

PLANNING COMMISSION

Agenda Item No.: _____
Date: January 26, 2010

CASE NUMBER: 2004-02-AZ, 2004-66-CUP

APPLICANT: McArdle Associates Architects

LOCATION: The site is on the northwestern corner of the intersection of Brotherton Road and Centre City Parkway, addressed as 400 Brotherton Road.

TYPE OF PROJECT: Amendment to the South Escondido Boulevard Area Plan and Conditional Use Permit

PROJECT DESCRIPTION: A Conditional Use Permit for an automobile service commercial development consisting of an approximately 5,500 SF automated carwash and oil change facility and a 4,150 SF restaurant. The proposal also includes an amendment to the South Escondido Boulevard Neighborhood Plan to allow the carwash, which currently is not a permitted use on the site.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: General Commercial

ZONING: CG (General Commercial) and South Escondido Boulevard Area Plan (Area B)

BACKGROUND/SUMMARY OF ISSUES: A slightly different version of this project was reviewed by the Planning Commission and City Council early last year. The proposal at that time had the carwash building on the western half of the property and the restaurant building on the northeastern corner of the site. The Planning Commission voted 6-1 (Weber opposed) to recommend denial of the project on January 27, 2009. The City Council considered the project on March 4, 2009, and appeared divided on the appropriateness of the carwash and location of the buildings. The Council voted unanimously to refer the project back to the Planning Commission with direction to the applicant to consider alternative uses or site design to reduce potential impacts to the adjacent residential neighborhood.

The applicant responded by changing the location of the buildings on the site. The carwash building was shifted to the eastern property line with the carwash tunnel located closest to Centre City Parkway. The restaurant building was moved from the northeastern corner to the southwestern corner of the site. On June 25, 2009, the Design Review Board voted 6-0 to recommend approval of the relocated building design.

The applicant initially presented a conceptual plan for an auto services and restaurant development in October of 2003. The development consisted of three buildings including a gas station/mini-mart, carwash/oil change facility, and a restaurant. Several meetings were conducted to discuss the plan and the applicant was informed the property was located within the South Escondido Boulevard Area Plan, which does not allow carwash facilities on his property. The applicant was notified that an amendment to the area plan would be necessary to accommodate his project and that staff could not accept the necessary amendment request until it was initiated by the City Council. On January 21, 2004, the City Council voted 3-1 (Newman opposed, Waldron absent) to initiate for further study the applicant's request for an amendment to the South Escondido Boulevard Area Plan.

The proposed area plan amendment and Conditional Use Permit for the project were submitted in September of 2004. A neighborhood meeting was held on November 16, 2004, where the project was criticized by surrounding neighbors as being incompatible with nearby residential development. During a March 24, 2005, Design Review Board meeting, the applicant was directed to redesign the project and there followed a long period where the applicant considered alternative designs and worked towards completing the required technical studies.

A revised project design was submitted in March of 2008. The revised design eliminated the gas station/mini-mart component while retaining the carwash/oil change facility and the restaurant building. A second neighborhood meeting was held on October 20, 2008, where the project again was criticized by surrounding neighbors as being incompatible with nearby residential development. On November 6, 2008, the Design Review Board voted 7-0 to approve the project and complemented the applicant on the architecture, landscaping and extensive use of decorative pavement. The project was then forwarded to the Planning Commission and City Council with the result being a referral back to the Planning Commission for another review, and the most recent redesign that changed the location of the two buildings on the site.

Staff feels that the issues are as follow:

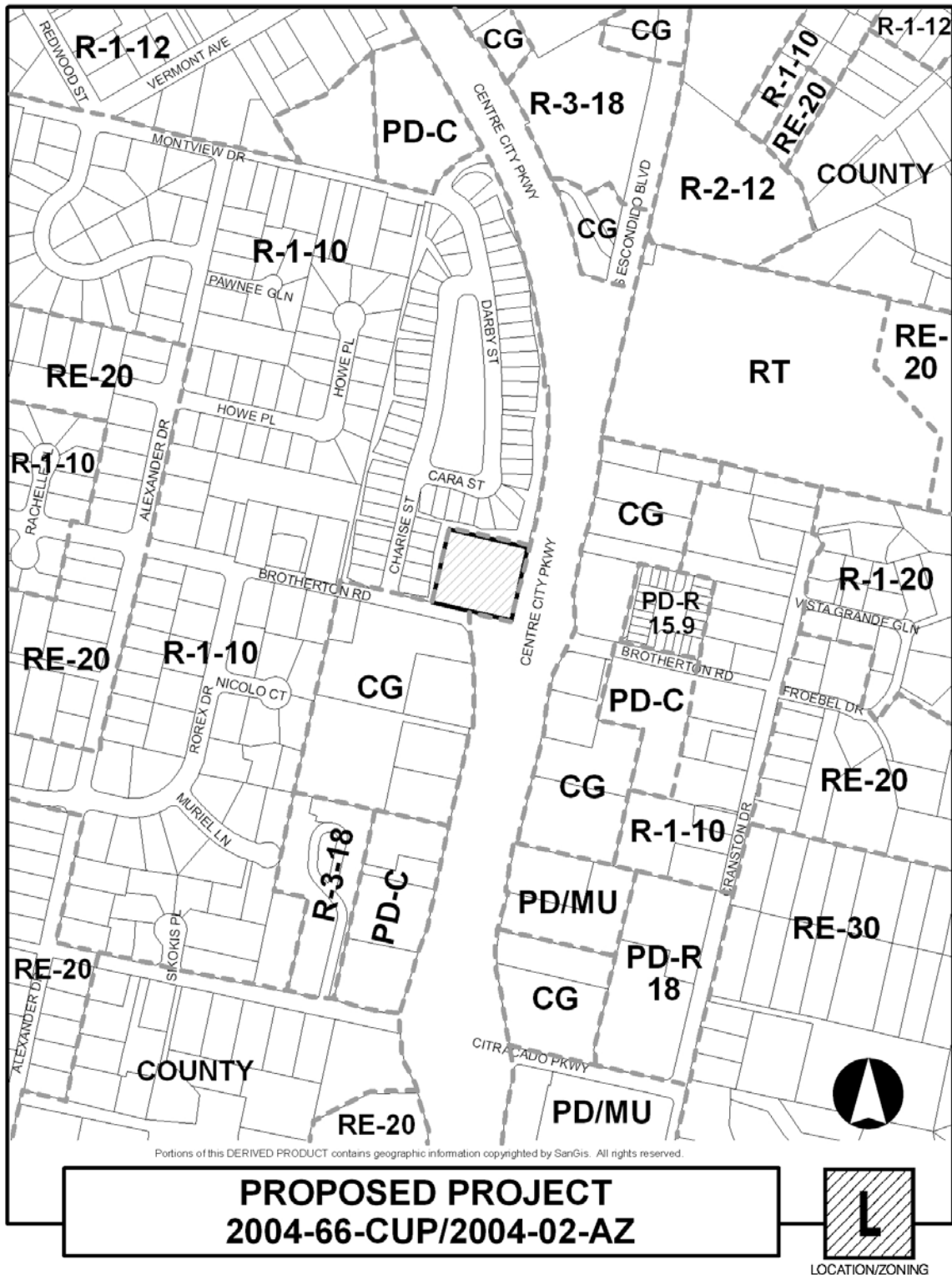
1. Appropriateness of amending the South Escondido Boulevard Area Plan to conditionally allow car washes in Area "B."
2. Whether the proposed development is compatible with the adjacent residential neighborhood.

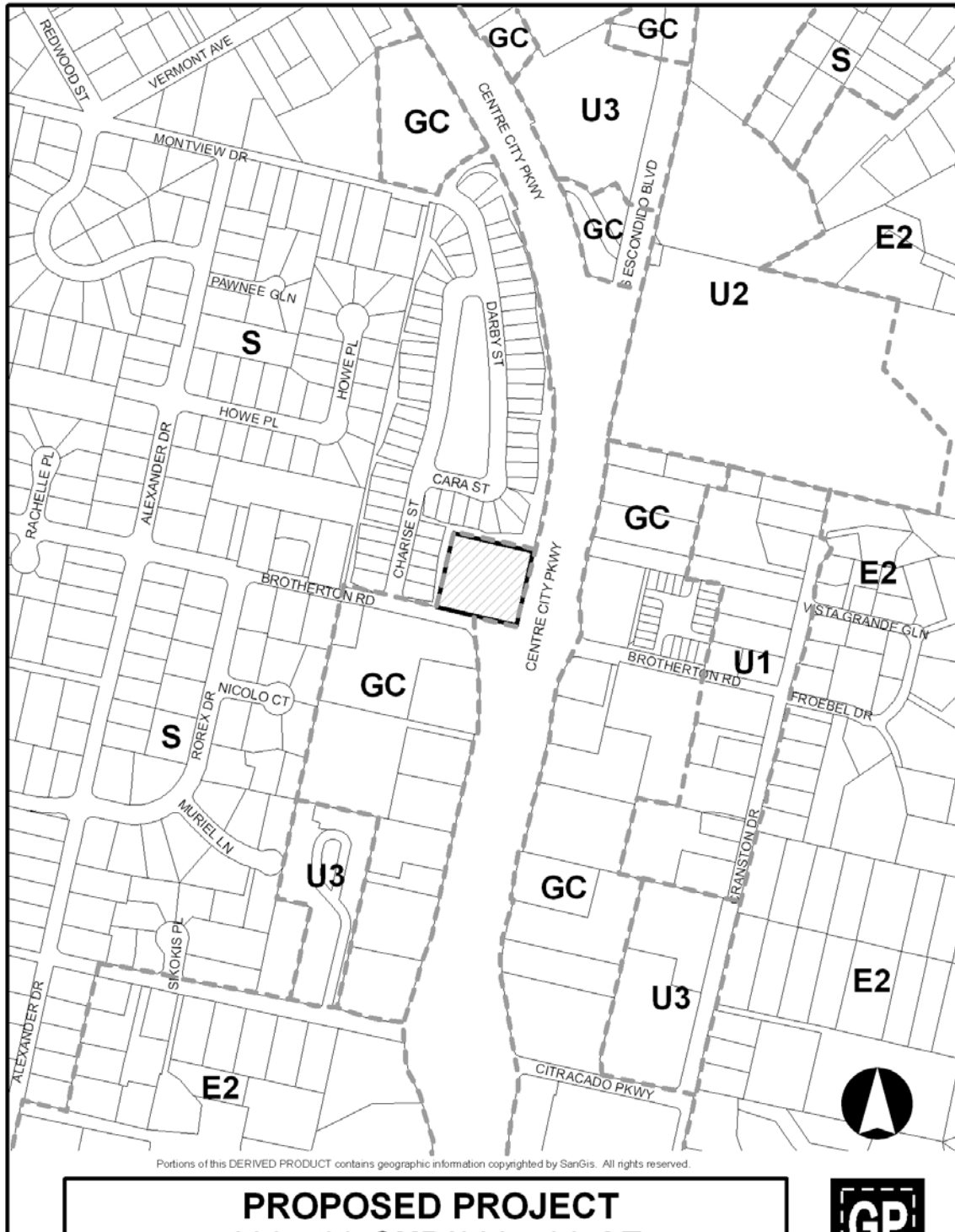
REASONS FOR STAFF RECOMMENDATION:

