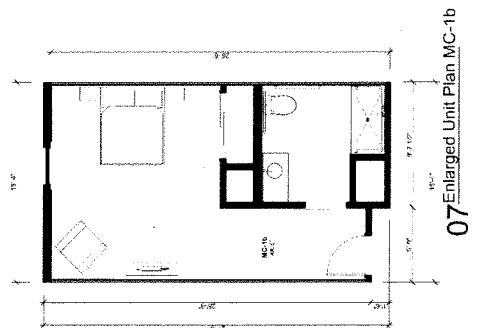
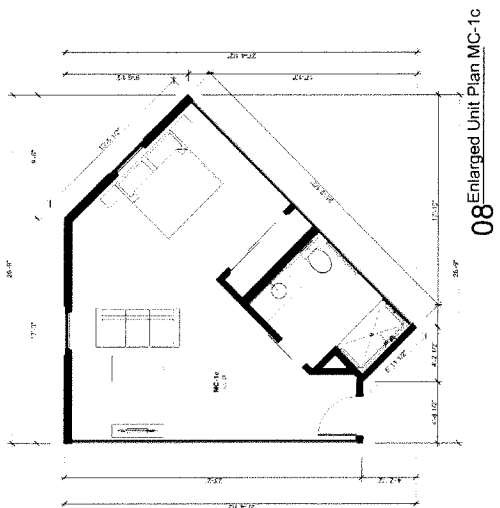
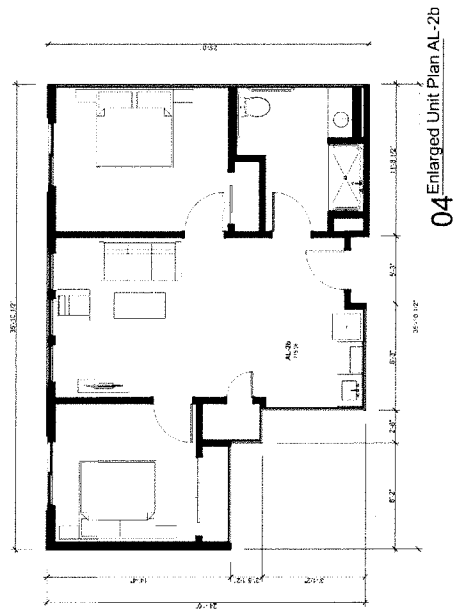
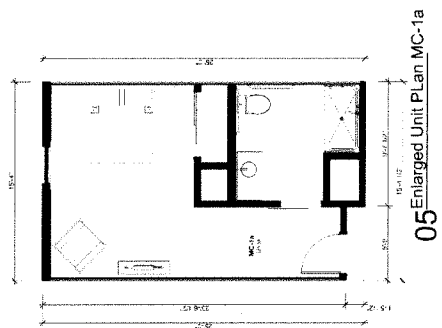
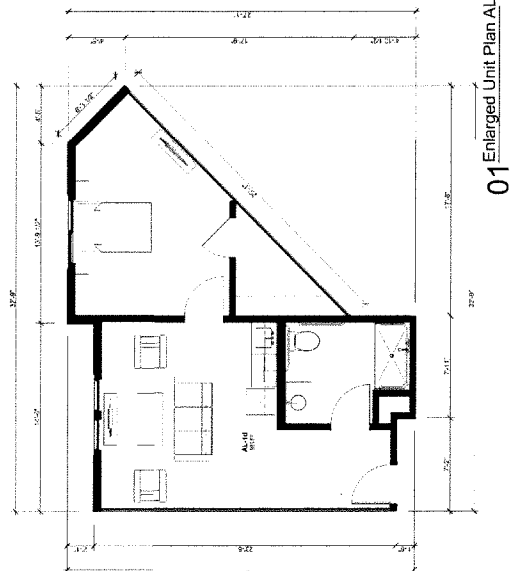
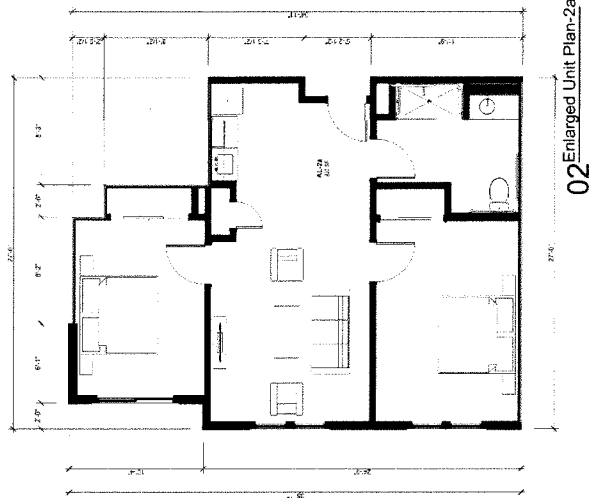
04 Enlarged Unit Plan AL-0c



08 Enlarged Unit Plan AL-1c



07 Enlarged Unit Plan AL-1b

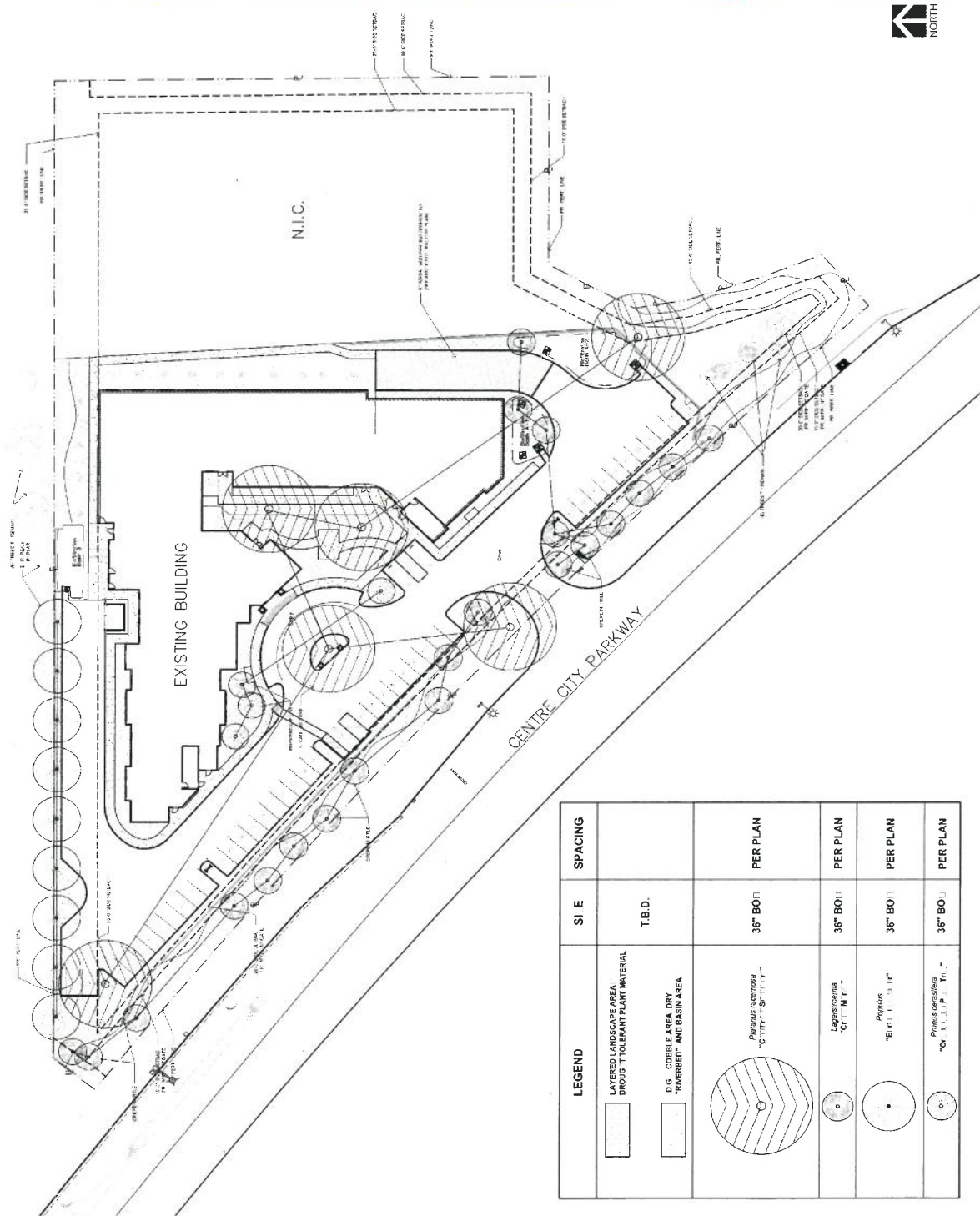


PROPOSED PROJECT
PHG 17-0025₃₂.

UP

UNIT PLANS

PICTURE	NAME
	LANTANA
	KANGAROO PAW
	CEANOTHUS
	ICEBERG ROSE
	GA ANIA MULTI-COLOR
	RIVER BED
	Platanus racemosa "CITY" 11' x 11' x 11'
	Lagotis "CITY" 11' x 11' x 11'
	Potted "CITY" 11' x 11' x 11'
	Pinus contorta "CITY" 11' x 11' x 11'



LEGEND	SIZE	SPACING
LAYERED LANDSCAPE AREA, DROUGHT TOLERANT PLANT MATERIAL	T.B.D.	
D.G. COBBLE AREA, DRY "RIVERBED" AND BASIN AREA		
	36" BO	PER PLAN
	36" BO	PER PLAN
	36" BO	PER PLAN
	36" BO	PER PLAN

PROPOSED PROJECT
PHG 17-0025₃₃.



PROPOSED PROJECT
PHG 17-0025₃₄-

R

RENDERING



PROPOSED PROJECT
PHG 17-0025₃₅-

R

RENDERING



PROPOSED PROJECT
PHG 17-0025₃₆-

R

RENDERING

EXHIBIT "C"

FINDINGS OF FACT/FACTORS TO BE CONSIDERED PHG17-0025, ENV17-0007

Environmental Determination:

The Planning Commission, in its independent judgement, has determined the preparation and adoption of a Final Initial Study/Mitigated Negative Declaration is appropriate for this proposed project in conformance with the California Environmental Quality Act (CEQA) Article 6, Sections 15070 to 15075. The requirements CEQA have been met and an Initial Study/Mitigated Negative Declaration (City File No. ENV17-0007, State Clearinghouse No. 2019011009) was prepared and issued for the project. The findings of this review are that the Initial Study identified effects related to biological, cultural, tribal cultural resources, and noise, that might be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts are reduced to less than a significant level. No significant issues remain unresolved through compliance with code requirements, mitigation measures and the recommended conditions of approval.

Public Notice and Outreach:

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the local newspaper on March 1, 2019. In addition, 118 notices were sent to property owners within 500 feet of the project site. A public notice also was posted on the project site, on the City's website, and posted at City Hall and City Library.

During the public review period for the Draft IS/MND the applicant conducted a neighborhood meeting on January 30, 2019 in the City Hall Mitchell Room. City staff also was present to answer questions.

Conditional Use Permit

1. The location and design of the proposed three-story residential-care facility would be consistent with the goals and policies of the Escondido General Plan related to providing housing opportunities for a wide range of special needs households, including the elderly and disabled. The General Plan supports the development of congregate-care type facilities through the Conditional Use Permit (CUP) process, and the development of older, adult-care facilities within residential land use designations. The proposed project would be in conformance with the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities; would not create excessive noise levels; and adequate services could be provided to the site.
2. The site is physically suitable to accommodate the proposed use because adequate setbacks, parking, access, landscaping and open space/recreation areas could be provided. Extensive grading is not necessary to accommodate the proposed facility. The use of taller retaining walls and slopes (and Grading Exemption) are necessary to support the pad area for the building and parking, required road improvements and to avoid impacts into the adjacent creek and flood plain. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, and adequate services could be provided to the site. The proposed project has been designed to avoid any potential impacts to sensitive habitat or species located on or off of the subject site.