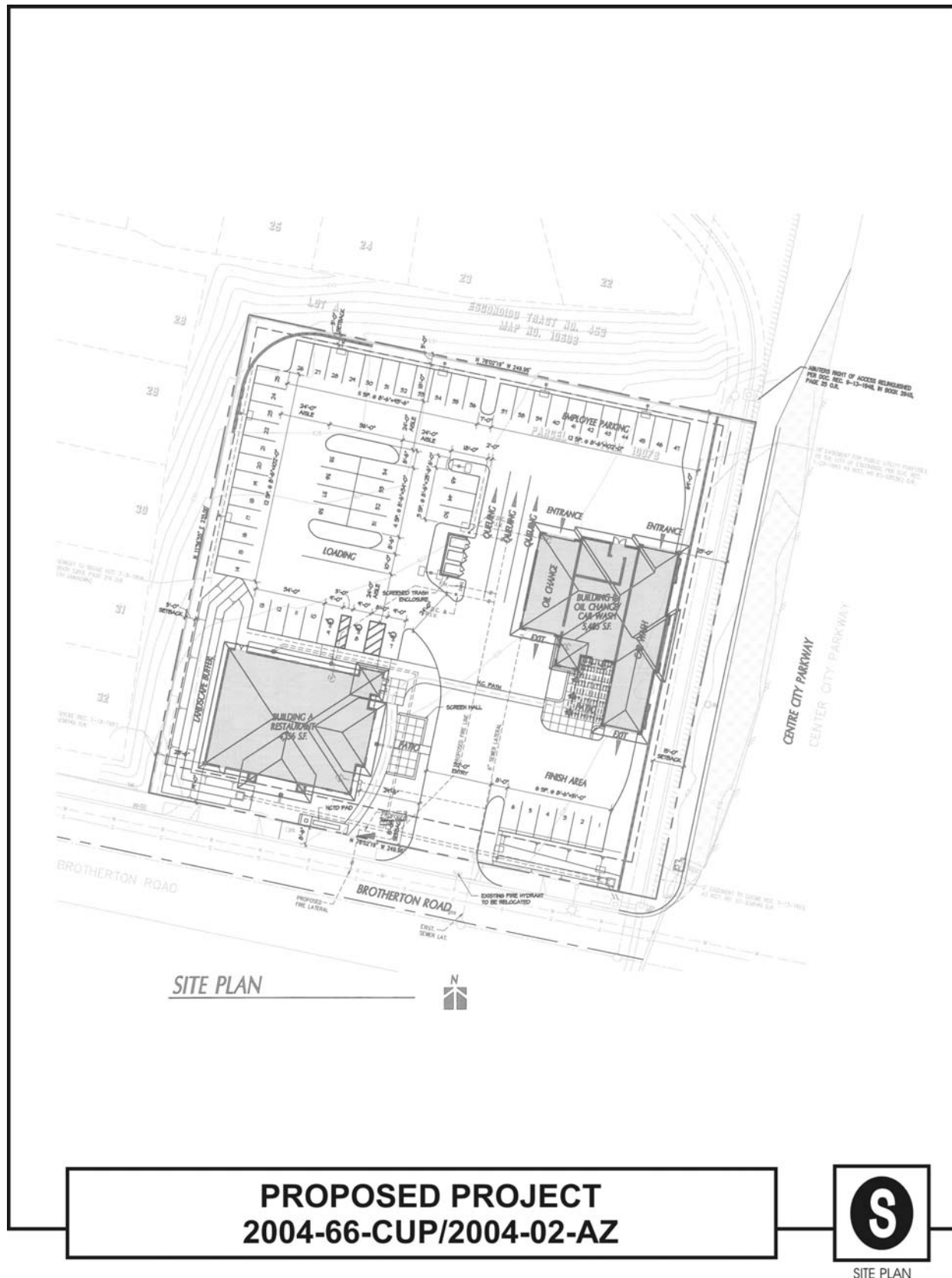
1. At the time the South Escondido Boulevard Area Plan was developed, it was recognized that auto sales, service and repair should receive additional review considering the goal to create a more pedestrian friendly streetscape on the northern end (Area "A") and the general lack of established auto related businesses in the southern end (Area "B"). All auto related uses are either conditionally permitted or not permitted. An amendment was approved in 1998 to allow carwashes, but was so restrictive as to allow them only where a previous automotive-related business had been legally established. Staff feels the amendment to conditionally allow carwashes in Area "B" is appropriate in this case since the underlying commercial zoning would permit the use; and the Conditional Use permit process would provide the extra level of scrutiny to ensure that potential effects generated by a carwash are minimized to the extent feasible.
2. Staff feels the revised project design that relocates the carwash tunnel closest to Centre City Parkway has enhanced the suitability of the project and that the applicant has demonstrated that potential impacts related to noise, odors, light spillover and traffic can be reduced and mitigated to meet city standards and minimize adverse effects on neighboring residents.