3. The General Plan encourages compatible in-fill development and discourages the intrusion of uses which do not reflect the character of the existing neighborhood. The project would be compatible with the character of the existing neighborhood because the project site is located adjacent to and would take access from a major road, which would not disrupt the traffic pattern or disrupt the physical arrangement of the surrounding neighborhood. The project site also is adjacent to the Rincon del Diablo Municipal Water District corporate offices and maintenance yard to the north; Escondido High School agricultural operations, stadium and play fields to the east and south; and multi-story development to the west and northeast. A major commercial node also is located further south of the site at the intersection of El Norte Parkway and Centre City Parkway. The project design, building orientation, and conditions of approval would ensure compatibility with the variety of surrounding land uses, especially the single-family development to the north. Therefore, the project would not result in an adverse disruption to the established developments and circulation within the area, and would not be out of character with the surrounding development pattern.
4. Granting this Conditional Use Permit for the proposed residential care facility is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the proposed use would not create any adverse traffic or noise impacts to surrounding properties, as indicated in the staff report and environmental document prepared for the project. Outdoor lighting would be designed in accordance with the City's outdoor lighting requirements, which would minimize potential glare and spillover to adjacent properties. Appropriate setbacks and landscape buffer areas would be provided, especially from residential properties. Appropriate access, on-site circulation and parking would be provided.
5. This proposal is in response to services required by the community because residential-care facilities provide housing and services for the community and their specific client needs.
6. The proposed Conditional Use Permit has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and reasons stated above and detailed in the Planning Commission staff report dated December 5, 2018. The impacts of the proposed project will not adversely affect the policies of the General Plan or the provisions of the Municipal Code. The project as proposed will be required to comply with all applicable Building and Fire Codes through the standard plan checking process.

Grading Exemptions:

1. Granting the proposed new and modified Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. The proposed Grading Exemptions would not significantly affect sensitive biological species or habitats, mature or protected trees, or required landscaping, and the development shall incorporate erosion control measures as defined in the City's stormwater management requirements.
 - b. The proposed Grading Exemptions would not create a negative visual impact upon neighboring properties or the public right of way because plantings on the earthen retaining wall and at the base of the wall would assist in softening the visual effect. The taller walls orient inward towards the project and generally would not be seen or would be partially obscured from public views by existing topography and proposed landscaping.

- c. The proposed retaining wall would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; or preclude the future development of any adjacent parcel.
- d. The proposed design of the retaining walls and slopes would not adversely affect any adjoining septic systems. The proposed project would be provided with sewer service.
- e. The proposed retaining walls and slopes would be structurally stable, and appropriate permits will be obtained prior to construction/grading. All graded areas will be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Engineering Services Department.

General Plan Amendment

1. The public health, safety and welfare will not be adversely affected by the proposed General Plan Amendment from to allow structures up to three stories in height. All development would be required to conform to current Fire, Engineering and Building requirements, and appropriate permits obtained.
2. The proposed General Plan Amendment to allow a three-story structure on the subject site would be compatible with existing development patterns in the surrounding areas, which includes a variety of multi-story residential and taller commercial and institutional uses/structures. The City's General Plan (Policy 17.5, pg. II-116) establishes criteria for evaluating the merits of amendments requests that calls for a consideration of whether "physical, social, or city-wide economic factors or changes have made the plan designation, policy statement, goal or intent inappropriate from the standpoint of the general public welfare." The proposed General Plan Amendment has been evaluated based on these criteria and the General Plan Amendment is appropriate because the narrow focus of the text amendment allows future Planning Commission discretion regarding how future non-residential properties develop in the Suburban ("S") land-use designation. The discretionary CUP process would ensure quality development and desirable land uses on suitable properties. Regarding the subject property, the parcel previously has been planned for and approved for a similar three- (3) story residential care facility. Due to the unique nature and development restriction on the site due to the creek, a three (3) story facility is necessary to make the project financially feasible. The site also is within an area that is developed with a variety of land-uses including, commercial, institutional, utilities/industrial type development and the proposed three- (3) story care facility would not be incompatible the pattern of development adjacent to the site.
3. The proposed General Plan Amendment would be consistent with the goals and policies of the General Plan as a whole. The project incorporates an attractive design, water-efficient landscaping, and sufficient parking. The General Plan Amendment would not change the types of uses allowed on this property, because residential-care facilities are conditionally permitted uses with the Suburban land-use designation and underlying R-1-10 zone.

EXHIBIT "D"

CONDITIONS OF APPROVAL

PHG17-0025

This project is conditionally approved as set forth on the application and project drawings, all designated as recommended for approval by the Planning Commission on March 12, 2019, and shall not be altered without the express authorization by the Planning Division. 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. **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. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, Engineering Services Department, 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.
2. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
3. Access for use of heavy fire fighting 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 Marshal.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. Prior to or concurrent with the issuance of building permits, 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.
6. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). A copy of the lighting plan shall be included as part of the building plans, to the satisfaction of the Planning Division.
7. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08). Mechanical parking lot sweeping and other noise generating outdoor maintenance activities shall be restricted to daytime operational hours. The outdoor open space area identified for Memory Care shall incorporate appropriate noise attenuation walls/features based on a final noise study for the project to demonstrate compliance with the General Plan outdoor noise goals, to the satisfaction of the Director of Community Development.

8. As proposed, the buildings, architecture, color and materials, and the conceptual landscaping of the proposed development shall be in accordance with the staff report, exhibits, project Details of Request and conditions of approval, to the satisfaction of the Planning Division.
9. No signage is proposed or approved for this project. A separate sign permit would be required for any building signage in conformance with the City's Sign Ordinance. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66) for non-residential properties in residential zones.
10. All rooftop equipment must be screened from public views utilizing materials and colors which match the building, to the satisfaction of the Director of Community Development. The final building plans shall clearly indicate that all rooftop equipment is properly screened. A cross section and roof plan shall be included (which details the location and height of all rooftop equipment) to demonstrate that the height of the roof element is sufficient to screen the mechanical equipment.
11. All retaining walls shall be constructed of decorative materials or incorporate a decorative finish, and matching cap. The existing retaining wall along the Reidy Creek drainage channel and northern boundary of the project site shall be finished with a suitable material/color to blend in with the surrounding environment and to discourage graffiti. The final material and colors shall be indicated on the building and landscape plans. Any proposed chain-link fencing shall be black clad vinyl coated. The location and design of any walls and fencing shall be noted on the building plans and the final landscape plans.
12. No structures shall be constructed in the adjacent creek and habitat area without approval of the Director of Community Development and with the appropriate permits from the resource agencies, as may be required. Activities in the creek and sensitive habitat areas shall be limited to: general maintenance of vegetation and any storm water/drainage features (including invasive species, trimming of trees), removal of trash and debris, graffiti, etc.
13. A minimum of 41 striped parking spaces shall be provided in conjunction with this development. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
14. All grading and grading exemptions shall be in substantial conformance with the concept grading design and detail of request. Grading exemptions may vary by up to one foot in height based on the final grading/previse grading plan, to the satisfaction of the City Engineer.
15. The facility shall obtain and maintain a proper license from the State of California for the operation of a residential-care facility.
16. All new utilities shall be underground.
17. This Conditional Use Permit shall become null and void unless utilized 36 months of the effective date of the CUP.

18. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance 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 certified check payable to the "County Clerk," in the amount of \$2,404.75 for a project with a Negative Declaration. In addition, these fees include an additional authorized County administrative handling fee of \$50.00 (Total fee of \$2,404.75). Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid.
19. 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 back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
20. The approval of the Conditional Use Permit is granted subject to the approval of the Final IS/MND and is subject to all project features and mitigation measures contained therein. The Applicant shall implement, or cause the implementation of the Final IS/MND Mitigation Monitoring and Reporting Program, provided in the Resolution as Exhibit "F" which is incorporated herein by reference as though fully set forth herein. The project shall be in compliance with all of the following mitigation measures:

Mitigation Measures

BIO-1:

Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 0.33 acres. Mitigation shall be provided by either (1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or (2) purchase of non-native grassland or equivalent habitat credits at an approved.

BIO-2:

No clearing, grubbing, grading, or other construction activities shall occur between February 15 and September 15, the raptor and migratory bird nesting season, unless a qualified biologist completes a pre-construction survey to determine if active nests are present or absent. If no active nests are present, then construction activities may proceed. If active raptor nests are present, no grading or removal of habitat shall take place within 300 feet of active nesting sites during the nesting/breeding season (February 15 through September 15).

The pre-construction survey must be conducted within 10 calendar days prior to the start of construction activities (including the removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City for review and approval prior to initiating any construction activities.

BIO-3

Vegetation clearing or brushing shall occur outside of the typical breeding season for raptors and migratory birds (February 15 to September 15). If this is not possible, then a qualified biologist shall conduct a survey for nesting birds no more than five calendar days prior to construction to determine the presence or absence of nests on the project site. The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. No construction activities shall occur within 300 feet of tree dwelling raptor nests, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (Leq) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) Leq, which will reduce the impact to below a level of significance.

BIO-4

During construction activities, the construction contractor shall ensure that the limits of grading are flagged or marked with silt fencing prior to grading to prevent indirect impacts to the adjacent Reidy Creek and sensitive riparian habitat. Prior to grading, a qualified biologist shall review the flagging and silt fencing and during grading the qualified biologist shall monitor the limits of clear and grub and grading activities. Monitoring shall be conducted on an as needed basis as determined by the qualified biologist.

BIO-5

If it is determined that the proposed project cannot avoid the jurisdictional features on the project site and would result in significant impacts to jurisdictional waters, regulatory permits will be required to be obtained prior to project construction. To comply with the state and federal regulations for impacts on jurisdictional wetland features/resources, the following permits will be required to be obtained, or verified that they are not required: USACE 401 Permit, RWQCB 404 Permit (in accordance with Section 404 and 401 of the Clean Water Act [CWA]), and a CDFW Streambed Alteration Agreement under Section 1600 of California Fish and Game Code (CFGF). Mitigation to offset the impacts to Waters of the U.S. and State will be implemented in accordance with these regulatory permit conditions.

CUL-1

If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. An on-site archaeological monitor or Principal Investigator, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained and afforded a reasonable amount of time to evaluate the significance of the find. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially- eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA/NEPA for managing unanticipated discoveries have been met.

CUL-2

In the event that evidence of human remains is discovered, construction activities within 50 feet of the discovery will be halted or diverted, and the requirements above will be implemented. Depending on the occurrence, a larger radius may be necessary and will be required at the discretion of the on-site archaeologist. In addition, the provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be

implemented. When human remains are discovered, state law requires that the discovery be reported to the County Coroner (Section 7050.5 of the Health and Safety Code) and that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner notifies the Native American Heritage Commission, which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The MLD may not be the same person as the tribal monitor. The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains in situ, or in a secure location in close proximity to where they were found, where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).

NOI-1

Temporary Construction Barrier. In order to reduce the temporary noise impact from construction along the norther property boundary adjacent to residential development, a temporary noise barrier is required (as detailed in Figure 9b, page 24 of the acoustical assessment, dated October 9, 2018 revised). The barrier would be constructed out of min. 5/8-inch plywood with no gaps, that would span the length of the adjacent property boundary, and would have a minimum height of six feet above the project grade. The barrier shall be installed prior to grading operations on the site. The barrier shall be installed prior to grading operations on the site.

NOI-2

Construction Notification. The construction contractor shall provide written notification to all residences located within 75 feet of the proposed construction activities at least three weeks prior to the start of construction activities, informing them of the estimated start date and duration of daytime vibration-generating construction activities. This notification shall include information about the potential for nuisance vibration. The City shall provide a phone number for the affected residences to call if they have concerns about construction-related vibration.