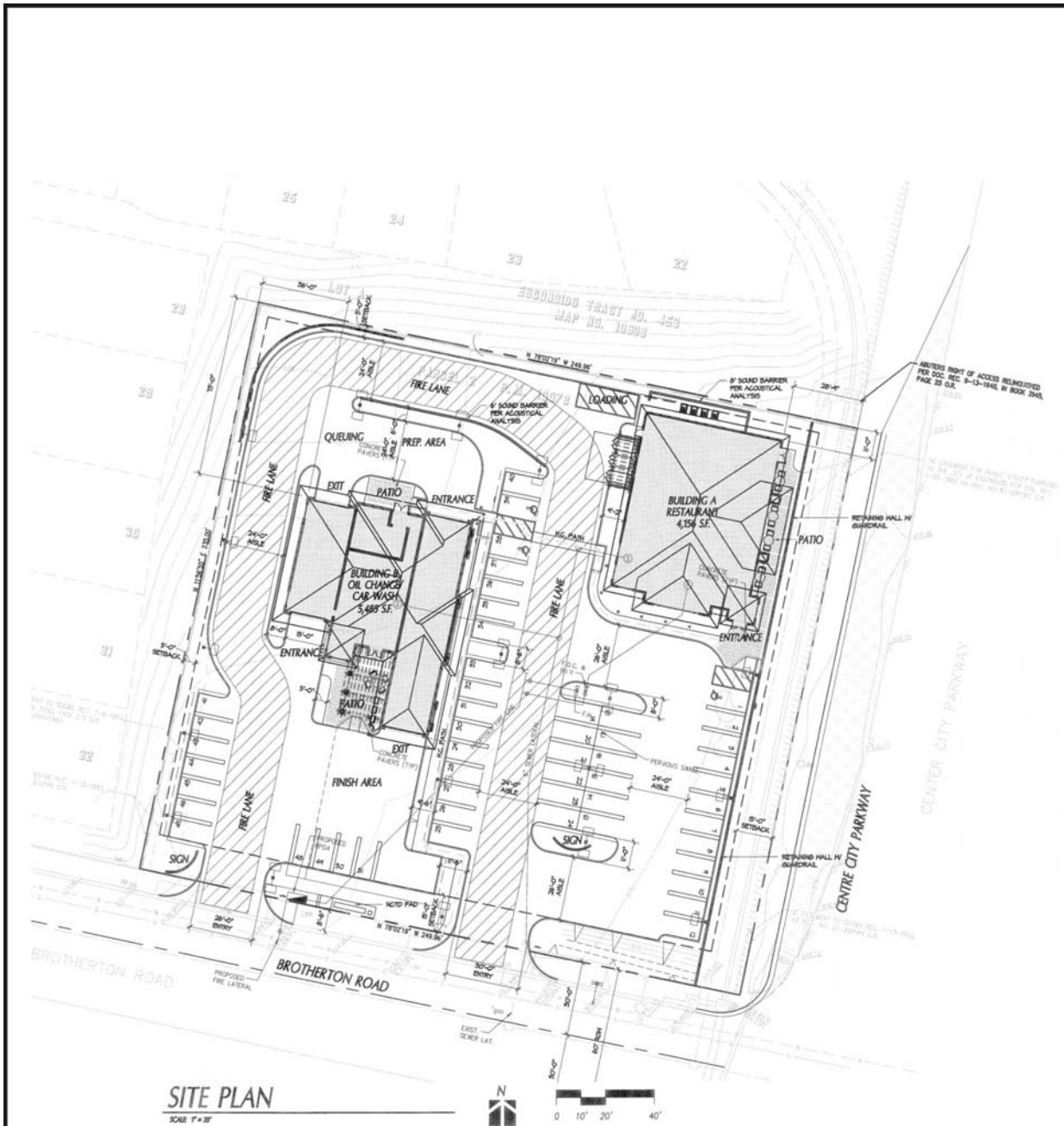
Respectfully submitted,

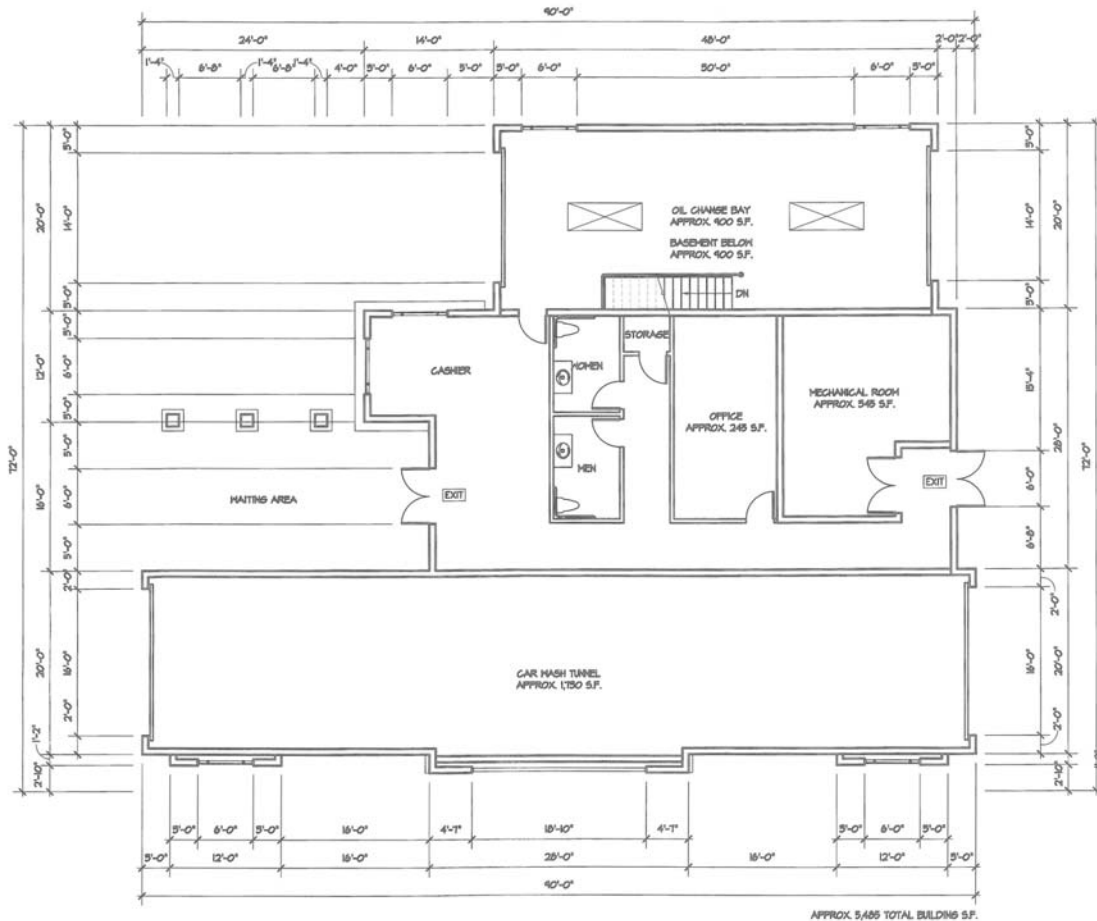
Bill Martin
Principal Planner







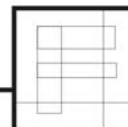




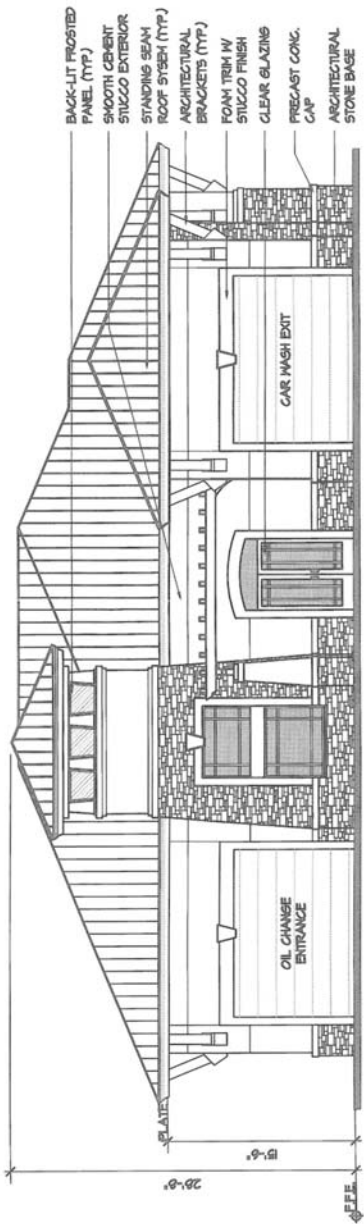
APPROX. 5,405 TOTAL BUILDING S.F.

FLOOR PLAN (CAR WASH)