NOI-3

Vibration Best Management Practices. For construction activities within 75 feet of residences along the northern project boundary, the construction contractor shall implement the following measures during construction:

1. Stationary sources, such as temporary generators, shall be located as far from nearby vibration-sensitive receptors as possible.
2. Trucks shall be prohibited from idling along streets serving the construction site where vibration-sensitive receptors are located.
3. Demolition, earthmoving, and ground-impacting operations shall be phased so as not to occur in the same time period.

TCUL-1

It is recommended the City of Escondido Planning Division ("City") enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a preexcavation agreement) with a tribe(s) that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources; and (2) to formalize protocols and procedures between the City 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.

TCUL-2

Prior to issuance of a grading permit, the City shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008), and a Native American monitor(s) associated with a TCA Tribe(s) to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor(s). This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor(s) is associated with a TCA Tribe(s). The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

TCUL-3

The qualified archaeologist and a Native American monitor(s) shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

TCUL-4

During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist, or an archaeological monitor working under the direct supervisor of the qualified archaeologist, and the Native American monitor(s) shall be on site full-time. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, those fill materials shall be absent of any tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources. 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(s), shall be responsible for determining the duration and frequency of monitoring.

TCUL-5

the event that previously unidentified cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor(s) 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.

TCUL- 6

If a cultural resource is discovered that may qualify as a historical, unique archaeological, and/or tribal cultural resource, the qualified archaeologist shall notify the City of said discovery, and shall conduct consultation with TCA tribe(s) to determine the most appropriate mitigation. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor(s), shall determine the significance of the discovered resource. Recommendations for the resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor(s) and be submitted to the City for review and approval.

TCUL-7

The avoidance and/or preservation of significant cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources must first be considered and evaluated as required by CEQA. Where any significant 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(s), and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor(s), 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.

TCUL-8

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

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

OR

2.) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/ researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.

TCUL-9

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(s) 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.

Landscaping

1. Detailed landscape and irrigation plan(s) shall be submitted to the Engineering Services Department in conjunction with the submittal of the Grading and Improvement Plans, and shall be equivalent or superior to the concept plan attached as exhibit(s) in the staff report(s). A plan check fee of will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape

Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.

2. The landscaping plan shall include specimen sized evergreen trees, to the satisfaction of the Planning Division. Root barriers shall be provided in accordance with the Landscape Ordinance.
3. The landscape design for the storm water basins shall be a visual amenity for the project to include an appropriate variety of plants and features.
4. The parking landscaping along Centre City Parkway shall be designed and installed in accordance with the Centre City Parkway landscape design guidelines. The parkway landscaping and irrigation, along with any off-site walls and slopes created by the project shall be permanently maintained by the facility.
5. The rear (eastern) portion of the site shall be landscaped with a combination of specimen-sized trees, shrubs and ground cover to provide an appropriate passive and active open space areas for the residents. This area also shall include amenities for the residents such as benches, gathering spaces and shade structures.
6. The northeastern area of the site shall include specimen sized trees and dense landscaping/shrubs to provide appropriate shielding and buffer area of the site to the adjacent residential property to the north. A solid wall/fence (up to six feet in height) shall be constructed along a portion of the northern property boundary to provide appropriate barrier between the site and trash enclosure area to the adjacent residential property to the north.
7. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
8. All manufactured slopes, or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
9. Prior to occupancy, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
10. 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.

ENGINEERING CONDITIONS OF APPROVAL
1802 Centre City Parkway
PHG17-0025

GENERAL

1. 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 grading plan approval.
2. The developer/applicant shall submit 3 copies of the final site plan revised to reflect the final Engineering Conditions of Approval to the Planning Department for approval and Certification. One copy of this approved Certified Site Plan must be included with the first submittal of final engineering plans to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be designed in compliance with the City of Escondido Design Standards and requirements of the City Engineer. Private driveway opening and drive aisles shall be designed in accordance with the requirements of the City Engineer, Fire Marshal, and Planning Director.
2. The developer shall construct frontage public improvements on Centre City Parkway to City's Design Standards. Frontage improvements shall include extending the existing Iris Lane northbound trap right lane (63' from centerline) along the project frontage, constructing the deceleration lane (60' from centerline), and transitional improvements to join existing edge of pavement to the south per the City's CCP driveway opening criteria and to the satisfaction of the City Engineer.
3. The project driveway approach on Centre City Parkway shall be designed as a street intersection with curb returns, and triangular island, with a minimum throat width of twenty-six (26) feet, per the City's CCP driveway opening criteria and to the satisfaction of the City Engineer.
4. 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.
5. The developer shall be required to design an off-site and on-site signing and striping plan that includes signage and striping per the current California MUTCD for the bike lanes, right turn traps lanes, project entrance/exit left turn restrictions, and to the satisfaction of the Traffic Engineer. 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.

6. The developer may be responsible for an overlay of Centre City Parkway due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
7. The developer shall be required to construct two LED street lights in accordance with Escondido Standard Drawing No. E-1-E on Centre City Parkway at the project entrance and at the southerly property line.
8. If site conditions change adjacent to the proposed development prior to completion of the project, the developer shall 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.
9. The developer shall be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to issuance of an Encroachment Permit for construction within the public right-of-way.
10. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

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 shall be approved by the Engineering Department prior to issuance of building permits. The project shall conform with the City of Escondido's Storm Water Management Requirements. Both Construction BMPs and Permanent Treatment BMPs shall be provided for the project.
2. A site landscaping and irrigation plan shall be submitted with the first submittal of the grading plan to the Engineering Dept.
3. The project owner will be responsible to implement best management practices 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.
4. A Final Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual (BMP Manual) shall be prepared for all onsite improvements, newly created impervious frontage, and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-

modification calculations (if applicable), treatment calculations, post-construction storm water treatment measures and maintenance requirements.

5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance.
6. The owner or association shall be responsible for maintenance of Treatment BMPs in the public right-of-way intended for treatment of the Centre City Parkway frontage public improvements.
7. The project owner shall be responsible for design and construction of all permeable surfaces proposed for the project to the specifications of the version of the County of San Diego Green Streets manual approved by the County of San Diego at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H2O loading.
8. The project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. The City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The project owner will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system that complies with the City's Storm Water Design Manual in place at the time the grading permit is issued.
9. 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.
10. All retaining walls shall be reconstructed on private property and maintained by the owner. The proposed segmental and cmu retaining wall system shall include the following: Six (6) copies of the retaining wall calculations stamp and signed with expiration date from a licensed engineer. Wall details and retaining wall profiles shall be shown on the grading plans. Three (3) copies of the project soils report. Copy of the retaining wall system Design Manual.
11. The on-site trash enclosure shall drain toward the landscaped area and include a solid roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
12. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.

13. 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.

*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. 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 and Storm Water Management Requirements.
2. All on-site storm drain run-off shall be directed toward an approved storm water treatment facility prior to discharging into the street or approved drainage course in accordance with the approved Storm Water Quality Management Plan.
3. Downspouts of the building shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection.

RECYCLED WATER

1. The developer may be required to enter into an agreement with Rincon Del Diablo Municipal Water District for the use of reclaimed water for irrigation of major common areas when recycled water is available.

SEWER

1. The existing public sewer main that currently located within the project site shall be field verified by the project engineer. The actual location of the sewer shall be shown on the site plan. The project plans shall keep the existing sewer line and easement free of any encroachment by the project improvements of propose relocation of the existing sewer to the satisfaction of the Utilities Engineer. Access to the existing or proposed sewer shall be provided to the satisfaction of the City Engineer. A public sewer main extension may be required to provide sewer service. Construction of the sewer main shall be in accordance with the Standards and specifications of the City Escondido.

2. The developer shall be required to replace the existing sewer pipeline within the proposed slope with C900 pipe. The developer shall provide an all-weather access road (suitable for use by maintenance vehicles) to all sewer mainlines and manholes within the easement.
3. 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.
4. Sewer laterals shall be six (6) inch PVC minimum with a standard clean-out at the right-of-way and/or easement line per standard drawing S-2-E and at all angle points, and shall be designed and constructed per the current UPC. If the existing sewer lateral is less than 6 inches, then it shall be replaced with a minimum 6" sewer lateral in accordance with City Standards.
5. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

EASEMENTS AND DEDICATIONS

1. The developer shall grant the necessary public utilities, open space, and drainage easement over the section of Reidy Creek that is located within the project site to the satisfaction of the City Engineer.
2. Necessary public utility easements (for sewer) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.

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 to private property and improvements, install new BMP's, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.

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. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground

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.

18-21 Centre City Pkwy, 1802 S., PHG17-0025, Conditions.doc

Exhibit "E"

Mitigation Monitoring and Reporting Program (MMRP)

PROJECT NAME: Initial Study/Mitigated Negative Declaration for Escondido Assisted Living Facility (ENV17-0007)

PROJECT LOCATION: City of Escondido, CA, (approximately 3.48-acre parcel) addressed at 1802 N. Centre City Parkway (APN 226-190-2200).

PROJECT DESCRIPTION: A Conditional Use Permit for the development of an approximately 71,316 SF, three-story residential care facility; Grading Exemption(s) for retaining walls and fill slopes in excess of 10 feet in height; and a General Plan Amendment to allow structures up to three stories in height within the R-1-10 zone (Single-Family Residential, up to 10,000 sf min. lot size). The project includes 22 memory care and 74 assisted living units (totaling 96 beds) and 41 parking spaces. Access to the project would be provided by a single driveway fronting onto Centre City Parkway. Centre City Parkway is proposed to be widened across the project frontage to provide a transition lane for ingress and egress into the site. The existing creek along the eastern boundary of the proposed development area is proposed to be retained and preserved as a project feature. A Mitigated Negative Declaration (MND) has been prepared pursuant to CEQA and provides an analysis of potential impacts from the proposed project.