**PROPOSED PROJECT
2004-66-CUP/2004-02-AZ**

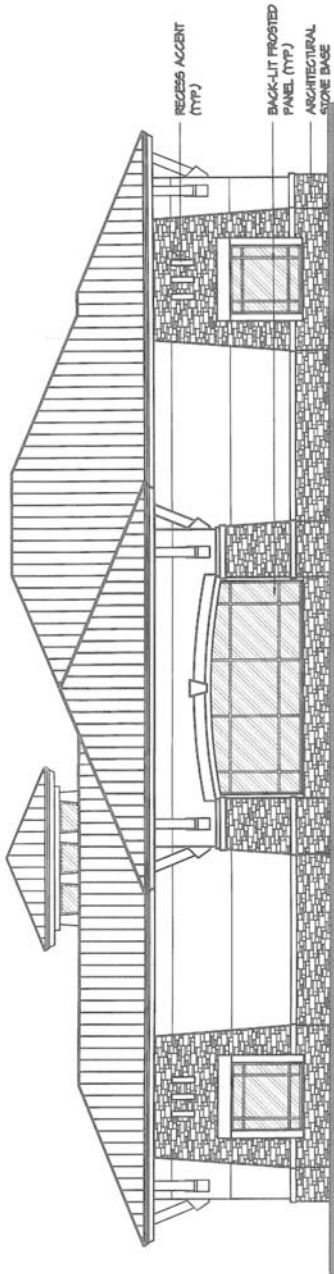


FLOOR PLAN



SOUTH ELEVATION

3



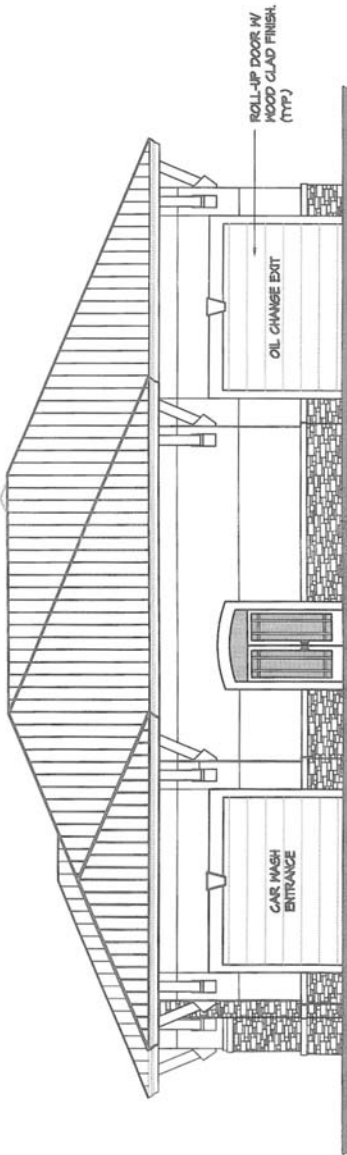
EAST ELEVATION

4

CAR WASH

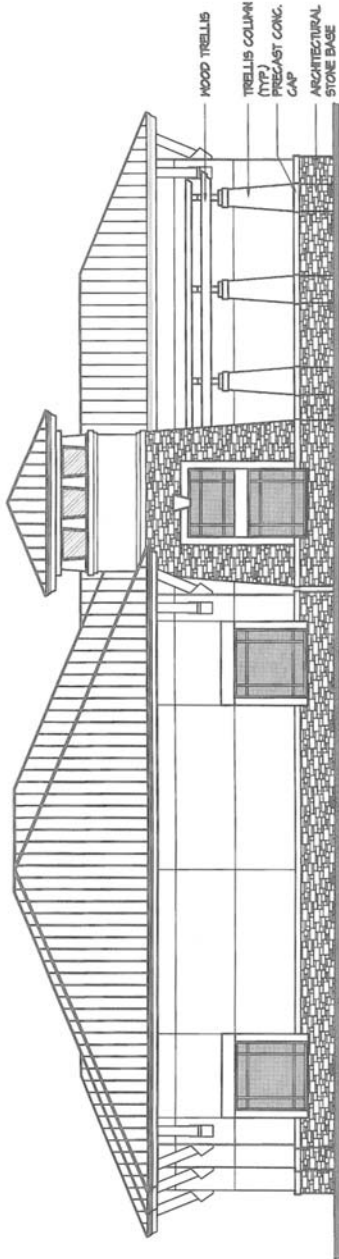
PROPOSED PROJECT
2004-66-CUP/2004-02-AZ





NORTH ELEVATION

1



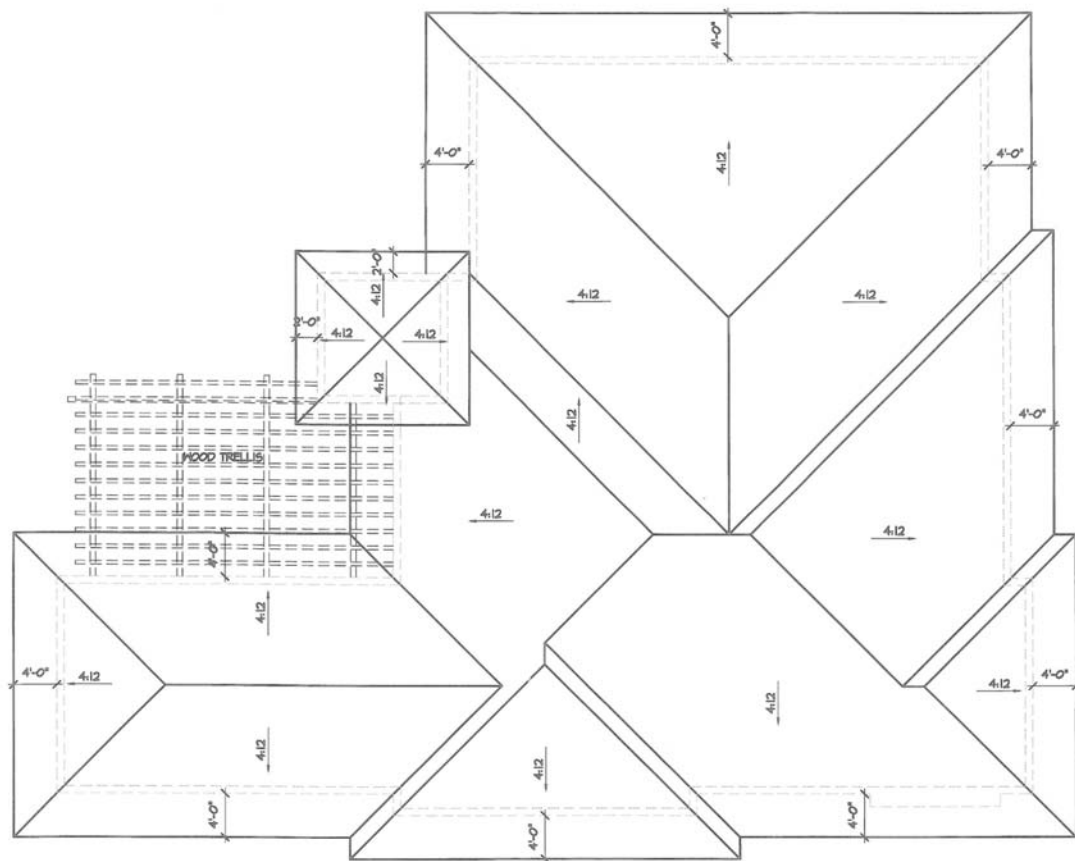
WEST ELEVATION

2

CAR WASH

PROPOSED PROJECT
2004-66-CUP/2004-02-AZ





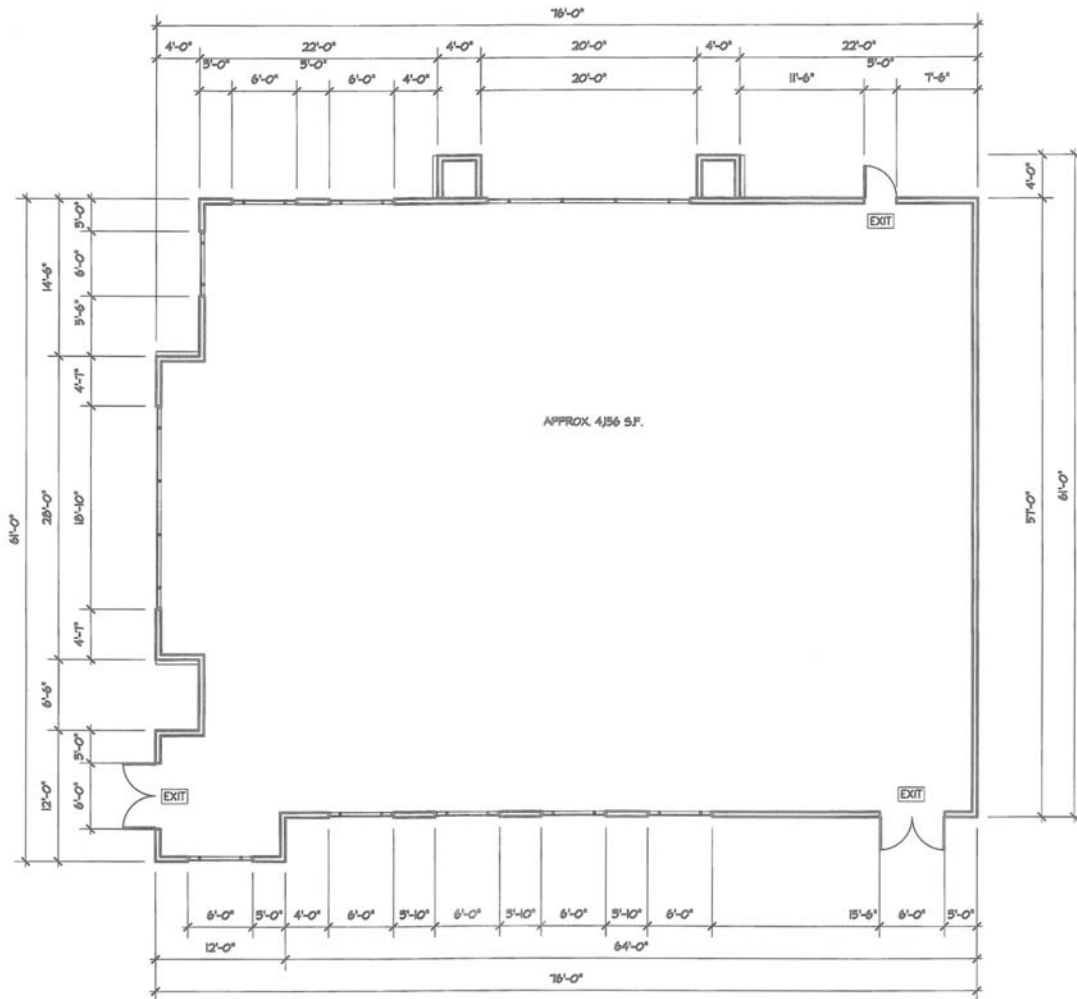
NOTE: A STANDING SEAM MET. ROOF SYSTEM WILL BE USED FOR ALL ROOF SURFACES.

ROOF PLAN (CAR WASH)

**PROPOSED PROJECT
2004-66-CUP/2004-02-AZ**

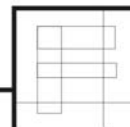


ROOF PLAN



FLOOR PLAN (RESTAURANT)

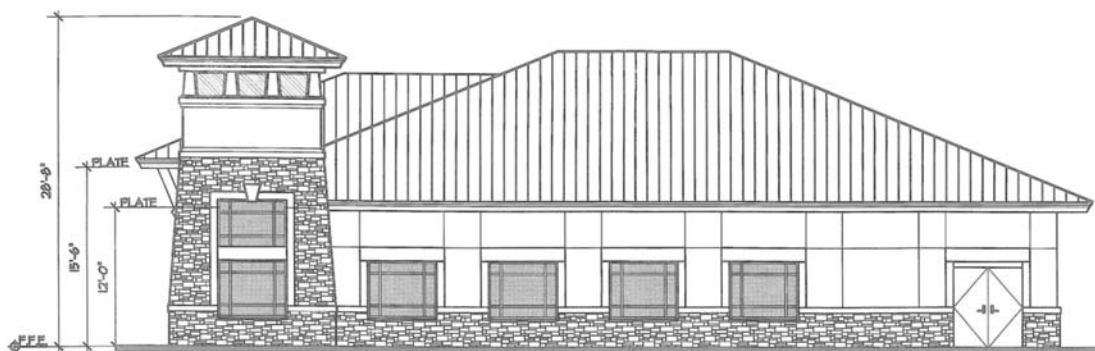
**PROPOSED PROJECT
2004-66-CUP/2004-02-AZ**



FLOOR PLAN



③ *EAST ELEVATION*

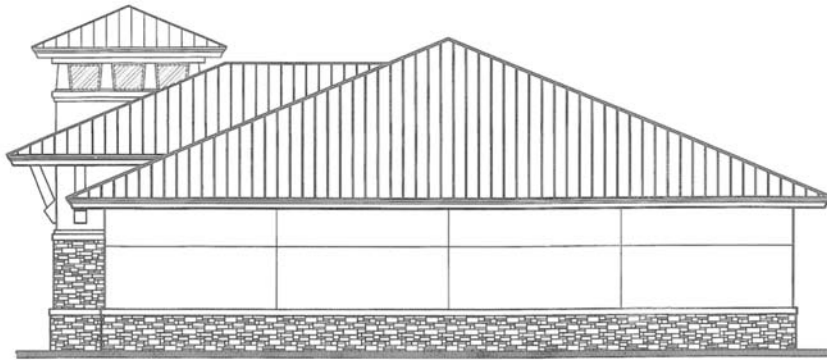


④ *NORTH ELEVATION*

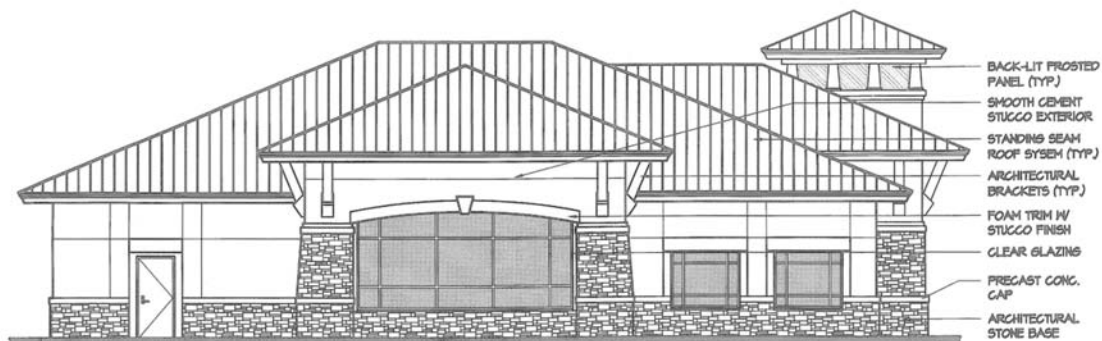
RESTAURANT

**PROPOSED PROJECT
2004-66-CUP/2004-02-AZ**





① WEST ELEVATION

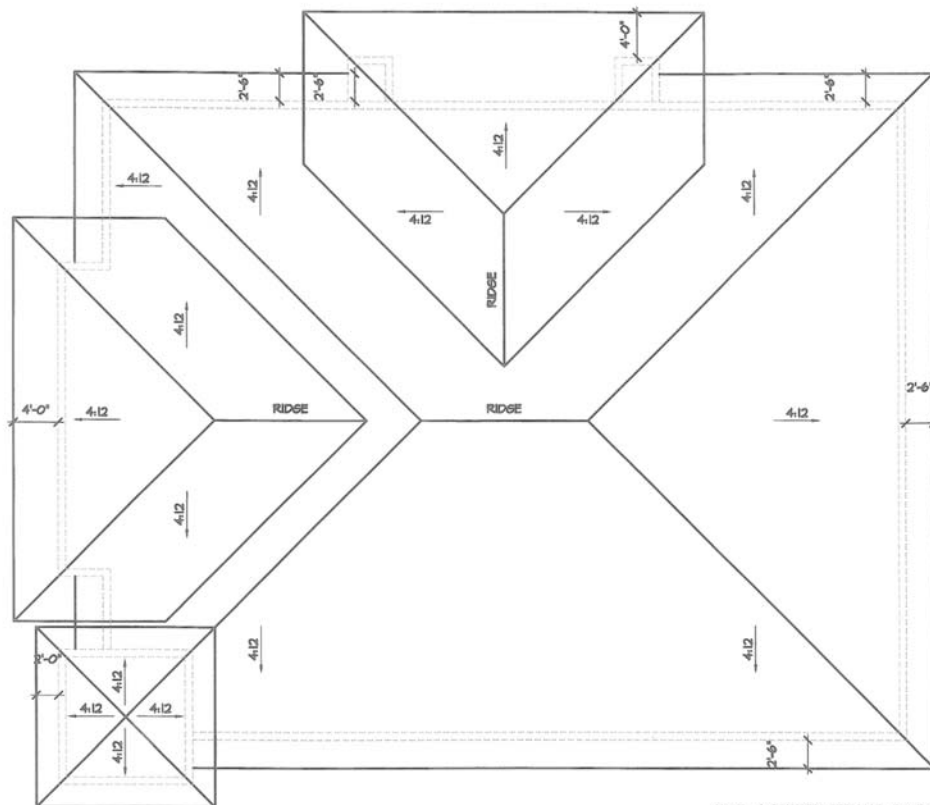


② SOUTH ELEVATION

RESTAURANT

PROPOSED PROJECT
2004-66-CUP/2004-02-AZ





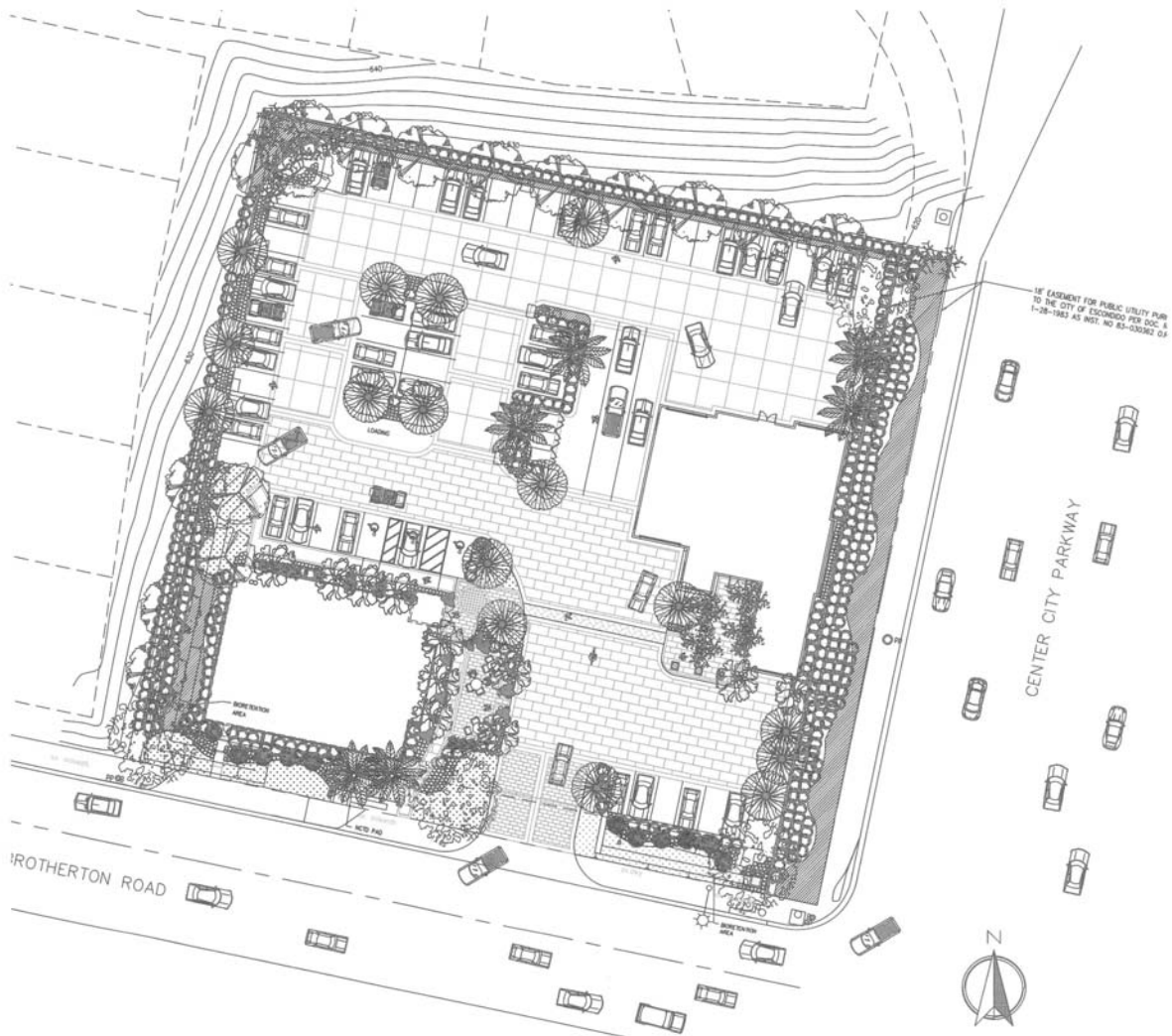
NOTE: A STANDING SEAM METAL ROOF SYSTEM WILL BE USED FOR ALL ROOF SURFACES.

ROOF PLAN (RESTAURANT)

**PROPOSED PROJECT
2004-66-CUP/2004-02-AZ**



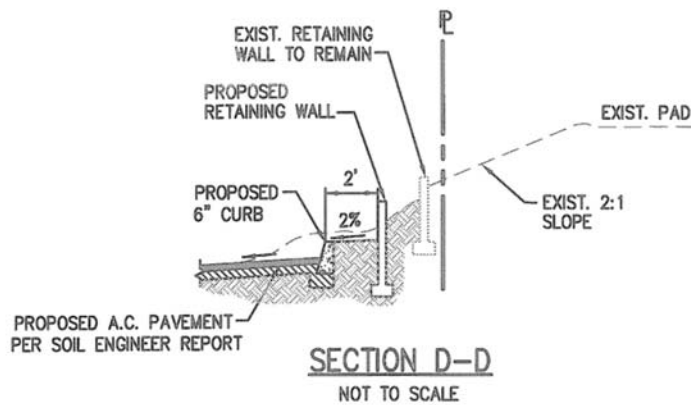
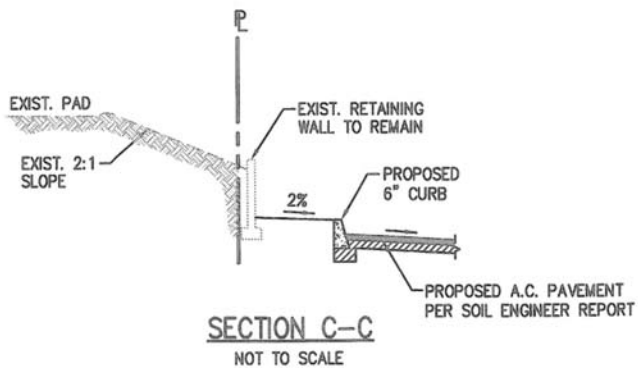
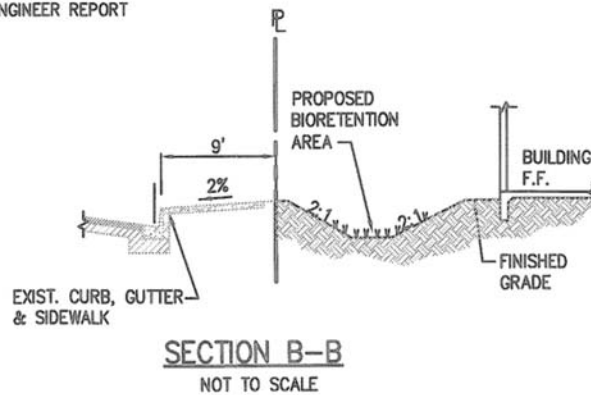
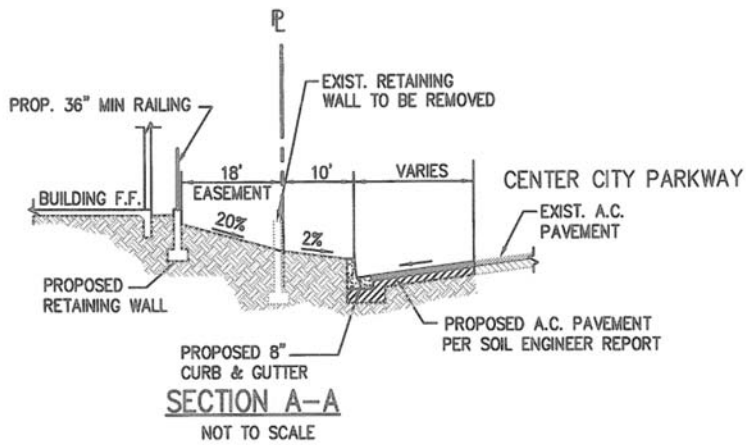




**PROPOSED PROJECT
2004-66-CUP/2004-02-AZ**

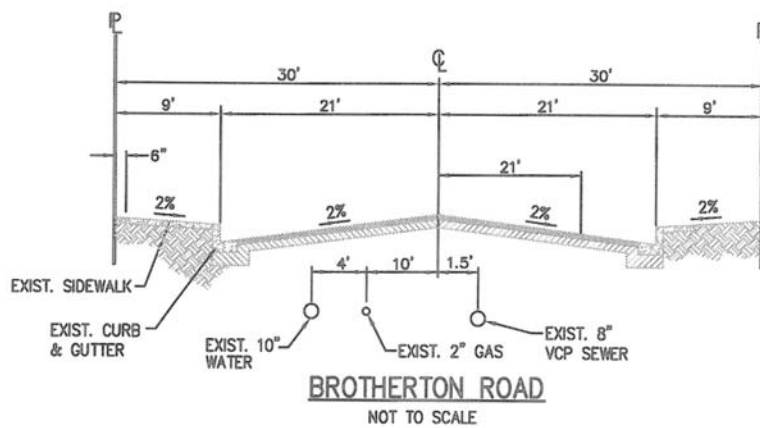
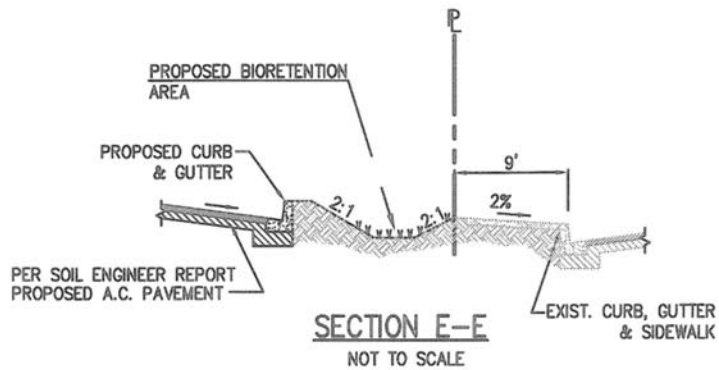


LANDSCAPE PLAN



PROPOSED PROJECT
2004-66-CUP/2004-02-AZ





PROPOSED PROJECT
2004-66-CUP/2004-02-AZ



ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - R-1-10 zone (Single-family Residential – 10,000 SF minimum lot size). Single-family residences on lots approximately 4,500 SF to 5,000 SF in size. The backyards of the four adjacent single-family residences to the north are situated higher than the subject property and are separated from the site by a 16'-18'-high fill slope that is owned and maintained by their homeowners association. The width of the association property varies in this area from approximately 26 feet to 44 feet.