APPLICANT/CONTACT PERSON: Tigg Mitchell, The Mitchell Group

PHONE NUMBER/Email: (619) 993-7089
tigg@themitchellgroup.us

ASSOCIATED CASE NO.: ENV18-0007 and PHG17-0025

APPROVAL BODY/DATE: _____

PROJECT MANAGER: Jay Paul, Planning Division
(760) 839-4537
jipaul@escondido.org

Phase at which the Mitigation Measures are to be implemented

Prior to issuance grading and development

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
Biological Resources					
Bio 1 Habitat Replacement	Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 0.33 acres. Mitigation shall be provided by either (1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or (2) purchase of non-native grassland or equivalent habitat credits at an approved.	Bio 1	Project Applicant		
Bio 2 Nesting Birds/Raptors	No clearing, grubbing, grading, or other construction activities shall occur between February 15 and September 15, the raptor and migratory bird nesting season, unless a qualified biologist completes a pre-construction survey to determine if active nests are present or absent. If no active nests are present, then construction activities may proceed. If active raptor nests are present, no grading or removal of habitat shall take place within	Bio 2	Project Applicant Project Biologist		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
	300 feet of active nesting sites during the nesting/breeding season (February 15 through September 15). The pre-construction survey must be conducted within 10 calendar days prior to the start of construction activities (including the removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City for review and approval prior to initiating any construction activities.				
Bio 3 Nesting Birds	Vegetation clearing or brushing shall occur outside of the typical breeding season for raptors and migratory birds (February 15 to September 15). If this is not possible, then a qualified biologist shall conduct a survey for nesting birds no more than five calendar days prior to construction to determine the presence or absence of nests on the project site. The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. No construction activities shall occur within 300 feet of tree dwelling raptor nests, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (Leq) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) Leq, which will reduce the impact to below a level of significance.	Bio 3	Project Applicant Project Biologist		
Bio 4 Sensitive Habitat Creek	During construction activities, the construction contractor shall ensure that the limits of grading are flagged or marked with silt fencing prior to grading to prevent indirect impacts to the adjacent Reidy Creek and sensitive riparian habitat. Prior to grading, a qualified biologist shall review the flagging and silt fencing, and during grading the qualified biologist shall monitor the limits of clear and grub and grading activities. Monitoring shall be conducted on an as needed basis as determined by the qualified biologist.	Bio 4	Project Applicant Construction Contractor Biologist		
Bio 5 Sensitive Habitat Creek	If it is determined that the proposed project cannot avoid the jurisdictional features on the project site and would result in significant impacts to jurisdictional waters, regulatory permits will be required to be obtained prior to project construction. To comply with the state and federal regulations for impacts on jurisdictional wetland features/resources, the following permits will be required to be obtained, or verified that they are not required: USACE 401 Permit, RWQCB 404 Permit (in	Bio 5	Project Applicant Project Biologist Wildlife and Resource Agencies		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
	accordance with Section 404 and 401 of the Clean Water Act (CWA)), and a CDFW Streambed Alteration Agreement under Section 1600 of California Fish and Game Code (CFG). Mitigation to offset the impacts to Waters of the U.S. and State will be implemented in accordance with these regulatory permit conditions				
Cultural Resources					
Cul 1 Cultural or Human Remains	If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. An on-site archaeological monitor or Principal Investigator, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained and afforded a reasonable amount of time to evaluate the significance of the find. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA/NEPA for managing unanticipated discoveries have been met.	Cul 1	Project Applicant Principal Cultural Investigator or Archaeologist		
Cul 2	In the event that evidence of human remains is discovered, construction activities within 50 feet of the discovery will be halted or diverted, and the requirements above will be implemented. Depending on the occurrence, a larger radius may be necessary and will be required at the discretion of the on-site archaeologist. In addition, the provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. When human remains are discovered, state law requires that the discovery be reported to the County Coroner (Section 7050.5 of the Health and Safety Code) and that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner notifies the Native American Heritage Commission, which then designates a Native	Cul 2	Project Applicant Principal Cultural Investigator or Archaeologist County Coroner		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
	American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The MLD may not be the same person as the tribal monitor. The designated MLD then has 48 hours from the time accessing to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains in situ, or in a secure location in close proximity to where they were found, where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).				
Noise					
NOI 1 Construction Noise	Temporary Construction Barrier. In order to reduce the temporary noise impact from construction along the northern property boundary adjacent to residential development, a temporary noise barrier is required (as detailed in Figure 9b, page 24 of the acoustical assessment, dated October 9, 2018 revised). The barrier would be constructed out of min. 5/8-inch plywood with no gaps, that would span the length of the adjacent property boundary, and would have a minimum height of six feet above the project grade. The barrier shall be installed prior to grading operations on the site. The barrier shall be installed prior to grading operations on the site.	Noi 1	Project Applicant Construction Contractor		
NOI 2 Construction Noise	The construction contractor shall provide written notification to all residences located within 75 feet of the proposed construction activities at least three weeks prior to the start of construction activities, informing them of the estimated start date and duration of daytime vibration-generating construction activities. This notification shall include information about the potential for nuisance vibration. The City shall provide a phone number for the affected residences to call if they have concerns about construction-related vibration.	Noi 2	Project Applicant Construction Contractor		
NOI 3 Construction Noise	Vibration Best Management Practices. For construction activities within 75 feet of residences along the northern project boundary, the construction contractor shall implement the following measures during construction:	Noi 3	Project Applicant Construction Contractor		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
	1. Stationary sources, such as temporary generators, shall be located as far from nearby vibration-sensitive receptors as possible. 2. Trucks shall be prohibited from idling along streets serving the construction site where vibration-sensitive receptors are located. 3. Demolition, earthmoving, and ground-impacting operations shall be phased so as not to occur in the same time period.				
Tribal Cultural Resources					
TCUL 1 Tribal Cultural Resources and Monitoring Program	It is recommended the City of Escondido Planning Division ("City") enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a preexcavation agreement) with a tribe(s) that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources; and (2) to formalize protocols and procedures between the City 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.	TCUL 1	Project Applicant		
TCUL 2 Tribal Cultural Resources and Monitoring Program	Prior to issuance of a grading permit, the City shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008), and a Native American monitor(s) associated with a TCA Tribe(s) to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor(s). This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native	TCUL 2	Project Applicant Archaeologist		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
	American monitor(s) is associated with a TCA Tribe(s). The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.				
TCUL 3 Tribal Cultural Resources	The qualified archaeologist and a Native American monitor(s) shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.	TCUL 3	Project Applicant Archaeologist Native American Monitor		
TCUL 4 Tribal Cultural Resources Monitoring Program	During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist, or an archaeological monitor working under the direct supervisor of the qualified archaeologist, and the Native American monitor(s) shall be on site full-time. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, those fill materials shall be absent of any tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources. 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(s), shall be responsible for determining the duration and frequency of monitoring.	TCUL 4	Project Applicant Archaeologist Native American Monitor		
TCUL 5 Tribal Cultural Resources Monitoring Program Discovery Resources	In the event that previously unidentified cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor(s) 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	TCUL 5	Project Applicant Archaeologist Native American Monitor		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
	non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.				
TUL 6 Tribal Cultural Resources Discovery Resources	TCUL- 6: If a cultural resource is discovered that may qualify as a historical, unique archaeological, and/or tribal cultural resource, the qualified archaeologist shall notify the City of said discovery, and shall conduct consultation with TCA tribe(s) to determine the most appropriate mitigation. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor(s), shall determine the significance of the discovered resource. Recommendations for the resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor(s) and be submitted to the City for review and approval.	TUL 6	Project Applicant Archaeologist Native American Monitor City of Escondido Planning Division		
TUL 7 Tribal Cultural Resources Discovery Resources	The avoidance and/or preservation of significant cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources must first be considered and evaluated as required by CEQA. Where any significant 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(s), and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor(s), 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.	TUL 7	Project Applicant Archaeologist Native American Monitor City of Escondido Planning Division		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
TCUL 8 Tribal Cultural Resources Discovery Resources	If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor(s), may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows: 1.) It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received. OR 2.) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/ researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating	TCUL 8	Project Applicant Archaeologist Native American Monitor City of Escondido Planning Division		

Mitigation Measure	Description	Identification No. Location in Doc.	Responsibility for Implementation	Certified Initials/Date	Comments
	the prehistoric archaeological materials have been received and that all fees have been paid.				
TCUL 9 Tribal Cultural Resources Discovery Resources Reporting	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(s) 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.	TCUL 9	Project Applicant Archaeologist Native American Monitor City of Escondido Planning Division		

EXHIBIT "F"

PHG17-0025 General Plan Amendment Text Change

Page II-20, Figure II-6: Building Height for Suburban to include the following additional text (under Required Standards column):

"1-3 stories for non-residential structures"

Figure II-6 General Plan Land Use Designations			
Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
Single Family Residential			
Suburban This designation applies to areas that generally surround the urbanized core of the community and accommodates single family detached homes on relatively large lots. Development clustering is permitted pursuant to General Plan Residential Clustering Policies			
	Maximum densities allowed on the following slope categories: 0-25% - 3.3 du/ac; 25-35% - 1.5 du/ac; and 35%+ - 1 du/20 ac. Min lot size: 10,000 sf Building Height: 1-2 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning: R-1-10 or higher	Single family homes with a traditional residential neighborhood character. 	▪ Interconnected curvilinear street system facilitating traffic flow ▪ Community services and neighborhood parks within walking distance of local residents, where feasible ▪ Established street tree canopy providing shade and enhanced neighborhood character
Urban I This designation applies to residential areas of the main Escondido "valley floor" and accommodates single family detached homes on smaller urban lots. Development clustering is permitted pursuant to General Plan Residential Clustering Policies			
	Maximum densities allowed: 5.5 du/ac; Min lot size: 6,000 sf Building Height: 1-3 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning: R-1-9 or lower	Single family homes in a more urban, medium-density living environment, characteristic of much of Escondido. Mobile homes, patio homes, and zero-lot-line developments are also permitted. 	▪ Highly interconnected linear street system facilitating traffic flow ▪ Community services and neighborhood parks within walking distance of local residents, where feasible ▪ Established street tree canopy providing shade and enhanced neighborhood character ▪ Range of housing types and design consistent with existing forms and patterns where appropriate ▪ Streets in older neighborhoods maintain limited curb cuts with rear, alley, and side garage access

Add Text

PLANNING COMMISSION

Agenda Item No.: G.2
Date: March 12, 2019

PROJECT NUMBER / NAME: PHG 17-0027 / Wireless Communication Facility, T-Mobile

REQUEST: A Conditional Use Permit to install, operate and maintain a Personal Communications Services Facility (PCS) for T-Mobile consisting of nine (9) panel antennas, and six (6) radio units mounted inside a proposed sixty-foot (60) tall concealment tower designed to resemble a bell tower. The proposed facility also includes a 14 ft. x 6 ft. wooden equipment enclosure adjacent to the wireless facility and a 14 ft. x 20 ft. future co-locator lease area. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: 845 Chestnut Street

APPLICANT: Eco-Site for T-Mobile

APN / APNS: 233-460-24

PRIMARY

REPRESENTATIVE: Eco Site

GENERAL PLAN / ZONING: U1 (Urban 1)

DISCRETIONARY ACTIONS REQUESTED: Conditional Use Permit

PREVIOUS ACTIONS: Planning Case No. 2006-51-CUP

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

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Section 15270, "Projects Which Are Disapproved.")

STAFF RECOMMENDATION: Denial

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-05

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

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

A. BACKGROUND:

T-Mobile is proposing to install a Personal Communication's Service Facility (PCS) to place nine (9) panel antennas, and six (6) radio units inside a proposed sixty-foot (60) tall concealment tower designed to resemble a bell tower, within the Trinity Episcopal church site. The proposed sixty-foot (60) tall tower will also be designed to accommodate future antennas (collation). The tower will be painted and textured to match the existing church building. The proposed facility will also include a 14 ft. x 6 ft. wooden equipment enclosure located adjacent to the wireless facility and a 14ft. x 20 ft. future co-locator lease area to support additional support equipment. A Conditional Use Permit is required to construct a wireless communication facility within a residential zone in accordance with Zoning Code Article 34 "Communication Antennas."

The Trinity Episcopal Church site currently has one existing Sprint-Nextel wireless communication facility that was approved by the City's Planning Commission in 2007 (City File No. 2006-51-CUP). The facility consists of three (3) panel antennas mounted onto a 78'-7" church steeple/cross located on the roof of the Trinity Episcopal Church. The supporting radio and electrical equipment was placed within an equipment building designed to match the existing buildings on site and screened by landscaping.

Approval or rejection of cell phone towers is addressed in the federal Telecommunications Act of 1996. In that Act, Congress delegated to the local governments the power to consider cell tower applications and required that a denial of an application "be in writing and supported by substantial evidence contained in a written record."

B. PROJECT ANALYSIS:

The proposed wireless communication facility would consist of nine (9) panel antennas (approximately 8-feet high x 15-inches-wide) mounted onto a triangular array towards the top of the 60-foot-high concealment tower adjacent to the Trinity Episcopal Church. The tower would be located just within the eastern area of the church site and approximately fifty (50) feet from the closest residence to the north, approximately 180-feet from the closest residence to the south and setback approximately 100-feet from Chestnut Street. T-Mobile is proposing to utilize a concealment type of design to minimize direct views of the wireless components by locating them within a new structure designed to resemble a "bell tower." The proposed 60-foot high tower would be highly visible from each direction and from residential zoned properties.

The City's Communication Antenna Ordinance, Article 34, Section 33-703, requires applicants to follow the five (5) general guideline principals when constructing a wireless communication facility:

- (a) Height guidelines- Utilizes lowest profile technology. Personal wireless facilities should be designed to be in scale with surrounding buildings and tree heights. Use existing structures as opposed to introducing new ones. Encourage facilities that meet the zone's height standards;

- (b) Location guidelines- which requires the avoidance of proliferations that create or compound undesirable visual impacts, but also encourage co-locations, where appropriate. The principle also applies to wireless communication facilities proposed to be located in residential zones, to encourage single sites utilizing stealth designs and latest technology, ensure full aesthetic integration of new facilities into the proposed locations, ensure the mass and scale of the proposed facility are not excessive in order to meet the carrier's reasonable coverage objectives;
- (c) Stealth technology guidelines- Encourage creative, unobtrusive stealth technology;
- (d) Older facility guidelines- encourage older facilities to upgrade using less obtrusive technology; and
- (e) Emission guidelines- Ensure that emissions do not exceed federal thresholds.

City staff initially reviewed the plans for planning-related issues such as siting, architecture, zoning compliance, and landscaping; engineering; building requirements; safety; and conformance with the City's Wireless Facilities Guidelines (Communication Antennas Ordinance, Article 34, Section 33-703). The Design Review Board considered the permit request on February 5, 2019, and recommended the project be redesigned to meet the guidelines of the City's Communication Antennas Ordinance prior to Planning Commission consideration. All participating Board members, which consist of Planning Management staff, felt the design was not appropriate and compatible for the site and the surrounding area. These comments were communicated with the project applicant, concerning design obtrusiveness and "least intrusive design" alternatives. Specifically, design issues regarding the project's proposed height, bulk, and mass were identified as major project concerns. The design of the proposed "bell tower" would be out of context with the existing church facilities with its large, bulky, box-like design. Little consideration has been served to integrate the architecture and unify the tower with the existing church. Furthermore, the church already has a steeple element. As such the site for the proposed project is not adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed. Further, the "bell tower" does not feature or contain a "bell" element, and is not designed to hold any bells. The Board also expressed concerns with equipment closure and the relatively close location of the enclosure to the church entrance and visibility from the church's main entrance off of Chestnut Street.

Although Article 34, Section 33-703(b) encourages the use of commercial and industrial sites over those proposed for residential sites, in general, the City interprets camouflaging requirements to be the same for both residential and non-residential areas. However, if the site is within a residential area, the analysis for camouflaging and best location requirements are even more critical to the surrounding design context. Pursuant to Article 34, Section 33-704 (Development and Operating Standards), all personal wireless communication facilities installed on residential uses in residential zones shall meet the underlying zones height standards for principal structures. Height exceptions are made for some structures in residential zones, including church steeples,

towers, and wireless masts. Although personal wireless communication facilities may exceed the underlying height restriction of the zone, the church facility already has a height exemption for the existing 78-foot tall steeple. A secondary, and much bulkier concealment “bell tower” is an excessive or unreasonable use of space that creates unnecessary aesthetic impact on surrounding properties. The proposed T-Mobile facility is out of scale with the existing improvements on the property and not compatible with the surrounding neighborhood.

The applicant does have the option of proposing a different least intrusive design. However, the applicant has not pursued or exhausted the technical infeasibility of such alternatives or provided an alternatives analysis for other possible installation design methods or locations. Those options could have included, but is not limited to, the following:

- The applicant has not demonstrated with technically sufficient justification that co-locating on the existing steeple is infeasible. The design alternative would accommodate a “single-site design” on the existing steeple with the other carrier that currently exists instead of creating two (2) large tower elements for such a small church. This design option supports Section 33-703(a) in that co-location would use existing structures as opposed to introducing new ones. This design option also supports Section 33-703(b) in that it encourages single sites utilizing stealth designs, relying on existing improvements to conceal the equipment.
- The applicant has not demonstrated with technically sufficient justification that replacing the existing tower is infeasible.
- The applicant has not provided technically sufficient data that shows that the project considered a lower profile facility (i.e. placing the antenna at a lower location) or equipment in a more architecturally pleasing structure (i.e. more proportionate to the existing improvements on the property). The applicant claims that foliage at the location would block transmissions, but does not provide any analysis of the extent of the potential blockage.

When presented with a City comment letter, requesting redesign so that the facility would be more fully integrated into the proposed location, the applicant requested the item be scheduled for denial rather than working with City staff to resolve outstanding design issues or provide alternatives analysis or justification. As of this writing, City staff is recommending denial of the permit request because the project does not meet the overall intent of the Communication Antennas Ordinance. Consistent with this staff report, the Planning Commission may find that the project design does not adequately meet the City’s standards, or conversely that the City’s requirements have been met and further environmental review is necessary to complete the processing of the project.

C. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 2.33-acres
2. Concealment Tower: 60' tall. Nine (9) Antennas mounted within the concealment tower.
3. Material/Color All new structures to match the color of the existing buildings on site.
4. Antennas: Nine (9) panel antennas approximately 8-feet high x 15- x inches-wide.
5. Equipment: Equipment cabinets, wireless meter and telco enclosure panel located within a new 14 ft. x 6 ft. wooden equipment enclosure adjacent to the wireless facility and a 14ft. x 20 a ft. future co-locator lease area.
6. Hours of Operation: 24 hours, unmanned
7. Setbacks
(From antennas/tower)
9th Ave (Front); 250'
South (nearest P/L) 160'
Chestnut (east) 100'
West: 163'
Northeast (residential) 80'
8. Landscaping: Additional shrubs to be planted around the equipment and enclosure.

D. ENVIRONMENTAL STATUS:

The proposed project is statutory exempt from environmental review in conformance with the California Environmental Quality Act (CEQA) Section 15270, "Projects Which Are Disapproved." CEQA does not apply to projects rejected or disapproved by a public agency.

E. CONCLUSIONS:

The Planning Commission is the authorized agency for reviewing, denying and granting discretionary approvals related to Conditional Use Permits. The Planning Commission is being asked to consider a Conditional Use Permit for a Wireless Communication Facility to install a sixty-foot (60) tall structure designed to resemble a bell tower. The Planning Commission may

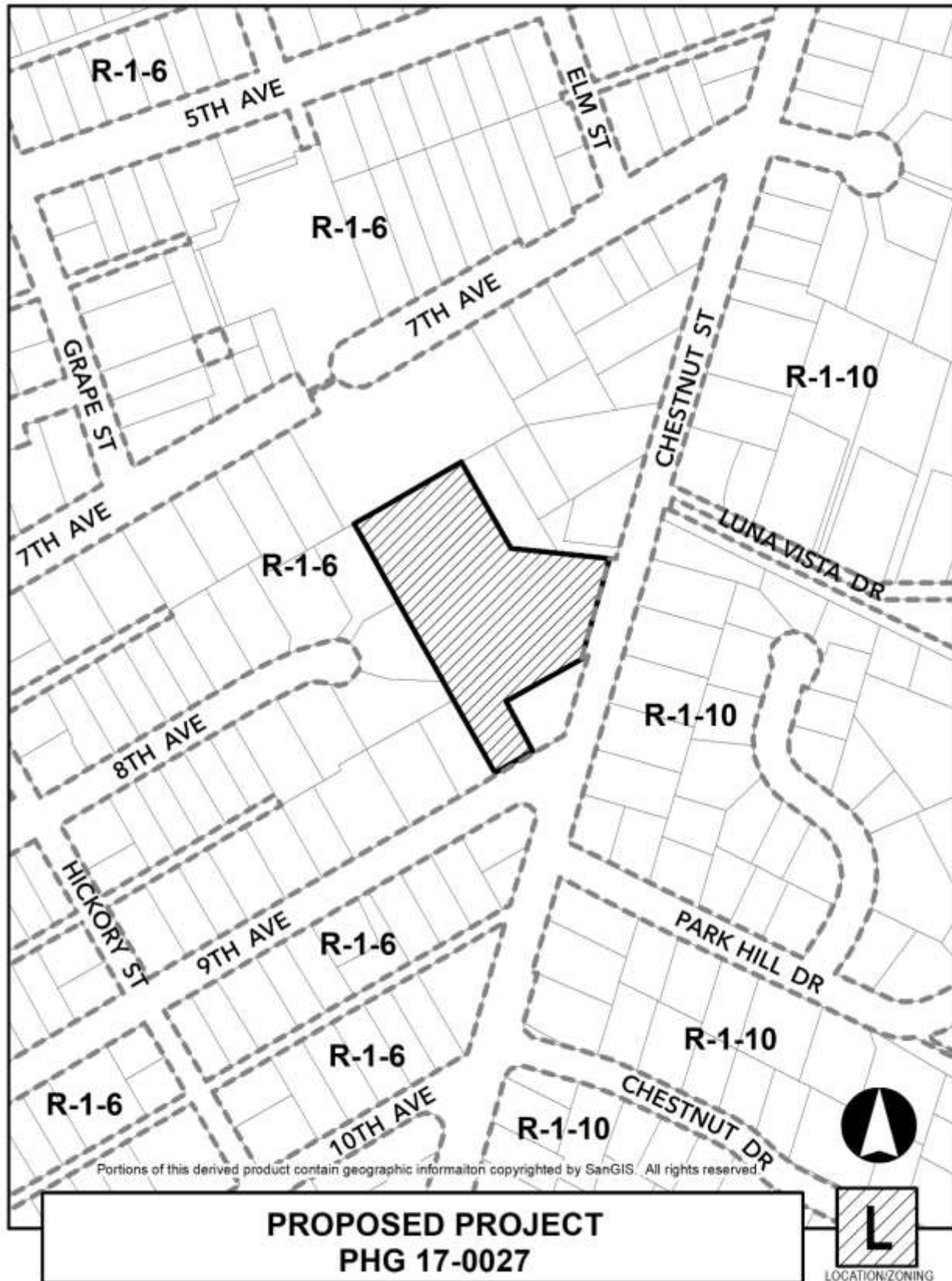
approve, conditionally approve, or deny the proposed plan. As a component of their project review, the Planning Commission must consider the scope of the project and how it measures against City laws which regulate the proposed installation of wireless communication facilities. No other discretionary permits are requested or required for the proposed scope of work.