SOUTH - CG zone (General Commercial). Across Brotherton Rd. is a 3.14 acre vacant parcel zoned for commercial uses. A former restaurant/bar on the property was recently demolished and the site remains in a highly disturbed, unimproved state.

EAST - CG zone. Across Centre City Parkway is a small commercial center with associated parking on a 1.09 acre property.

WEST - R-1-10 zone. Single-family residences on lots approximately 4,500 SF to 5,000 SF in size. The backyards of the five adjacent single-family residences to the west are situated higher than the subject property and are separated from the site by a 9'-18'-high fill slope that is owned and maintained by their homeowners association. The width of the association property varies in this area from approximately 15 feet to 24 feet.

B. AVAILABILITY OF PUBLIC SERVICES

1. **Effect on Police Service** – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. **Effect on Fire Service** – The site is served by Fire Station No. 5 (2319 Felicita Road), which is within the seven and one-half minute response time specified for urbanized areas in the General Plan. Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that fire sprinklers will be required for the buildings and that a fire hydrant must be located within 50 feet of the fire department connection. The Escondido Fire Department indicated their ability to adequately serve the proposed project and no significant impacts to fire services are anticipated.
3. **Traffic** – The property fronts onto and takes access from Brotherton Road, which is an unclassified street. The property also fronts on Centre City Parkway but will not take access from this street since access has previously been relinquished. An analysis of nearby street segments and intersections under current and future conditions was submitted as part of the Traffic Impact Analysis prepared by Linscott Law & Greenspan, dated December 23, 2008. Based on SANDAG Traffic Generation Rates for the San Diego region, the proposed project is anticipated to generate approximately 1,645 Average Daily Trips (ADT) with 95 A.M. peak hour trips (48 inbound/47 outbound) and 139 P.M. peak hour trips (73 inbound/66 outbound). The analysis of near-term scenarios concluded that under Existing + Cumulative Projects + Project all signalized and unsignalized intersections are calculated to continue operate at Level of Service (LOS) D or better. All street segments are calculated to operate at LOS B or better. The analysis of Year 2030 long-term scenarios with the project traffic included indicates that all signalized and unsignalized intersections are calculated to operate at LOS D or better except the minor street left-turn movement at Felicita Avenue/Brotherton Road, which is calculated to operate at LOS F during the A.M. peak hour and LOS E during the P.M. peak hour. Similarly, the segment of Centre City Parkway between Felicita Avenue and Brotherton Road is calculated to continue to operate at LOS F. The project contributes long-term cumulative impacts at these locations and mitigation measures have been developed to reduce the impact significance.
4. **Utilities** – Sewer from the site would flow south through a 6" lateral to the existing 8" main in Brotherton Road. Escondido's wastewater treatment plant, located on Hale Avenue, has the capacity to handle the potential increase in

demand for service generated by the project. The anticipated increase would be relatively small and would have an insignificant impact to the existing facilities. The project also complies with established General Plan Quality-of-Life Standards for sewer service. Sewer service could be provided by the extension of mains within the adjoining street system or easements. Water service for the project would be provided by the City of Escondido. There is an existing 10" water main in Brotherton Road that would provide service into the site. An existing fire hydrant on the southern boundary of the property is located inside the proposed eastern driveway and would be relocated approximately 38 feet further east. The carwash shall be designed with a water recycling system. The Utilities Division has not noted any issues with the ability to provide adequate water service to the site.

5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. The amount of run-off from the site would be expected to increase upon development due to additional impervious surfaces associated with the development of the project. According to the Water Quality Technical Report for Talk of the Town, prepared by K&S Engineering, dated March 2008 and updated September 2009, the decrease in permeable surface area produces a total runoff from the site for a 50-year design storm event of 3.35 cfs as compared to the 3.05 cfs before development. In general, the project surface drains via overland flow and curb containment to two separate bioretention areas each containing a vegetated biofilter swale for storm water treatment. The biofilters terminate in a constructed drop inlet connected to the existing storm drain located on the eastern side of the project paralleling Centre City Parkway. The Engineering Division has indicated the existing storm drain system is adequately sized to accommodate the proposed development and the proposed increase in drainage is not considered significant and would not pose any adverse impacts to downstream facilities. The project would be required to comply with National Pollution Discharge Elimination System (NPDES) standards; consequently, the Engineering Department has determined that runoff from the project would not be considered significant and the project would not materially degrade the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. A Revised Mitigated Negative Declaration, City Log No. ER 2004-33 was issued on December 10, 2009. Mitigation measures were developed to reduce potential land use, transportation/traffic, air quality and noise impacts to a less than significant level.
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements, mitigation measures and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The City of Escondido General Plan designates the proposed project site as General Commercial, which is characterized by a broad range of retail and service activities in local commercial, community shopping/office complexes and regional shopping centers.

Appropriateness of Amending the South Escondido Boulevard Area Plan to Conditionally Allow Car Washes in Area "B"

The site is zoned CG (General Commercial) and also is within Area "B" of the South Escondido Boulevard Area Plan. While the CG zoning would typically permit all three of the proposed uses (restaurant, car wash and oil change), the South Escondido Boulevard Area Plan is more restrictive.

The South Escondido Boulevard Area Plan was originally adopted in 1996 to implement strategies for the South Escondido Boulevard commercial corridor that would assist in revitalizing the neighborhood. The area plan is divided into two subareas (A and B) and is approximately 2.25 miles in length with Area "A" beginning at 5th Avenue and extending

just south of Vermont Avenue, and Area "B" beginning just north of Brotherton Road and extending to the terminus of Escondido Boulevard at Centre City Parkway and Verda Avenue. The area plan includes goals and recommendations regarding existing and future land uses, development standards and regulations, and design guidelines that address issues raised by the community and chart a course of action to improve the neighborhood. As the plan was being developed and staff participated in a series of meetings with neighborhood residents and business owners, it became clear the revitalization process could not rely exclusively on the existing General Commercial zoning and some adjustments were necessary. In response to one of the guiding principles that the physical environment of the neighborhood should be more pedestrian friendly, the area plan is generally more restrictive for auto-related uses than the General Commercial zone. A 1998 amendment to the South Escondido Boulevard Area Plan permitted car washes (SLUC 6416-6417) with a Conditional Use Permit on properties where automotive businesses such as gas stations, car lots and auto service/repair have been previously located. Oil change facilities would fall under the SLUC 6419 category (Other automobile services except repair and wash) which would also require a Conditional Use Permit.

The subject property has not been previously developed with an automotive business. Therefore, the proposed carwash would not be permitted under the current South Escondido Boulevard Area Plan. The proposed oil change facility would require the issuance of a Conditional Use Permit and the proposed restaurant would be a permitted use. The applicant is proposing to amend the South Escondido Boulevard Area Plan to make carwashes a conditional use similar to the oil change facility. The applicant has suggested there are no full-service carwashes in the southern part of the city and he would be providing a service for residents in that area. Several water conservation websites estimate that home car washing can use 80 to 140 gallons of water in an uncontrolled setting. Studies prepared by the International Carwash Association indicate professional conveyor belt carwashes with onsite water recycling use an average of approximately 40 gallons per vehicle.

The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road within Area "B" of the South Escondido Area Plan. This area is generally suburban in character with a mix of small commercial businesses, single-family residences and vacant land. This is in contrast to the more compact and urban Area "A" to the north, where it seems most appropriate for pedestrian policies and related land uses. While carwash operations could potentially affect neighboring land uses, staff feels the suburban nature of Area "B" coupled with the underlying General Commercial zoning and lack of full-service carwashes in the area makes this area appropriate to consider potential carwashes on a case-by-case basis. Accordingly, staff supports modifying Area "B" of the South Escondido Boulevard Area Plan to conditionally allow carwashes. Staff feels the Conditional Use Permit process will ensure that all neighborhood compatibility issues are considered through a public hearing process and potential impacts are minimized to the extent feasible.

Whether the Proposed Development is Compatible with the Adjacent Residential Neighborhood

The site is located on the northwestern corner of the intersection of Centre City Parkway and Brotherton Road. The northern and western sides of the site are bordered by the backyards of single-family residences located on lots approximately 4,500 SF to 5,000 SF in size. The homes on the western side are located on Charise Street and include a mix of one and two-story homes that are situated approximately nine feet to 18 feet higher than the project site. The residences along the northern boundary are on Cara Street and also include one- and two-story homes that are approximately 16 feet to 18 feet higher than the project site. Each residential backyard has a wood fence located at the top of a fill slope constructed as part of the residential development that runs down to the retaining wall on the project site's northern and western property lines. The fill slope separating the residential lots from the proposed commercial development is landscaped with numerous ornamental trees and is owned and maintained by the residential HOA.

Both of the neighborhood meetings were attended by about 20 residents and the neighbors were united in their opposition to the project. Issues were raised regarding potential increases in traffic on their neighborhood streets, lighting spillover from the parking lot lights into their backyards, and the potential negative effect on their property values and southern views. Of the issues raised by neighbors, staff felt the potential increase in noise, odors and light spillover could have the most significant impact on the neighborhood. The neighbors noted that the site is situated like a bowl or amphitheatre which enhances the potential for smoke, odors and noise to adversely affect their daily lives. These issues were analyzed and addressed during the environmental review for the project. While the environmental review concluded the effects

could be mitigated to a less than significant level, it also indicated that nuisance levels could remain discernible by neighboring residents.

Noise

The project design previously reviewed by the Planning Commission and City Council had the auto services building located on the western portion of the property with the carwash tunnel in a north to south alignment near the center of the site. Noise impacts from the carwash and HVAC units required the placement of a noise wall along a portion of the northern boundary of the site to comply with noise limits for the residences to the north. Most of the noise currently occurring on the site is generated from vehicles traveling on Centre City Parkway. The recent change to the building locations has had the advantageous effect of relocating the highest generating noise source (carwash) further away from most nearby residences and adjacent to Centre City Parkway. As described below, this has reduced potential noise impacts to the point where noise walls are no longer required.

According to the Noise Impact Analysis prepared by Eiler Associates, dated March 14, 2007, and updated on September 16, 2009 for the new building locations, the measured daytime ambient noise level on the site is 54.8 dBA near the center of the property. The proposed project is expected to produce two types of significant noise sources, which are the carwash dryer unit and the restaurant building HVAC equipment. The proposed carwash facility is expected to utilize a new Aerodry Advantage dryer system to be installed within the carwash tunnel and set back about six feet from the exit on the southern side of the building. The manufacturer has indicated the unit has an unmitigated noise level of 82.5 dBA measured at five feet from the source. The proposed restaurant building is expected to utilize four ground-mounted Carrier 25HBB360 (or similar model with equal or less noise emissions) HVAC units installed on the eastern side of the building. These units are expected to produce an unmitigated noise level of 70.9 dBA per unit.