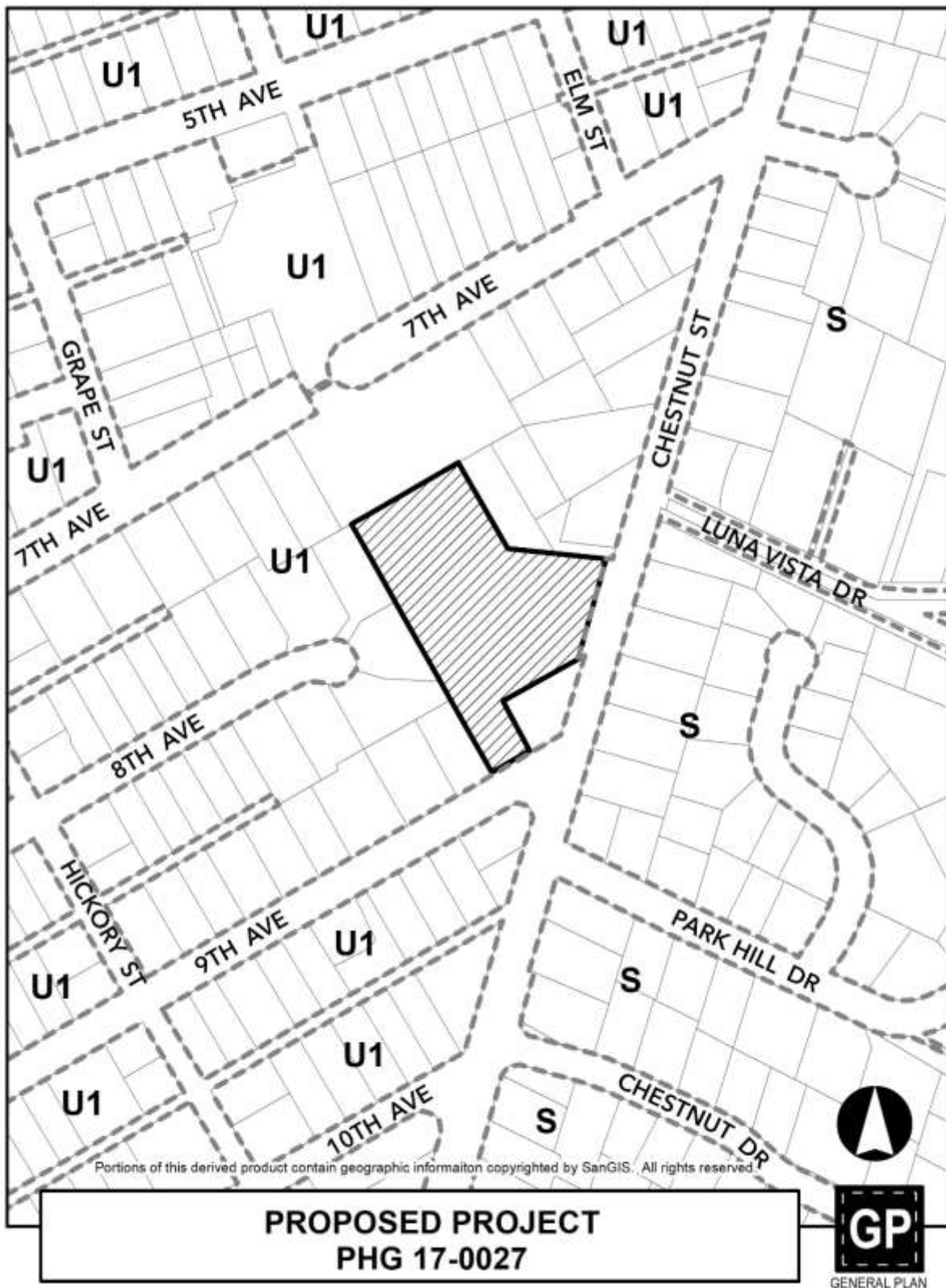
City staff recommends the Planning Commission deny Planning Case No. PHG17-0027 based upon the factors/findings contained in the attached Planning Commission Resolution 2019-05. The proposed project is not consistent with the City's Zoning Ordinance Article 34, Guidelines, as detailed in the sections above. The location, size, design and operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent land uses. Should the Planning Commission choose not to adopt the resolution as set forth in the attachment, City staff recommends that the Planning Commission direct staff to modify the resolution, prepare conditions of approval, and return to Planning Commission for final adoption at the April 9, 2019 regularly scheduled meeting.

ATTACHMENTS:

1. Location and General Plan Map
2. Draft Planning Commission Resolution No. 2019-05 with Exhibits A, B and C

ATTACHMENT 1





ATTACHMENT 2

Hearing Date: March 12, 2019

Effective Date: March 23, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-05

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
DENYING A CONDITIONAL USE PERMIT TO
INSTALL A PERSONAL COMMUNICATION
SERVICES FACILITY FOR T-MOBILE AT TRINITY
EPISCOPAL CHURCH

APPLICANT: Eco-Site (for T-Mobile)

CASE NO: PHG 17-0027

WHEREAS, ECO-Site for T-Mobile (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 17-0027) constituting a request for approval of a Conditional Use Permit for T-Mobile to install a Personal Communication Services Facility (PCS) with nine (9) antennas installed within a sixty-foot (60) tall concealment tower designed to resemble a bell tower as provided in Exhibit "A;" and

WHEREAS, the project site is generally located at 845 Chestnut Street (APN 233-460-24-00), in the R-1-6 Zone (Single-family Residential, minimum 6,000 square feet lot size) and is otherwise all that real property described in Exhibit "B," 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, Personal Communication Services facility (PCS) are conditionally permitted uses within residential zones, subject to the approval of a Conditional Use Permit, in accordance with Section 33-703, Article 34 "Communication Antennas" of the Escondido Zoning Code; and

WHEREAS, pursuant to CEQA and CEQA Guidelines (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; and

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend denial 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 March 12, 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 March 12, 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; and

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

1. That the above recitations are true and correct.
2. The Planning Commission, in its independent judgment, finds that CEQA does not apply to the denial of the project pursuant to Section 15270 ("Projects Which Are Disapproved").
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 makes a motion to deny said conditional use permit application to use the subject property for said purposed specified above. In order for a Conditional Use Permit to be approved, the proposed development must comply with all applicable requirements of the Escondido Zoning Code and goals and policies of the General Plan.

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

6. The development plan for this project 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.

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 12th day of March, 2019, by the following vote, to wit:

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

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

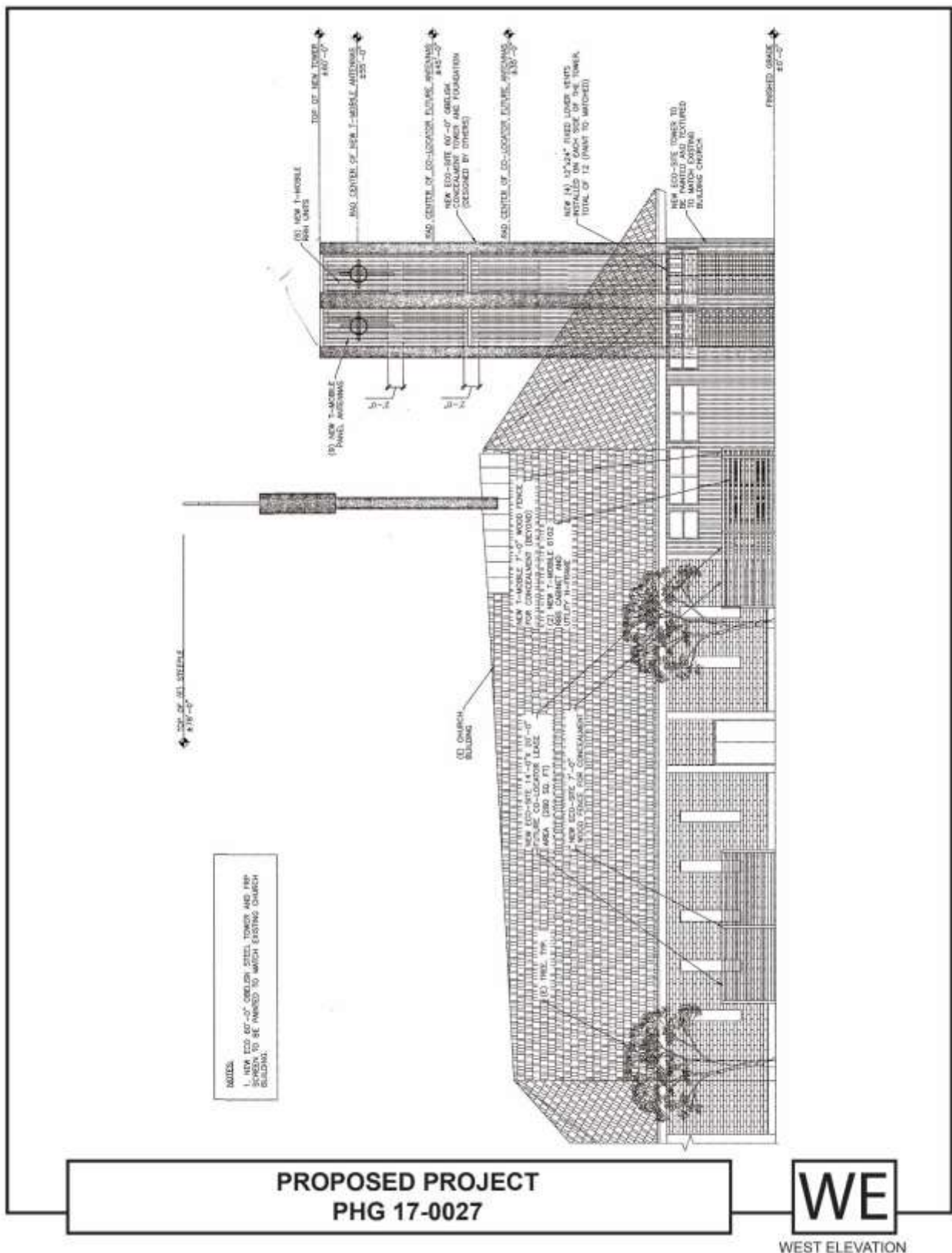
MIKE STRONG, Secretary of the
Escondido Planning Commission

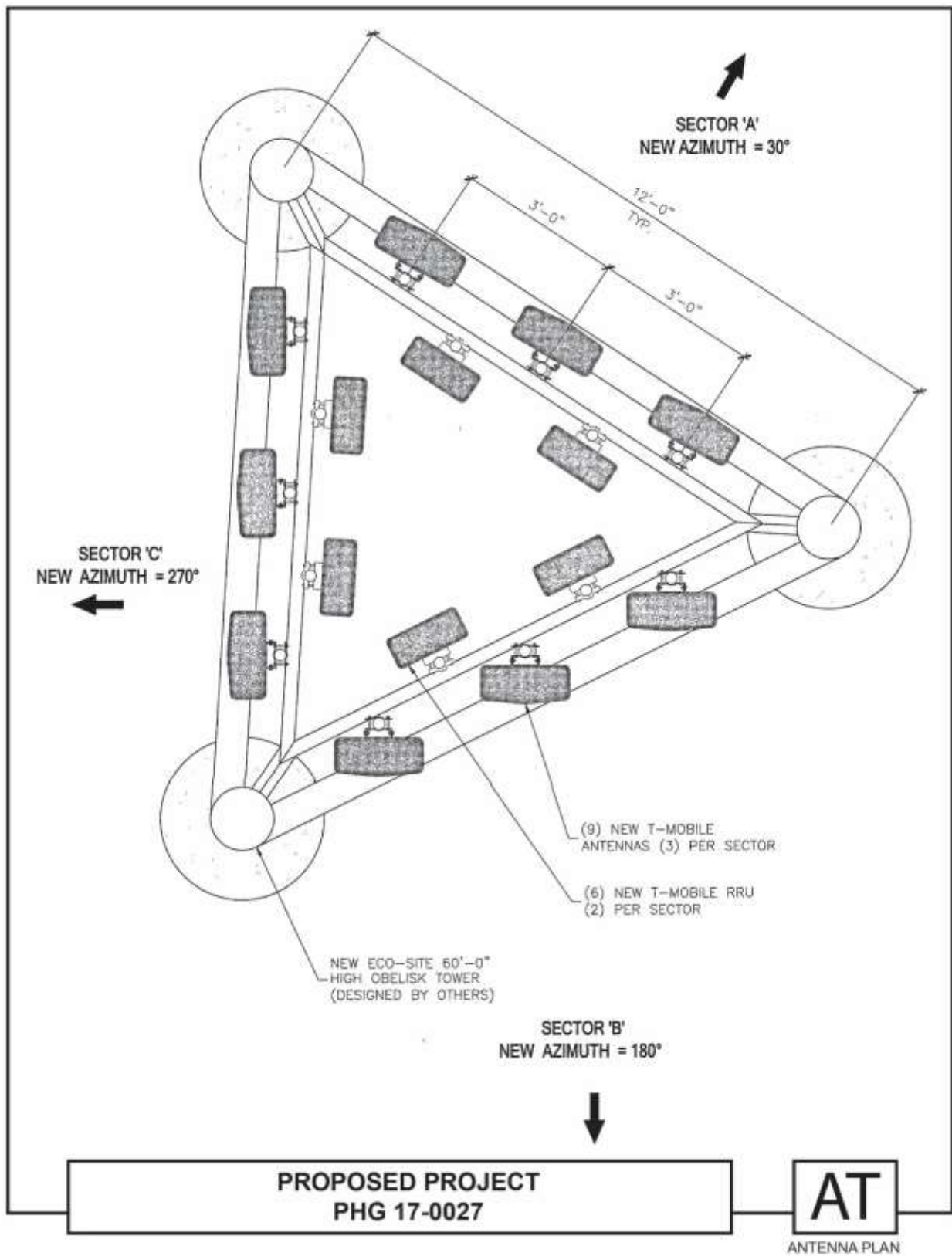
I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

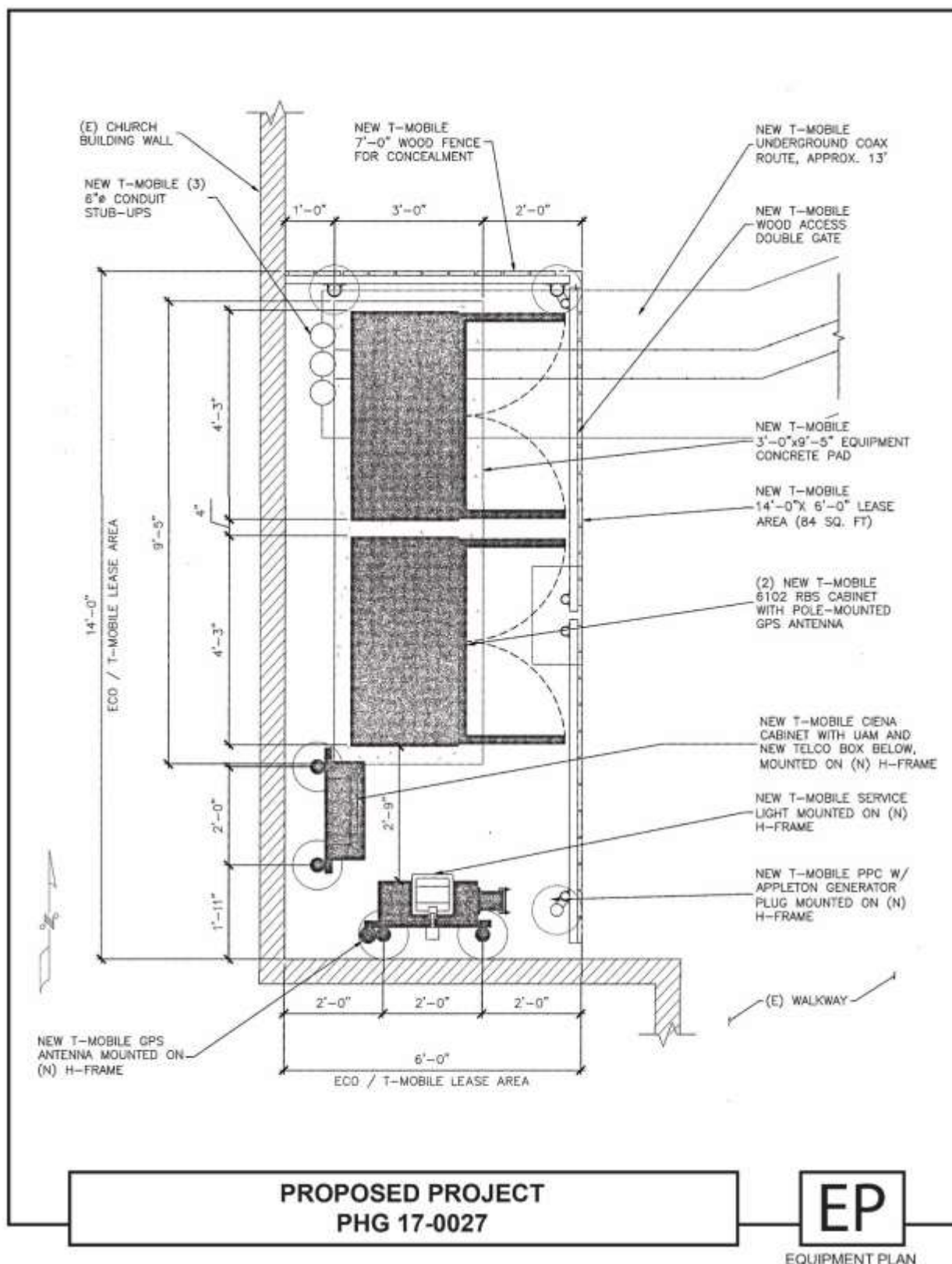
KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

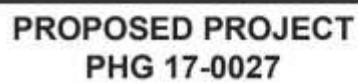
Decision may be appealed to City Council
pursuant to Zoning Code Section 33-1303

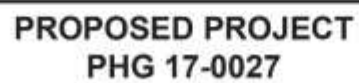


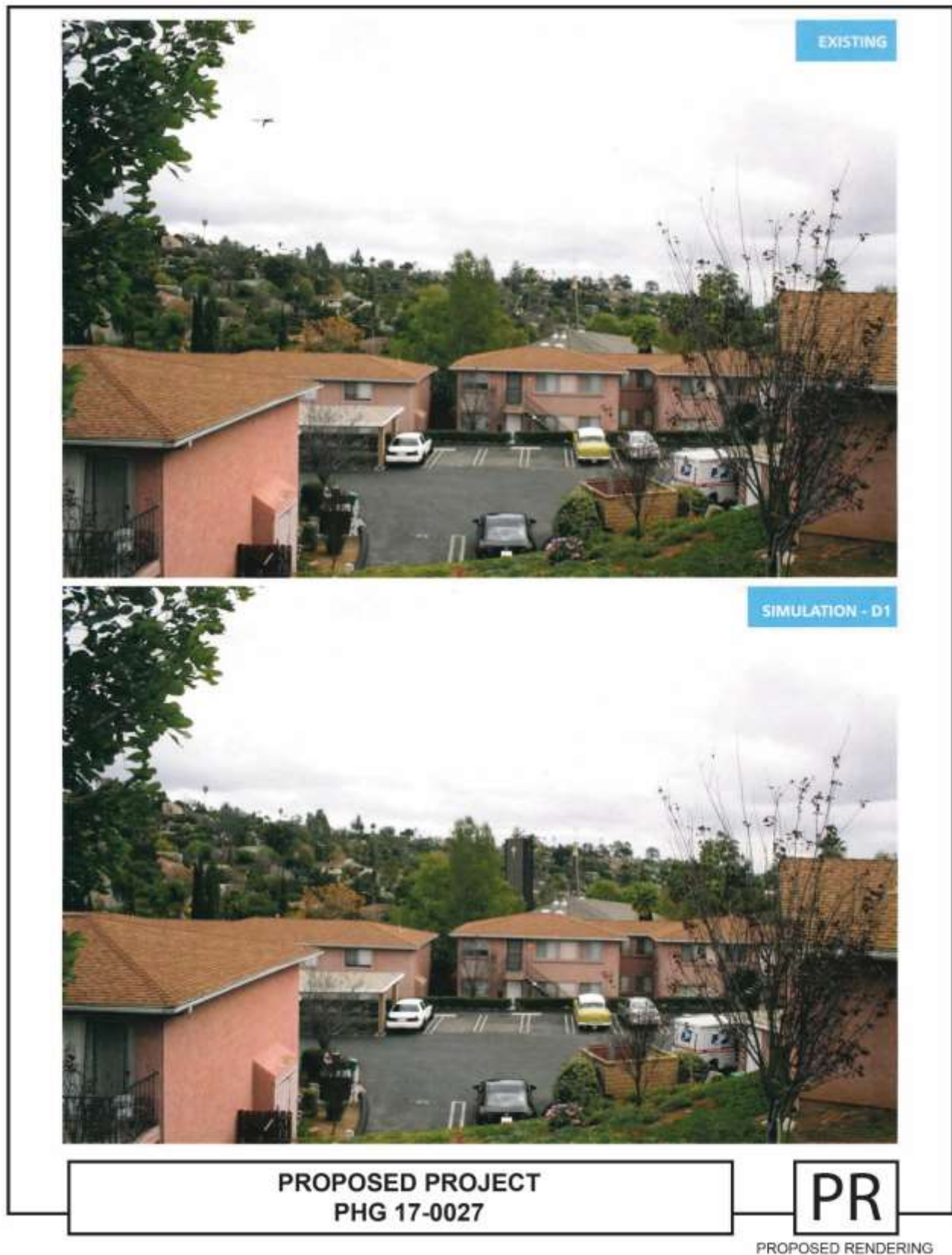




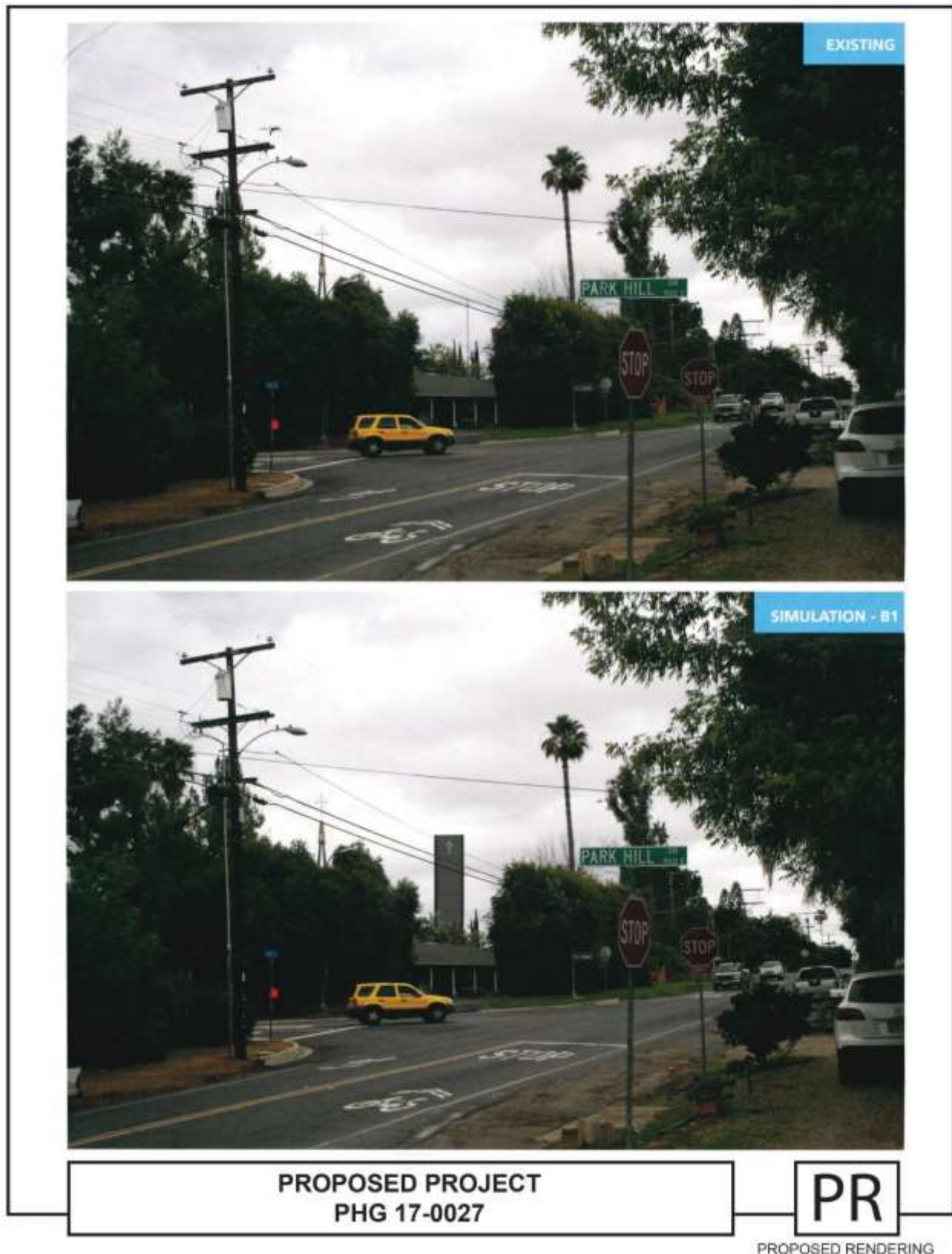














**PROPOSED PROJECT
PHG 17-0027**

PR

PROPOSED RENDERING

Exhibit "B"