The Noise Impact Analysis assumed a worst case scenario for operations consisting of 30 minutes per hour for the carwash dryer based on the anticipated number of carwash cycles per hour for a busy facility. The ground-mounted HVAC units were considered to be in constant operation for the purposes of the analysis. Based on the project information studied in the analysis, the project equipment noise levels are not expected to exceed City of Escondido property line noise limits at any surrounding property line provided the equipment is installed as specified and the carwash equipment is only operational during daytime hours (as defined in Escondido Noise Ordinance). Combined daytime noise levels at the western and northern property lines would range up to 47 dBA and 50 dBA respectively, which is consistent with City of Escondido noise standards for residential zones and no noise attenuation walls are required. Noise levels at the southern and eastern property lines would be consistent with City of Escondido noise standards for commercial zones.

Mitigation will be required to ensure potential noise impacts identified in the analysis are reduced to a less than significant level and meet City of Escondido property line noise limits. The Noise Impact Analysis concludes the exterior HVAC equipment has to be specifically located for each building and the carwash dryer system has to be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier. Once these mitigation measures have been constructed as part of the project, the calculated noise levels would be consistent with Noise Ordinance limits for residential zones.

Smoke and Odors

The proposed development includes a 4,150 SF restaurant that is expected to offer "family-style" dining, but would not be limited as to the type of cuisine. It is expected that grilling or other cooking methods could potentially generate noticeable odors from the exhaust vents on the roof of the building. The proposed restaurant is located in northeastern corner of the site with the closest residence being located about 70 feet north of the restaurant. The elevated nature of the residential properties also put them more in line with the anticipated height of the exhaust vents.

While the prevailing winds generally blow easterly away from the residential neighborhood, there is a high likelihood that during unsettled weather or Santa Ana events, smoke and odors from the restaurant could negatively impact nearby residents if not effectively filtered. In recent years, several technologies have been developed to allow restaurants to be good neighbors by effectively controlling their emissions. The most common kitchen emission filtration method involves

the use of electrostatic precipitation. Kitchen smoke and grease vapors are pulled up into the hood through fireproof ducts leading to a filtration unit where electrostatic precipitation occurs. Dual-stage electrostatic precipitators include two parts: the charging and the collecting sections. In the charging section, the incoming smoke, grease, mist and other particulates pass by ionizer wires which impart a positive electrical charge to these contaminants. The positively charged contaminants are then drawn through the collection section which contains a secondary electrical field with negatively charged aluminum plates. Since opposite charges attract, the positively charged contaminants collect on the negatively charged aluminum plates, removing them from the air stream. Clean air then flows out of the filtration unit and out through the exhaust fan. A condition has been added to require a kitchen emission filtration system for the restaurant building.

Light Spillover

The applicant is proposing site lighting consisting of 70 watt metal halide lamps on pole fixtures that are 20 feet above grade. According to the photometric plan provided by the applicant prior to the hearings last year, the site lighting would result in approximately 0.3 to 0.8 foot candle at the northern property line and approximately 0.7 to 1.7 foot candles at the western property line. Up to 1.5 foot candles is similar to what would be expected of a typical city street light. Actual light levels at the adjacent residential property lines are expected to be less than the measured levels on-site due to the width of the HOA slope area between the project and the residences as well as the height of the slope. All lighting will be required to comply with the city's Outdoor Lighting Ordinance. A condition has been added to require a new photometric plan be submitted for review prior to issuance of building permits. Pole heights, fixture shielding and low wattage lamps will be evaluated at that time to ensure the most appropriate combination that provides sufficient on-site security while minimizing potential light spillover to the extent feasible.

Traffic in Residential Neighborhood

An existing median in Centre City Parkway at the intersection with Brotherton Road means vehicles exiting the proposed commercial development have no direct way to go north on Centre City Parkway. Residents of the adjacent 57-lot residential neighborhood on the northern and western sides of the project have suggested that exiting vehicles desiring to go north will travel through their residential streets to reach southbound Centre City Parkway where they can proceed south for a short distance before doing a u-turn north. To accomplish this, vehicles exiting the development would have to turn right on Brotherton and then right on Charise Street before proceeding through the neighborhood.

The Traffic Impact Analysis prepared by Linscott Law & Greenspan, dated December 23, 2008, indicates that only 10% of the 1,645 daily vehicle trips generated by the project would travel on Brotherton Road in the vicinity of Charise Street. If half of them are inbound and half are exiting the development, approximately 82 exiting vehicles would have an opportunity to turn on to Charise Street. It can be assumed that not all would do so because traveling west on Brotherton also provides the quickest access to Felicita Road and northbound I-15.

The traffic study assumes a more direct and intuitive route for people exiting the commercial development and desiring to travel north on Centre City Parkway. Vehicles would exit the project driveway and proceed directly south down the frontage road to a left turn onto Citracado Parkway where they could left turn again at a signalized intersection onto northbound Centre City Parkway. This route is more direct and apparent to those not familiar with the residential streets behind the development. The Engineering Division agrees that this is the most appropriate and likely route for drivers and feels the project would not place an undue traffic burden on adjacent residential streets.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST**A. PHYSICAL CHARACTERISTICS**

The project site is a vacant property nearly square in shape that is surrounded by streets on two sides and fill slopes for adjacent residential development on the other two sides. The slightly sloping site has a high elevation of 628' in the northwestern corner down to a low point of 618' on the southeastern corner. The property has been zoned for general commercial uses for many years. The property is significantly disturbed and there are no trees on the site. All vegetation consists of non-native weedy species. Several mature California pepper trees along the eastern boundary are actually located within the Centre City Parkway right-of-way.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 1.34 acres
2. Number of Lots: One
3. Building Size:

Auto Services Building:	5,485 SF
Restaurant:	4,156 SF
4. Hours of Operation:

Restaurant:	6:00 A.M. to 10:00 P.M. 7 days/week
Carwash/Oil Change:	Limited to daytime hours. Opening no earlier than 8:00 A.M. and closing no later than sunset.
5. Building Colors/Materials: The proposed buildings have been designed in a contemporary manner with the inclusion of some craftsman elements. The primary surface material is stucco with architectural stone used for the base and columns. A standing seam metal roof system is provided on both buildings. Other features include wood trellises, architectural brackets, roll-up doors with a wood-clad finish, back-lit frosted panels, and foam trim with a stucco finish. Proposed colors are generally in the cream, beige and tan range.
6. Landscaping: Extensive plant palette including coral trees or jacarandas for street trees (42"-box), Italian cypress and crape myrtle as thematic trees (24"-box), Queen palm, date palm and poplar for accent and screening trees. Bamboo, escallonia and privet for informal hedges. Vine plantings on buildings and walls. Mix of low and medium shrubs throughout the site combined with groundcover and turf for drainage swales.

C. CODE COMPLIANCE ANALYSIS

	<u>Proposed</u>	<u>Required</u>
1. Building Setbacks:		
Front (East):	21 feet	15 feet
Rear (West):	23 feet	20 feet
Street Side (South):	15 feet	10 feet
Side (North):	69 feet	5 feet

2. Parking:	58spaces provided + 1 loading space	
Restaurant:		1/100 up to 4,000 SF = 40 spaces 1/50 ≥ 4,000 SF = 3 spaces Outdoor dining ≥ 300 SF = 1 space
Carwash:		No parking requirement for carwashes.
Oil Change:		1/250 for 900 SF = 3.6 spaces
Cashier/Retail		1/250 for 400 SF = 1.6 spaces
Car Care Office:		<u>1/300 for 245 SF = 0.8 spaces</u>
TOTAL:	58 spaces provided	50 spaces required
3. Building Height:	Single-story up to 28'-8"	Per UBC
4. Signage:	No wall signage proposed as part of this approval. All signs by separate permit.	All wall signage per CG zone standards.
	No freestanding signs proposed. All signs by separate permit.	One freestanding sign permitted per CG. standards.

FINDINGS OF FACT/FACTORS TO BE CONSIDERED
2004-02-AZ, 2004-66-CUP
EXHIBIT "A"

Amendment to the South Escondido Boulevard Area Plan

1. The public health, safety and welfare would not adversely be affected by the proposed amendment to Area "B" of the South Escondido Boulevard Area Plan to allow carwashes as a conditional use because the underlying General Commercial zoning already permits carwashes and each carwash application would receive heightened scrutiny through the public hearing process to ensure potential impacts to surrounding properties and neighbors are minimized.
2. The proposed amendment to Area "B" of the South Escondido Boulevard Area Plan to conditionally permit carwashes would not be detrimental to surrounding properties since the Conditional Use Permit process will provide an extra level of review to ensure proposed carwash facilities are not disruptive to neighboring property owners.
3. The carwash use that would be permitted by the proposed amendment would not be detrimental to surrounding properties because potential adverse effects associated with noise, odors and light spillover have been reduced to meet city standards and minimize impacts to the adjacent residential neighborhood.
4. The proposed amendment to the South Escondido Boulevard Area Plan to conditionally allow carwashes in Area "B" would be consistent with the General Commercial land use designation of the Escondido General Plan.
5. The proposed amendment would not establish a residential density below 70% of the maximum permitted density for any parcel previously zoned R-3 or R-4 because the proposed amendment only would affect commercially zoned property in Area "B" of the South Escondido Boulevard Area Plan.
6. The relationship of the proposed amendment is not applicable to specific plans because there are no specific plans located within Area "B" of the South Escondido Boulevard Area Plan.

Conditional Use Permit

1. Granting the proposed Conditional Use Permit would be consistent with sound principles of land use or in response to services required by the community because there currently is a lack of full service carwashes in the southern area of the city and potential noise and odor generated from the development has been reduced to minimize disruption to neighboring property owners.
2. Granting the proposed Conditional Use Permit would not cause a deterioration of bordering land use or create special problems in the area because the relocation of the two buildings has reduced noise levels to the point where city standards are met and noise walls are no longer needed, kitchen odors and smoke will be reduced through electrostatic filtration, parking lot lighting will be designed to meet city standards and reduce light spillover, and traffic is not anticipated to significantly increase in the adjacent residential neighborhood.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the community and it has been determined the revised project design that relocates the carwash tunnel closest to Centre City Parkway has enhanced the suitability of the project and that the applicant has demonstrated that potential impacts related to noise, odors, light spillover and traffic can be reduced and mitigated to meet city standards and minimize adverse effects on neighboring residents.