LEGAL DESCRIPTION

PHG 17-0027

PARCEL 1:

THAT PORTION OF LOTS 3 AND 4 IN BLOCK 307 OF ESCONDIDO, IN THE 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, JULY 10, 1886, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 3; THENCE NORTH 59°09' EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT, A DISTANCE OF 688 FEET TO MOST EASTERLY CORNERS OF A PORTION OF SAID LOT CONVEYED TO R.N. CHAPMAN AND WIFE, BY DEED RECORDED JULY 07, 1939 IN BOOK 920, PAGE 222 OF OFFICIAL RECORDS; THENCE NORTH 30°46' WEST ALONG THE NORTHEASTERLY LINE OF SAID LAND CONVEYED TO CHAPMAN, A DISTANCE OF 140 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE OF 140 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE OF CHAPMAN'S LAND NORTH 30°46' WEST 240 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 3; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE OF ABOVE MENTIONED LOT 4, A DISTANCE OF 150 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 4, A DISTANCE OF 210.5 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 4, A DISTANCE OF 210.5 FEET TO THE NORTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO W.H. BERNHART, ET UX, RECORDED SEPTEMBER 13, 1951 UNDER DOCUMENT NO. 110984 IN BOOK 4231, PAGE 298 OF OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID BERNHART'S LAND, SOUTH 30°46' EAST 220 FEET TO AN ANGLE POINT THEREIN; THENCE NORTH 81°17'30" EAST 153.08 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 3, DISTANT THEREON SOUTH 16°06' WEST 186.88 FEET FROM THE MOST EASTERLY CORNER THEREOF; THENCE ALONG SAID EASTERLY LOT LINE SOUTH 16°06' WEST 164.85 FEET, MORE OR LESS, TO A LINE BEARING NORTH 59°09' WEST TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 59°09' WEST 232.0 FEET TO THE TRUE POINT OF BEGINNING; ALSO THAT PORTION OF THE WESTERLY HALF OF CHESTNUT STREET, IMMEDIATELY ADJOINING SAID PORTION OF SAID LOT 3 AND EXTENDING FROM THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID PROPERTY FIRST HEREINABOVE DESCRIBED TO A LINE SET AT RIGHT ANGLES TO SAID EASTERLY LOT LINE, BEARING SOUTH 73°54' EAST FROM THE MOST EASTERLY CORNER OF SAID PROPERTY FIRST HEREINABOVE DESCRIBED.

EXCEPTING THEREFROM INTEREST CONVEYED TO THE CITY OF ESCONDIDO IN AND TO THE EASTERLY 9.00 FEET AS CONVEYED TO THE CITY OF ESCONDIDO, BY DOCUMENT RECORDED MAY 26, 1976 AS FILE/PAGE NO. 76-157875 OF OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF LOT 3 IN BLOCK 307 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, JULY 10, 1886, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT, DISTANT ALONG SAID LINE, SOUTH 16°06' WEST 6 FEET; THENCE LEAVING SAID EASTERLY LINE, SOUTH 81°17'30" WEST 153.08 FEET TO THE SOUTHWESTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN DEED TO W.H. BERNHART, ET UX, RECORDED SEPTEMBER 13, 1951 IN BOOK 4231 PAGE 298 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID BERNHART LAND, NORTH 30°46' WEST 46 FEET;

THENCE NORTH 59°09' EAST PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT, A DISTANCE OF 5 FEET; THENCE EASTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM INTEREST CONVEYED TO THE CITY OF ESCONDIDO IN AND TO THE EASTERLY 9.00 FEET AS CONVEYED TO THE CITY OF ESCONDIDO, BY DOCUMENT RECORDED MAY 26, 1976 AS FILE/PAGE NO. 76-157875 OF OFFICIAL RECORDS.

PARCEL 3:

THAT PORTION OF THE LOT IN BLOCK 307 OF ESCONDIDO, IN THE 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, JULY 10, 1886, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE NORTH 59°09' EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT A DISTANCE OF 888 FEET TO THE MOST EASTERLY CORNER OF A PORTION OF SAID LOT CONVEYED TO R.N. CHAPMAN AND WIFE, BY DEED RECORDED JULY 7, 1939 IN BOOK 920, PAGE 222 OF OFFICIAL RECORDS; THENCE NORTH 30°46' WEST ALONG THE NORTHEASTERLY LINE OF SAID LAND CONVEYED TO CHAPMAN A DISTANCE OF 40 FEET TO THE TRUE POINT OF BEGINNING, BEING A POINT ON THE NORTHERLY LINE OF THAT CERTAIN STREET AS DESCRIBED IN DEED TO THE CITY OF ESCONDIDO, REGISTERED JUNE 30, 1947 AS DOCUMENT NO. 22949, IN THE OFFICE OF THE REGISTRAR OF LAND TITLES OF SAN DIEGO COUNTY, THENCE CONTINUING NORTH 30°46' WEST A DISTANCE OF 100 FEET; THENCE NORTH 59°09' EAST A DISTANCE TO 75.00 FEET TO AN INTERSECTION WITH A LINE BEARING NORTH 30°46' WEST FROM THAT POINT IN SAID NORTHERLY LINE OF SAID STREET AS DESCRIBED IN DEED TO THE CITY OF ESCONDIDO, WHICH IS NORTH 30°46' EAST ALONG SAID NORTHERLY LINE 75.00 FEET FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 30°46' EAST 100.00 FEET TO SAID NORTHERLY LINE, THENCE SOUTH 59°09' WEST ALONG SAID NORTHERLY LINE 75.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE INTEREST CONVEYED TO THE CITY OF ESCONDIDO IN DEED RECORDED MAY 25, 1976, RECORDER'S FILE NO. 76-157874 OF OFFICIAL RECORDS IN AND TO THE SOUTHEASTERLY 3.00 FEET.

Assessor's Parcel No: 233-460-24

Exhibit "B" (cont.)



FINDINGS OF FACT

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EXHIBIT “C”

Environmental Determination:

1. The proposed project is statutory exempt from environmental review in conformance with CEQA Section 15270, “Projects Which Are Disapproved.”

Conditional Use Permit:

1. All decisions granting or denying Conditional Use Permits shall be made in accordance with Section 33-1203 of the Escondido Zoning Code (Findings for Conditional Use Permits). The new construction of a wireless communication facility has been reviewed and the Planning Commission concludes and finds, based on the analysis of the project described therein the March 12, 2019 Planning Commission Staff Report, that:

- a. Denying the proposed Conditional Use Permit to allow the construction of a wireless communication facility would be based upon sound principles of land use, because the project does not conform to Article 34 “Communication Antennas”, Personal Wireless Facilities Guidelines (Section 33-703) adopted by the City Council, which requires all new Personal Wireless Services Facilities (PWSF) to be in scale and context with their surroundings. The existing church site already has an approved wireless facility onto of an existing steeple. The current guidelines encourage co-location, rather than proliferations that create or compound undesirable visual impacts.

The proposed project is not adequate in terms of location, shape, and size given that the facility’s equipment would not blend in with the surrounding landscape and neighborhood. The propose project lacks compatibility with the surrounding development given that the proposed facility doesn’t fit in within the residential setting. The proposed facility is bulky in contrast to other improvements on the property and within the immediate vicinity, and therefore emphasized visually.

- b. Granting the proposed Conditional Use Permit could potentially cause deterioration of bordering land uses or create special problems for the area in which it is located, since the facility would not fit into the context of the existing church facility, since the existing church is of small scale. Views from adjacent public street and adjacent properties of the proposed personal wireless communication facility are highly visible. The design and location of the proposed facility would not be in compliance with the City’s Wireless Facility Guidelines, as discussed in the Planning Commission Staff Report.

- c. The proposed Conditional Use Permit for a wireless communication facility has been considered in relationship to its effect on the neighborhood and it has been determined not to be compatible with the surrounding neighborhood and not in conformance with the Communication Antenna Wireless Facility Guidelines, and would result in a negative impact to the adjacent neighborhood for the reason stated above and detailed in the Planning Commission Staff Report.
2. Personal wireless service facilities require a Conditional Use Permit pursuant to Division 1 of Article 61 in all residential and open space zones. The denial of this single permit request is not generally a prohibition of service. Substantial evidence exists to support the Planning Commission's denial, which is comprised of the Planning Commission Staff Report in its entirety, including attachments thereto, City staff's presentation, and any additional evidence and oral testimony received on March 12, 2019.
3. The design of the equipment did not result in a least intrusive means in that other camouflaging options were discoverable and may be more appropriate for the location, as detailed in the Planning Commission Staff Report. The applicant's alternative analysis is insufficient because it provides assertions rather than objective data to eliminate those alternatives from consideration. As noted in the March 12, 2019 Staff Report, the applicant stopped permit review, mid-stream, and did not attempt to address specific alternative design and location suggestions to study and exhaust as part of the permit review process. The applicant cannot shift the burden to the City to disprove aesthetic considerations. The analysis for camouflaging and best location requirements should go further than the scope of the permit request and address the surrounding design context such as proximity to residences, design obtrusiveness, and placement of accessory equipment. Although personal wireless communication facilities may exceed the underlying height restriction of the zone, the church facility already has a height exemption for the existing 78-foot tall steeple. A secondary, and much bulkier concealment "bell tower," that is 60 feet tall and not designed to hold any bells, is an excessive and unreasonable use of space that creates unnecessary aesthetic impact on surrounding properties. The proposed personal wireless communication facility is out of scale with the existing improvements on the property and not compatible with the surrounding neighborhood.

PLANNING COMMISSION

Agenda Item No.: H.1
Date: March 12, 2019

PROJECT NUMBER / NAME: MISC 19-0004 / Annual General Plan Progress Report.

REQUEST: Receive and file report.

LOCATION: Citywide

APPLICANT: City of Escondido

APN / APNS: N/A

**PRIMARY
REPRESENTATIVE:** Planning Division

GENERAL PLAN / ZONING: N/A

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: Planning Case No. MISC 18-0006 (2017 report)

PROJECT PLANNER: Mike Strong, Assistant Planning Director
mstrong@escondido.org

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Section 15378(b)(5)).

STAFF RECOMMENDATION: Receive and file report.

REQUESTED ACTION: None.

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

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

A. BACKGROUND:

The City Council adopted a comprehensive update to the General Plan, as well as a new Housing Element for the 2013-2020 reporting cycle, on December 12, 2012. The General Plan states the community's vision, goals, objectives, policies, and implementation measures (i.e., ways to achieve the goals and objectives) for the future build-out of the city. As an information-based document, the General Plan describes existing conditions, makes projections, and establishes a vision for the community's future. As a policy document, the General Plan establishes a policy framework for decision-makers. Using this framework, the City Council and Planning Commission take incremental steps toward achieving the larger goals of the City by approving projects that are consistent with the General Plan.

Government Code Section 65400 mandates that cities and counties submit an annual report on the status of their General Plan and progress in its implementation. This staff report documents the third annual review of the 2012 General Plan, and the sixth annual review of the current Housing Element.

B. ENVIRONMENTAL STATUS:

The General Plan Annual Progress Report is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This informational item provides a means to monitor the success of implementing the General Plan and review what was implemented during the 12-month reporting period.

ATTACHMENT:

1. General Plan Annual Progress Report

ATTACHMENT 1

General Plan Annual Progress Report

Due to the number of pages of the attachment, a link has been provided to review the document electronically on the City's web site at.

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/GPAnnualReport/GeneralPlanAnnualReport2018.pdf>

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.