**CONDITIONS OF APPROVAL
2004-02-AZ, 2004-66-CUP
EXHIBIT "B"**

Project Mitigation Measures

1. Contribute a fair share amount of approximately 2.18% towards the cost of installing a traffic signal at the intersection of Felicita Avenue and Brotherton Road.
2. Contribute a fair share amount of approximately 2.16% towards the cost of improving the segment of Centre City Parkway, between Felicita Avenue and Brotherton Road to City of Escondido Major Road standards.
3. The restaurant kitchen equipment shall include an emission control system such as an electrostatic precipitation filtration system or other filtration system satisfactory to the Planning Division.
4. All parking lot light fixtures shall be installed on the lowest pole height feasible as determined by a lighting analysis. All light fixtures near the northern and western property lines shall be directed downward and provided with shields to minimize potential impacts related to light spillover and glare.
5. All exterior HVAC units for the restaurant building shall be installed within a screened area on the eastern side of the building to meet sound attenuation standards. The HVAC unit for the auto services building shall be installed within a screened area on the southern side of the building. HVAC equipment shall be as specified in the Noise Impact Analysis or a similar model with equal or less noise emissions.
6. The carwash dryer system shall not to exceed 82.5 dBA unmitigated noise level at 5 feet and shall be set back within the carwash tunnel approximately six feet from the exit allowing the tunnel structure to function as a sound attenuation barrier.
7. All carwash supporting equipment including pumps, compressors, and vacuum motor and canister system shall be installed within a dedicated equipment room equipped with passive rooftop ventilation.
8. In order to meet daytime noise limits as defined in the Escondido Noise Ordinance, the carwash must cease operating no later than 10:00 p.m. (this is further modified by Planning Division Condition No. 16 below).
9. The use of pneumatic tools shall be prohibited at the oil change facility.

Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
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. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. Prior to issuance of a building permit, the applicant shall submit a photometric plan for the parking lot lighting to ensure that light spillover has been minimized to the extent feasible through the use of reduced-height light poles, low wattage lamps and shielding.
7. A minimum of 50 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
8. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California 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.
9. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
10. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
11. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the Design Review Board on June 25, 2009, and the exhibits and details in the staff report to the satisfaction of the Planning Division.
12. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code). Only one freestanding sign shall be permitted for the development.
13. All new utilities shall be underground.
14. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
15. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, 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 "County Clerk", in the amount of \$2,060.25 for a project with a Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified 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. Commencing January

1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

16. The hours of operation for the restaurant building shall be limited to 6:00 A.M. to 10:00 P.M. 7 days/week. The hours of operation for the Carwash/Oil Change facility shall be limited to daytime hours defined as opening no earlier than 8:00 A.M. and closing no later than sunset.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
18. This CUP shall become null and void unless utilized within twelve months of the effective date of approval.
19. The carwash/oil change facility may not receive a building permit prior to issuance of a building permit for the restaurant building. Occupancy of the carwash/oil change facility shall not be granted prior to occupancy of the restaurant building unless a determination is made by the Planning and Building Divisions that a final inspection for the restaurant building is imminent.
20. Employees of the carwash shall be prohibited from honking car horns to signal the owners that the car is ready.
21. No exterior loudspeakers for music, paging or announcements shall be permitted on the site.
22. The car wash design and building plans shall incorporate water conservation features including a water recycling system satisfactory to the Planning and Utilities Divisions.
23. All outdoor dining or smoking areas for the restaurant shall be limited to the eastern side of the building.

Landscaping Conditions

1. Prior to issuance of a building permit, the conceptual landscape plan shall be reviewed by the Design Review Board.
2. Prior to occupancy, all perimeter, slope and parking lot landscaping shall be installed. Additionally, all landscaping proposed in conjunction with each building to be developed shall be installed. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
3. In compliance with Article 62 (Landscape Standards), Section 1327 (Slope Planting) of the Escondido Zoning Code, all manufactured slopes over three feet high shall be irrigated and planted with landscape materials as follows: Each one thousand SF of fill slope shall contain a minimum of six (6) trees, fifteen gallon in size; ten shrubs, five gallon in size; and groundcover to provide one hundred percent coverage within one year of installation. Each one thousand SF of cut slope shall contain a minimum of six (6) trees, five gallon in size; ten (10) shrubs, one gallon in size; and groundcover to provide one hundred percent coverage within one year of installation. The type of plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Division. In particular, the ground cover shall be a fast-growing species which establishes quickly and is capable of choking out weeds. All slopes over three vertical feet shall be irrigated as part of the irrigation system approved by the Planning Division.
4. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal.

The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of a licensed landscape architect.

5. 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.
6. 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.
7. Street trees shall be provided along every frontage within, or adjacent to this subdivision in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
8. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans.

Building Division Conditions

1. Appropriate accessible paths of travel shall be required from the public way.
2. Plans shall comply with the 2007 California Code

Fire Department Conditions

Fire Protection Systems

1. ☒ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D **automatic fire sprinkler system** will be required.
2. **Automatic fire sprinkler system** will be required in the entire structure for the following reasons:
 - ☐ The project is more than three minutes driving time and five miles from the nearest fire station.
 - ☒ The structures are more than 3,600 square feet and exceed 1,500 GPM needed fire flow.
 - ☐ High fire severity area.
 - ☐ Other: _____
3. Sprinklers will be required on all overhangs exceeding four feet.
4. An approved fire alarm system shall be required if the number of sprinkler heads exceed 100.
5. A fire hydrant is required to be located within 50 feet of the fire department connection, unless otherwise specified. Please show location on plans.
6. Fire hydrants capable of delivering ☐ 1,500 GPM ☒ 2,500 GPM at 20 PSI residual pressure shall be required every 300 feet.

7. Fire suppression system required for hood system.
8. Extinguisher(s) shall be provided at locations indicated with a minimum rating of 2A-10B:C in a visible and accessible location, at an exit or in the exit path. Walking distance is not to exceed 75 feet (CFC 1002.1; T-19 Art. 5). Extinguishers must be mounted not more than 5 feet nor less than 3 ½ feet above the floor.

Access

9. Commercial access roads/drive aisles shall be a minimum of 24-feet wide.
10. Speed humps/bumps will not be allowed.
11. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site.
12. Knox box shall be required.
13. A 28' inside turning radius is required on all corners.
14. Barricades shall not obstruct fire hydrants or impede emergency vehicle access.
15. 13'6" vertical clearance must be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access width must be trimmed or removed.
16. Red curbs with 4" white lettering, "NO PARKING FIRE LANE" signs are required in 24'-wide access areas.

Engineering Division Conditions

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 the approval of plans and the issuance of Building Permits.
2. 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.
3. An engineered improvement plan prepared by a Registered Civil Engineer is required for all public improvements. 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.

STREET IMPROVEMENTS AND TRAFFIC

1. The developer shall construct a 15 foot wide south bound deceleration lane along project frontage on Centre City Parkway (250 feet long with 120 foot long transition) to the satisfaction of the City Engineer. Roadway improvements shall include construction of roadway widening, curb and gutter, drainage improvements and two street lights along deceleration lane. The developer shall also be responsible to prepare a striping & signage plan to allow for a fourteen foot wide deceleration lane and widen the existing bike lane from four to five feet.
2. The developer shall be responsible to landscape and irrigate the parkway areas along project frontage on Centre City Parkway and Brotherton Road to the satisfaction of the Planning Director.

3. The developer shall re-establish the striping at the intersections of Centre City Parkway /Brotherton Road and Brotherton Road/Frontage Road. This work shall be shown and approved as part of the striping & signage plan.
4. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. 3, with a minimum throat width of minimum 24 feet.
5. The developer shall install a street light at the intersection Brotherton Road and new easterly driveway that shall be aligned with frontage road.
6. The developer shall be responsible for replacement of the existing drainage pipe across Brotherton Road, if it were found to be damaged at the time of final plans review, as determined by the City Engineer.
7. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
8. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
9. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Developer's contractor shall do any removal of existing striping and all new signing and striping.
10. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
11. The developer shall provide the City with cash contribution in the amount of \$50,000 towards future improvement of Centre City Parkway between Felicita Avenue and Brotherton Road, prior to issuance of Building Permit.
12. The developer shall provide the City with cash contribution in the amount of \$7,500 towards future improvement of the intersection of Brotherton Road and Felicita Avenue, prior to issuance of building permit.

GRADING

1. Site grading and erosion control plans prepared by a Registered Civil Engineer are required for all onsite improvements and shall be submitted to the Engineering Department. Grading Plans are subject to approval by the Planning, Fire and Engineering Departments prior to issuance of a Grading Permit.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC. (This requirement may be reduced to 2" AC over 4" AB or 5 1/2" P.C.C. over native for single family residential only)
3. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
4. Erosion control, including riprap, interim sloping planting, gravel bags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.

5. A General Construction Activity Storm Water Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres. Two copies of the Storm Water Pollution Prevention Plan shall be submitted to the City.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted together with the final improvement and grading plans. Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements.
3. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of grass bio-swales or rock/gravel swales within or along the perimeter of the parking and driveway areas as the primary method of storm water treatment. The landscape plans will need to reflect these areas of storm water treatment.
4. The on-site trash enclosure area shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
5. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the property owner.

WATER SUPPLY

1. Fire hydrants together with an eight (8") inch supply line from Brotherton Road shall be installed at locations approved by the Fire Marshal, designed and constructed to the satisfaction of the Utilities Director.
2. Separate water meters shall be installed for each building.
3. A Public Utility Easement shall be granted to the City of Escondido for all public water mains within the project site. The easement shall include all fire hydrants, water meters and other appurtenances. The minimum easement width shall be 20 feet.

RECYCLED WATER

1. The developer is required to construct an irrigation system, for the frontage on Centre City Parkway and Brotherton Road that can use either potable or recycled water. This system should be built to the satisfaction of the Planning and Utilities Directors.

SEWER

1. An access driveway shall be provided from Centre City Pkwy. to the existing sewer manhole in the northeast corner of the proposed project to the satisfaction of the Director of Utilities.
2. Separate 6" sewer laterals shall be installed from the public main to each building.
3. No trees or deep rooted plants shall be planted within 15' of sewer lines.

EASEMENTS AND DEDICATIONS

1. Necessary public utility easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
2. Vehicular access rights to Center City Parkway shall be waived and relinquished to the City of Escondido.

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.

REPAYMENTS AND FEES

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.
2. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

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.
2. A current preliminary title report shall be submitted with the grading plans.

UTILITY UNDERGROUNDING AND RELOCATION

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